

West Devon Planning & Licensing Committee



West Devon
Borough
Council

Title:	Agenda								
Date:	Tuesday, 1st March, 2016								
Time:	10.00 am								
Venue:	Chamber - Kilworthy Park								
Full Members:	<p style="text-align: center;">Chairman Sellis</p> <p style="text-align: center;">Vice Chairman Cllr M J R Benson</p> <p><i>Members:</i></p> <table style="margin-left: auto; margin-right: auto;"> <tr> <td>Baldwin</td> <td>Moyse</td> </tr> <tr> <td>Cann</td> <td>Parker</td> </tr> <tr> <td>Cllr J Hockridge</td> <td>Pearce</td> </tr> <tr> <td>Mott</td> <td>Roberts</td> </tr> </table>	Baldwin	Moyse	Cann	Parker	Cllr J Hockridge	Pearce	Mott	Roberts
Baldwin	Moyse								
Cann	Parker								
Cllr J Hockridge	Pearce								
Mott	Roberts								
Substitutes:	Councillors:								
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:	Member.Services@swdevon.gov.uk								

1. Apologies for absence

2. Declarations of Interest

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

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

3. Items Requiring Urgent Attention

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

4. Confirmation of Minutes **1 - 2**

Meeting held on 2 February 2016

5. Planning Applications and Enforcement Reports **3 - 4**

(a) 01092/2015 **5 - 12**

22 North Street, Okehampton

Change of use from a first floor function room ancillary to drinking establishment (use class A4) to a wholesale mixing and distribution facility for the distribution of ethanol alcohol to drinks manufacturers.

(b) 01182/2015 **13 - 24**

01182/2015 Part of Glebelands, Hatherleigh

Outline application with all matters reserved for change of use of land and construction of live work accommodation

(c) 00987/2015 **25 - 32**

00987/2015 Land at SX 590990, Okehampton

Full application for erection of new agricultural livestock

	building and siting of a temporary agricultural workers dwelling.	
(d)	00713/2015	33 - 42
	00713/2015 Meldon Fields, Hameldown Road, Okehampton	
	Re-plan and plot substitution of western portion of development site (Meldon Fields Phase 3B) to allow for the erection of 73 dwellings and associated works. Part of larger site ref: 02477/2012.	
(e)	00583/2015	43 - 48
	00583/2015 Holly Berry, Thorndon Cross, Okehampton	
	Erection of kennel building and cattery buildings.	
6.	Planning Appeals Update	49 - 52

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Agenda Item 4

At a Meeting of the **PLANNING & LICENSING COMMITTEE** held at the Council Chamber, Council Offices, Kilworthy Park, Drake Road, **TAVISTOCK** on **TUESDAY** the **2nd** day of **FEBRUARY 2016** at **10.00am**

Present:

Cllr D K A Sellis – Chairman	
Cllr M J R Benson – Vice-Chairman	
Cllr R E Baldwin	Cllr W G Cann OBE
Cllr L J G Hockridge	Cllr C Mott
Cllr D E Moyse	Cllr G Parker
Cllr A Roberts	

Substitutes: Cllr R Cheadle for Cllr T G Pearce

Lead Specialist - Development Management (PW)
Specialists (CG & TF)
Solicitor (SN)
Senior Case Manager (KT)

In attendance: Cllrs K Ball, D Cloke, J Evans, P Kimber, A Leech, J McInnes, P Sanders and J Yelland

***P&L 48 APOLOGIES**

Apologies were received from Cllr T G Pearce, for whom Cllr R Cheadle acted as substitute.

***P&L 49 DECLARATION OF INTEREST**

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

***P&L 50 CONFIRMATION OF MINUTES**

The Minutes of the Planning and Licensing Committee Meeting held on 8 December 2015 (page 1 to the Agenda), were confirmed and signed by the Chairman as a correct record, subject to minor amendments being included that Minute P&L 46 and P&L 47 should read as:

‘It was then **RESOLVED** that Council be **RECOMMENDED** that:’

(rather than ‘It was then **RECOMMENDED** that Council be **RECOMMENDED** that’)

***P&L 51 PLANNING, LISTED BUILDING, TREE PRESERVATION ORDER AND ENFORCEMENT REPORTS**

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

Application No: 01092/2015 Ward: Okehampton North

Site Address: 22 North Street, Okehampton

Change of use from a first floor function room ancillary to drinking establishment (use class A4) to a wholesale mixing and distribution facility for the distribution of ethanol alcohol to drinks manufacturers

RECOMMENDATION: Conditional Approval

COMMITTEE DECISION: Site Inspection

Application No: 01182/2015 Ward: Hatherleigh

Site Address: Part of Glebelands, Hatherleigh

Outline application with all matters reserved for change of use of land and construction of live work accommodation

Speakers included: Supporter – Mr Brock

RECOMMENDATION: Refusal

COMMITTEE DECISION: Site Inspection

Application No: 00987/2015 Ward: Okehampton North

Site Address: NGR SX 590990, Okehampton, EX20 3BD

Full application for erection of new agricultural livestock building and siting of a temporary agricultural workers dwelling

RECOMMENDATION: Conditional Approval

COMMITTEE DECISION: Site Inspection

***P&L 52 PLANNING APPEALS UPDATE**

The Committee received and noted the updated list of Planning Appeals including enforcement appeals. The Lead Specialist Development Management agreed to provide more detailed information on specific decisions where requested.

(The Meeting terminated at 11.05 am)

Dated this

Chairman

WARD NAME Okehampton North
APPLICATION NUMBER 01092/2015
LOCATION 22 North Street,
Okehampton
DEVELOPMENT *Change of use from a first floor function room ancillary to drinking establishment (use class A4) to a wholesale mixing and distribution facility for the distribution of ethanol alcohol to drinks manufacturers.*
APPLICANT NAME Mr E Baily

WARD NAME Hatherleigh
APPLICATION NUMBER 01182/2015
LOCATION Part of Glebelands,
Hatherleigh
DEVELOPMENT *Outline application with all matters reserved for change of use of land and construction of live work accommodation*
APPLICANT NAME Mr R Brock

WARD NAME Okehampton North
APPLICATION NUMBER 00987/2015
LOCATION Land at SX 590990,
Okehampton
DEVELOPMENT *Full application for erection of new agricultural livestock building and siting of a temporary agricultural workers dwelling.*
APPLICANT NAME Mr I Fawkes

WARD NAME Okehampton North
APPLICATION NUMBER 00713/2015
LOCATION Meldon Fields,
Hameldown Road,
Okehampton
DEVELOPMENT *Re-plan and plot substitution of western portion of development site (Meldon Fields Phase 3B) to allow for the erection of 73 dwellings and associated works. Part of larger site ref: 02477/2012.*
APPLICANT NAME Linden Homes South West

WARD NAME Bridestow and Lew Valley
APPLICATION NUMBER 00583/2015
LOCATION Holly Berry,
Thorndon Cross,
Okehampton
DEVELOPMENT *Erection of kennel building and cattery buildings.*
APPLICANT NAME Ms D Winther

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PLANNING APPLICATION REPORT

Case Officer: Chris Gosling

Parish: Okehampton **Ward:** Okehampton East

Application No: 01092/2015

Agent/Applicant:

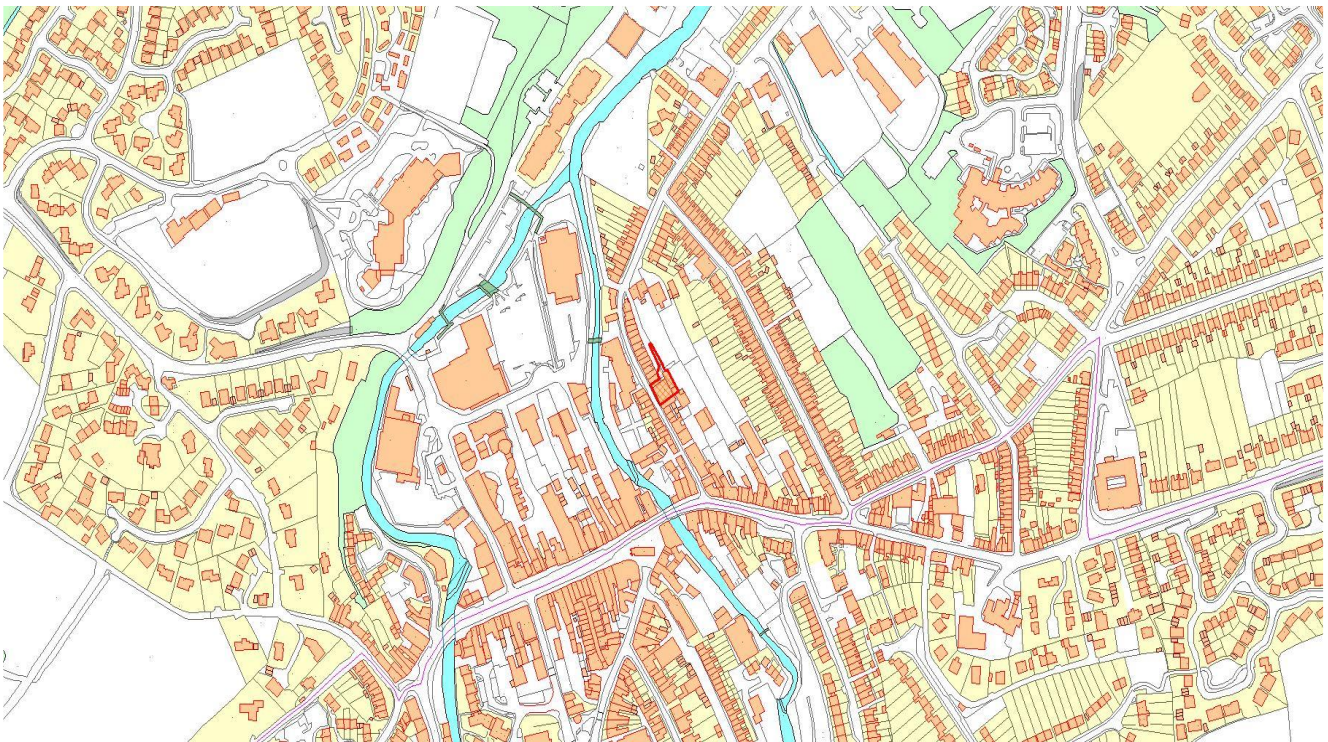
Mr E Baily
Pretoria Wine Vaults
22 North Street
Okehampton
Devon
EX20 1AR

Site Address: 22 North Street, Okehampton, Devon, EX20 1AR

Development: Change of use from a first floor function room ancillary to drinking establishment (use class A4) to a wholesale mixing and distribution facility for the distribution of ethanol alcohol to drinks manufacturers.

Reason item is being put before Committee:

At the request of the Ward Member who has safety concerns and the risk of deliveries blocking North Street.



Recommendation: Conditional approval

Conditions:

- Standard time limit
- Adherence to plans
- Use within building only
- Retain parking
- Hours of operation no longer than those applied for

Key issues for consideration:

Impact on residential amenity, given immediate proximity of neighbours

Ability of the highway to cope with goods in and good out

NB: Health and safety issues are covered by other legislation

Site Description:

The site is a three story building in a very narrow terraced street near Okehampton town centre. The street is one way (heading towards) the main road through town and has double yellow lines on each side. The site includes a yard area at the rear leading to an off-site rear access and borders long rear gardens for buildings fronting the main road and properties in North Road north of the site. The site also borders the rear of No. 24 North Road, the next door neighbour.

The site context is urban and cramped. At the time of the site visit, late afternoon, the premises (Pretoria Wine Vaults; a public house) was not open and appeared to be closed for some time prior to that. The site comprises the top floor only. The ground floor of the building is the bar and the first floor has accommodation. Vehicular access and parking is available from the rear.

The Proposal:

Change of use of function room ancillary to drinking establishment (Use Class A4) to a whole sale mixing and distribution facility for the distribution of ethanol alcohol to drinks manufacturers (sui generis).

The proposed composite use is considered inherently to incorporate a B8 (storage and distribution) element, but the process proposed to take place on the premises means that the B8 element would be of similar importance and not ancillary.

The proposal would create two new part time jobs and the proposed working times are 0900-1700 Monday to Friday only as stated on the application form. Deliveries to the site are intended to amount to no more than 2 to 4 a month. Sales are via the internet and there would be no walk in sales, although the latter would appropriately be controlled through licensing and not the planning system.

Consultations:

- County Highways Authority
 - The street in the vicinity of the site is narrow, one-way southbound only for motorised vehicles with a contra-flow northbound cycle lane. There are restrictions on waiting, but no restrictions on the loading and unloading of vehicles. The existing uses on the site will already give rise to unloading from the highway which will no doubt give rise to instances of temporary inconvenience at the times that the unloading is taking place. I have never been on site at the time a delivery arrives.
 - When assessing an application such as this I have to consider the traffic generation potential of the proposed use compared with the existing. The existing use certainly has the potential to generate vehicle movements and loading and unloading from the highway from users of the function room. Although there would appear to be no figures provided in the documentation for the anticipated trip generation / attraction it appears from the information provided that the operation is very low key indeed and is extremely unlikely to lead to an unacceptable increase in instances of loading from the highway, when compared with the existing use of the site. On that basis, the highway authority has no comments to make on the proposed change of use.

- Environmental Health Section

No comments to make. Regulation of the site would be through compliance with Health and Safety regulations. There are unlikely to be noise implications arising from the proposed change of use.

- Town/Parish Council

Neutral view

- Others:
Health and Safety Executive

HSE's role in the planning process is limited to that of statutory consultee on:

- (a) relevant developments within the consultation distance of major hazard sites and major accident hazard pipelines – see the [Schedule 4\(e\) of the Town and Country Planning \(Development Management Procedure\) Regulations 2015](#), and
- (b) applications for hazardous substances consent under the [Planning \(Hazardous Substances\) Act 1990](#) and the [Planning \(Hazardous Substances\) Regulations 2015](#).

A major hazard site is one which requires hazardous substances consent to hold a specified quantity of a hazardous substance in accordance with Schedule 1 of the [Planning \(Hazardous Substances\) Regulations 2015](#). Major accident hazard pipelines are defined in the [Pipelines Safety Regulations 1996](#). HSE sets a consultation distance around major hazard sites and major accident hazard pipelines and planning authorities are required to consult HSE on relevant developments within a consultation distance.

As the proposed site for wholesale mixing and distribution facility in planning application 01092/2015 does not lie within the consultation distance of a major hazard site or major accident hazard pipeline, HSE is not a statutory consultee in respect of this application and therefore HSE has no comments to make.

The planning application indicates that the proposed facility will hold up to 1,800 litres of ethanol. Although ethanol is a flammable liquid, the quantity which will be present falls below the threshold

quantity at which hazardous substances consent is required – see Schedule 1 of the [Planning \(Hazardous Substances\) Regulations 2015](#), Therefore, the proposed facility would not require hazardous substances consent.

If planning permission is granted for this facility, when it is operational it will be subject to the requirements of [the Health and Safety at Work etc Act 1974](#) and any associated relevant legislation, including the [Dangerous Substances and Explosive Atmospheres Regulations 2002](#). Section 3 of the Health and Safety at Work etc Act 1974 requires the operator of the site to ensure, so far as is reasonably practicable, that people in the vicinity are not exposed to risks to their health or safety by activities carried on at the site.

Representations:

No comments have been received

Relevant Planning History

F/3/22/803/1992/7240/002/ Fire precaution work including fore escape Approved 1992
The remainder of the planning history relates to uPVC windows and advertisements

ANALYSIS

Principle of Development/Sustainability:

The site is located in a sustainable location, close to the town centre, which is served by bus routes and is easily accessible. The function room at present offers no employment opportunities according to the application form and under the proposal two part time jobs would be generated, although they would not reach sufficient hours for a full time equivalent. Nevertheless, in terms of economic development, this would have a positive effect and also represent a social benefit. In environmental terms, the risk of contamination and fire is governed by other, issue-specific legislation, as detailed above in the Health and Safety Executive's consultation reply. In planning terms, however, the site size falls below the HSE's remit for an involvement in this development proposal. The overall benefits of the proposed development are considered to outweigh the disadvantages and the proposal is considered to accord with adopted Policy SP1.

The site, although in A4 use, is effectively already in employment use and therefore only the specific character of that use would change under this proposal. As such, policy ED14 does not apply.

Design/Landscape:

The impacts of the development, apart from the occasional deliveries envisaged, would be limited to within the building. This is reinforced by the condition preventing outside operation of working processes. Subject to this safeguard there are no relevant external factors under this heading.

Neighbour Amenity:

The site is taller than surrounding buildings, but in close proximity to neighbouring properties, in particular upper floors. Therefore it is appropriate to safeguard amenity by preventing working hours exceeding those applied for. There remains scope for the condition to be amended at a later date once the proposed use of the site has commenced, if it can be demonstrated through continued operation that the use has no adverse impact on neighbour amenity.

Highways/Access:

There is on site employee car parking available at present to serve the function room and therefore it would be retained under the proposed use. In any case the site is in a sustainable location, as discussed above. With regard to access for deliveries, given the road width any parking in the street

would disrupt traffic flow, whether in connection with this site or any of the dwellings. Against this backdrop, occasional deliveries can be expected to the public house as a result of having a function room. The change of use proposed is considered likely to lead to no greater traffic generation. If there is an increase it is not considered to be a significant change to prevailing conditions under the current use of the site. Deliveries are anticipated to take no more than about 5 minutes per event.

Other Matters:

None.

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

Planning Policy

All standard policies listed (delete where not relevant, add others as relevant, including NPPF):

National Planning Policy Framework

West Devon Borough Council Core Strategy 2011

SP1 – Sustainable Development

SP10 – Supporting the Growth of the Economy

SP14 – Accessibility Planning

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

T8 – Car Parking

T9 – The Highway Network

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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SITE INSPECTIONS HELD THURSDAY 18 FEBRUARY 2016

- (i) **01092/2015** Change of use from a first floor function room ancillary to drinking establishment (use class A4) to a wholesale mixing and distribution facility for the distribution of ethanol alcohol to drinks manufacturers – 22 North Street, Okehampton EX20 1AR

Present: Cllrs Sellis, Benson, Moyse, Cann OBE, Hockridge, Parker, Yelland, Roberts, Mott

Ward Members: Cllrs Ball, Leech

Officers: Case Officer (CG), Senior Case Manager (KT)

The Members assessed the outside of the premises in terms of location and position, and then entered the premises to assess the inside. The rear entrance was noted. Through questions the Members clarified the detail of the application.

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PLANNING APPLICATION REPORT

Case Officer: Chris Gosling

Parish: Hatherleigh **Ward:** Hatherleigh

Application No: 01182/2015

Agent

Mr S Blakeman
Architecture & Design Technology
Rose Cottages
North Road
Exbourne
Okehampton
Devon
EX20 3SH

Applicant:

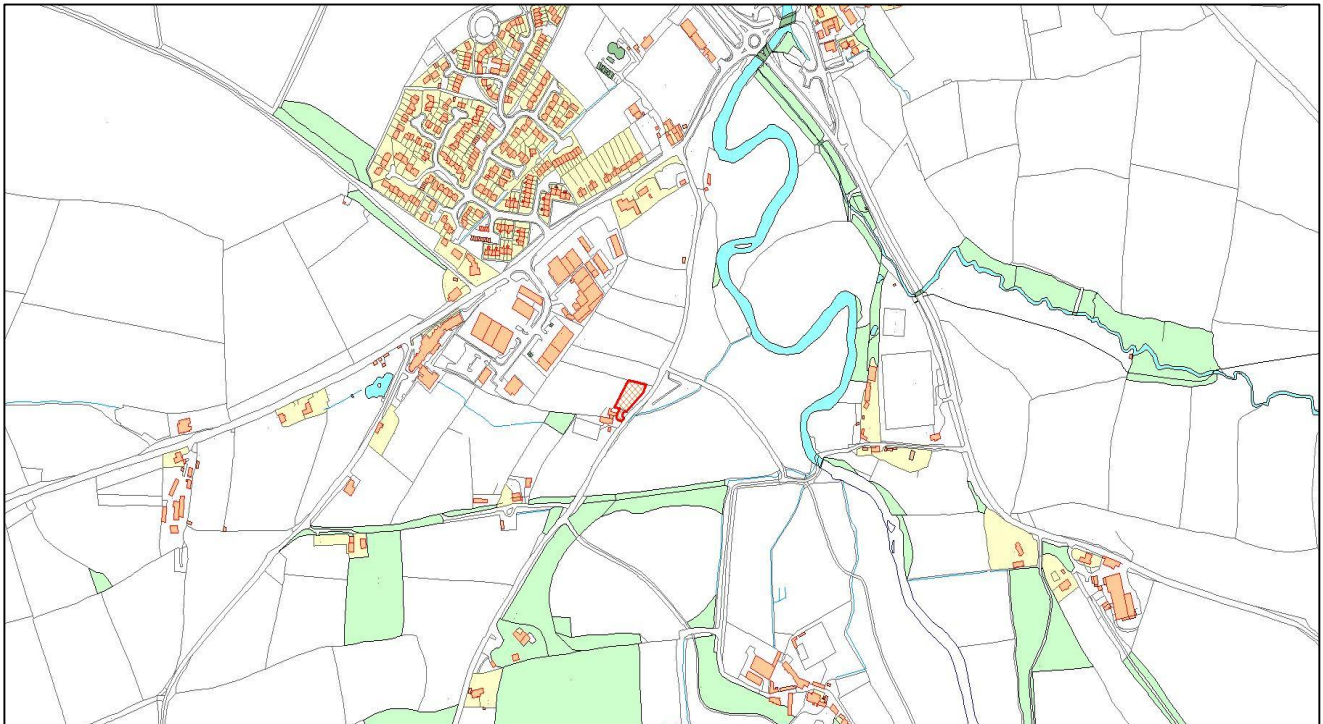
Mr R Brock
50 Moorview
Okehampton
EX20 3LB
50 Moorview, Hatherleigh, Okehampton, EX20
3LB

Site Address: Part Of Glebelands, Hatherleigh, Okehampton, Devon

Development: Outline application with all matters reserved for change of use of land and construction of live work accommodation

Reason item is being put before Committee:

At the request of the Ward Members - the recommendation is an "on balance" one. Supporting rural business is important and the Planning Committee needs to discuss the application.



Recommendation: Refusal

Reasons for refusal

1. This proposal would compromise the employment development of the remainder of the ED7 allocation and/or the residential amenity for future occupiers of the proposed live/work unit, if the remainder of the allocation were to be developed. This would be contrary to saved policies ED7 and H41 of the 2005 West Devon Borough Council Local Plan as amended 2011.

2. This proposal, should it be approved, would generate a requirement for a contribution under Section 106 towards the provision of affordable housing in West Devon Borough. The absence of such an agreement is contrary to policy SP9 of the adopted West Devon Core Strategy 2011.

Key issues for consideration:

- The impact upon the character of the area
- The location – is it sustainable?
- Adequacy of access arrangements
- Would accepting the development proposal compromise the rest of the ED7 allocation?
- Would the development of the rest of allocation ED7 have an adverse effect upon the residential amenity of the live/work unit?

Site Description:

The site lies outside of the built up boundary of Hatherleigh, separated from it by a field and accessed from a country lane, leading from the town towards Northlew. It consists of a field currently in equestrian use and would share its access with the existing field access to serve the stables connected to that use. The proposal would therefore change the existing unauthorised equestrian use of the land to residential curtilage/live work unit. The only other likely previous use of the land would be agricultural, as the site and surrounding land are fields in agricultural use, with the exception of the industrial estate. It is not known how long the equestrian use has been established on the site. The application forms claim the land use to be agricultural.

The 0.9 hectare site slopes from the north down to the south, where it is divided from the access lane by a hedgerow. To the north, in the same landholding, the slope continues up to the rear elevations of buildings of Hatchmoor Industrial Estate. The grazing land for the horses is separated from the stable area at present by a post and rail fence. The character of the landscape in the site's locality is open and agricultural, more immediately, equestrian. The access lane (unnamed) is a narrow country lane, does not support two way traffic and has no footway.

The landholding contains allocation ED7 in the adopted Local Plan Review (2011) of which this site is part. This allocation is specifically for the expansion of employment uses as explained in policy ED7.

The site lies in Flood Zone 1.

The Proposal:

This application seeks outline planning permission for the erection of a single live/work unit. Indicative plans show that this would take the form of two linked buildings, a workshop and a dwelling, with a narrow link between the two. Only the principle of development is to be tested at this stage, although in order to achieve a connection to the highway network, it is noted that the site is shaped such that the only access point would share or replace the existing access to the field and stables. Further detail is provided in the Design and Access Statement:

Design and Access statement

'The workshop building unit would be used for the restoration of classic and vintage motor vehicles. The business would in effect be an expansion of Exbourne Cross Garage, and as well as allowing this specialist part of the business to continue and expand, it would free up valuable space that is required at Exbourne. While this activity requires high quality workspace the actual number of vehicle movements would be quite small. It is estimated that 5 to 6 cars would undergo full restoration each year. Thus there would be minimal implication for traffic using the access road.'

'This application may reasonably be considered as the first phase of development of this land'.

Since this proposal is for a live/work unit and none of the Local Plan or Core Strategy policies specifically relate to such development, this proposal will be assessed under housing and economic development policies, recognising the inherent inter-relation of the two elements.

It is noted that the description of the proposal in the DAS, alongside the indicative site plan, is considered to strongly imply that a subsequent Reserved Matters application would feature two buildings that would later have the potential for straightforward subdivision: 'the workshop building unit'. While it is acknowledged that this is an outline application, if the link shown on the indicative plan were not to be built, or were to be built and subsequently demolished, the site would contain a detached workshop building and a detached dwelling. As the following analysis will demonstrate, if the proposal were for the workshop alone, the scheme would be completely compliant with policy.

Consultations:

- County Highways Authority:

Pre-application advice was given which stressed the difficulties in providing a new access to the site in that sightlines would have to be provided at the cost of the hedgerow. The proposal has taken this into account and proposes to share the live/work unit access with the existing equestrian one. Subject to the provision of adequate on-site parking and turning (part of the design at Reserved Matters stage, but conditioned at this stage) there is no objection.

- Environmental Health Section: No comments received
- Hatherleigh Town Council – Fully support the application as it will allow expansion of a local business.

- WDBC Drainage Officer – No comments received
- WDBC Landscape Officer – No comments received
- Environment Agency – Standing advice

Affordable Housing -

This application does not make provision for an affordable housing contribution. The affordable housing contribution will be required as per the Affordable Housing Code of Practice, this was adopted in March 2012 and the overarching policy is SP9 of the Core Strategy. Affordable Housing contributions are required for any new residential dwelling which is created unless they are excluded through planning conditions. The exceptions are detailed in the Code of Practice.

The application would need to be supported with a Section 106 agreement to pay the required contribution. The section 106 would require that 50% of the sums are due on commencement of the development and 50% on completion. If the applicant believes that the proposal would not be viable to provide an Affordable housing contribution, a viability assessment should be. Neither of these have been included with the application.

This is an outline application therefore the amount due cannot be confirmed at this time, however the legal agreement would be drawn up to state that a contribution would be required as per a formula. This is as follows:

Two bedroom house £6,000

Three bedroom house £7,875

Four + bedroom plus house £13,125

The off-site financial contribution is required to support affordable housing within the Borough of West Devon.

Representations

Neighbours have been consulted about the application in accordance with council practice and a site notice posted. This has resulted in receipt of 1 letter of representation, supporting the proposal.

Relevant Planning History

This site has no recorded planning history.

ANALYSIS

Principle of Development/Sustainability:

The site forms part of a specific Local Plan allocation for employment development, under policy ED7. It therefore has to be considered to be a sustainable location for such activities. The policy states that a flexible use of the land on the industrial estate is required in order to gain maximum employment benefit to the town. Though preference will be given for smaller, light industrial, manufacturing, office based businesses, other enterprises (for example in the service sector) will be considered if they offer significant employment opportunities. Policies SO7 and SO9 of the subsequent Core Strategy (which saved policy ED9) state that the Borough will plan for a balance of jobs and housing to maintain or improve existing levels of self-containment in existing settlements (SO7) and sustain an active and working countryside, acknowledging the importance of agriculture, tourism and small rural business. Furthermore, Policy SP10 promotes the diversification of the rural economy as well as the provision of business and employment land in the main towns, albeit this site sites just outside the town. The early publication version of Our Plan (2015), at Policy OP12, maintains the allocation of land at Hatchmoor for employment use, in order to enable the expansion of existing businesses from Hatherleigh and the surrounding area and/or support start-up businesses. This is not yet an adopted Plan.

Regarding the work part of the live/work unit, therefore, it is considered that the proposal meets the requirements of existing and emerging policies. The application form states that the proposal will create two new jobs. The remaining issue to be examined is therefore the residential part of the proposal, whether it would compromise the further development of the land allocation under policy ED7 and whether it meets sustainability criteria. On the application form, it is proposed that this accommodation will comprise three bedrooms. With the claimed generation of two jobs on site, it is considered to be highly unlikely that all employees of the employment part of the proposal will live at the site, threatening the functional integrity of the live/work unit.

While Core Strategy policy SP11 encourages rural regeneration, policy SP24 further requires that small scale development should be within, adjoining or closely related to settlement limits, where a need has been identified through the use of a Sustainable Rural Communities Toolkit. This proposal is not considered to meet these criteria.

Impact of this proposal on the rest of the ED7 Allocation:

This issue is considered to hinge on the access point to the site. It is understood that access can no longer be guaranteed to be from the existing estate as the Council has sold the land that linked the estate and the ED7 allocation. It is therefore considered unlikely that the new owner would choose not to build on the previously purchased land and instead provide a link to the ED7 site. Under these circumstances, the ED7 site can only be accessed from the lane and this lane is likely to be incapable of supporting the full employment development of the site. Whilst the current policy position is for employment development of the ED7 site, this was on the basis of achieving access from the Hatchmoor Industrial Estate and without that assurance, it is possible that in future plans this allocation will be deleted, due to the access difficulties.

This proposal therefore has to be judged against a situation where further development of the remainder of the allocation would necessarily have to have an access from the lane. Overall,

if this scheme were to be approved, there would potentially be a residential element of the live/work unit in close proximity to employment uses. This is considered to be a factor which could limit those potential uses in terms of noise and operating hours which would not be the case if, as clearly intended in the allocation, employment uses were to be surrounded by open countryside. The NPPF, at paragraph 123 makes clear that decisions should 'avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development' and 'recognise that development will often create some noise and existing businesses wanting to develop in continuance of their of their business should not have unreasonable restrictions put on them because of changes in nearby land uses since they were established'. While the policy specifies a preference for smaller light industrial, manufacturing and office based employment, the overall aim is to 'gain maximum employment benefit to the town.' Given that this aim requires the stated flexibility, it is considered that the introduction of a residential use on the site would work counter to this flexibility, with a consequential potential loss to employment growth for the town, notwithstanding the access difficulties. It is acknowledged that this live/work proposal is the only current one for (part of) the site, but without the residential element, as explained above, it would fulfil the policy requirements. It is also acknowledged that in the lifespan of the Local Plan, with the availability of a link from the Hatchmoor Estate, no employment proposals have come forward on this site. Balancing these factors, it is considered that as a live/work unit, the residential component of the proposal would compromise the remainder of the ED7 allocation promoted by the Local Plan and this forms one of the refusal reasons for this proposal.

Design/Landscape:

The impact of the proposal on the character of the area has to be understood in the context of the site being part of an allocation for employment use. In this context, the likely physical effect on the rural character of the area, despite the limited information in support of this outline application is not considered to be adverse. The hedgerow bounding the site would be unchanged under this proposal, with the existing access point shared.

Neighbour Amenity:

No near Neighbours, although the nearest dwelling supports the proposal.

Impact on amenity for future occupiers of the live/work unit:

The impact of the proposed residential element of the proposal on the potential employment use of the rest of the site has been examined above. While it is acknowledge that under present landownership arrangements, the applicant would have the choice of who the balance of the land is sold/leased to, this ownership situation can be subject to change. The future users of the rest of the ED7 site are unknown, but the policy makes clear the types of use that would be acceptable. In addition, policy ED8 makes clear that on the (existing) industrial estate the only permitted uses would be B1, B2 and B8, giving rise to the existence and future possibility of manufacturing and out of hours lorry movements, both potentially inimical to residential amenity.

Furthermore, the policy emphasis is on achieving maximum employment and this follows principles of sustainability in achieving the most efficient and effective use of land, bringing the greatest economic and social benefit to the town. In order to achieve this aim, it could be that a 24 hour industrial process, which is partly outdoors, comes forward on land next to the live/work unit. With the residential element there first, such a use is unlikely to be approved,

as examined above, which compromises the flexibility of employment generation within the allocation. But if a potential 'bad neighbour' use were to be allowed in line with the broad sweep of policy, then there could be adverse effects on the occupiers.

With a live/work unit, it is a given that nuisance from the work element can be controlled by the occupiers. A Section 106 Agreement would need to be in place to ensure that only the occupiers of the unit live and work there. The application form's claim of generating two jobs runs counter to this aim, but it is acknowledged that it is possible that both workers would live in the three bedroom residential part. In the absence of in principle support for the scheme, this factor has not been explored.

Highways/Access:

No changes to any access arrangements. Local Plan policy T2 applies. Although the access would be shared with the stables/ equestrian use, this is within the same landownership at present, but this would not always necessarily be the case. The development of the rest of the allocation would lead to a situation where residential and employment traffic would use the same access, but in an uncontrolled manner. However, given the limited residential part of this proposal, this is not considered to lead to a high likelihood of conflict on its own. Of greater importance is the relatively remote location of a dwelling that relies on the nearby town for obtaining goods and services. Pedestrian movement is not supported in the narrow lane, with a footway and given the limited width of the lane, providing a footway by condition or through a Section 106 Agreement would be impractical for effective traffic flow. When the site and allocation are in employment use, it would be likely that it would be accessed by foot and bicycle necessarily via the lane. Pedestrians using the lane to access the site would also be vulnerable from traffic movements. The very nature of a residential use in this location is therefore considered to promote car-borne journeys for safety reasons and therefore reduce the sustainability of the location, or to lead to the risk of injury in a lane which will in time support a greater number of traffic movements when the full ED7 site is occupied and accessed from this direction. This factor has to be balanced against the material consideration of the lane already supporting the town's cemetery, opposite the site and a few other remote dwellings further out of town. It is considered that the impact on future occupants of the live/work unit could not be sustained at appeal and is therefore not put forward as a refusal reason.

Could the development proposal be made sustainable through planning controls?

Notwithstanding the fact that the proposal is considered to be contrary to policy, it is acknowledged that the identified harm that it would cause is finely balanced with the economic benefit that the employment use would bring. The NPPF cautions that sustainable development can be achieved when a proposal can be made sustainable, for instance through the imposition of planning controls. In this case, it is considered that conditions or a Section 106 could ensure that the residential element site is only used to accommodate those working in the work part of the unit. However, this could potentially prevent the business from growing its employee base and run counter to the policy intention requiring maximum employment within this allocated site. Since the inherent sustainability of a live/work unit is for employees not to have to travel to their place of work, this factor could potentially be undermined by the normal planning controls. It is acknowledged that although there is a projection on the application form for the creation of two jobs, in reality only one may be generated, allowing the site to operate in a more inherently sustainable manner, but with lesser economic benefit. The assessment must however be made on the available information. It is therefore not considered that planning controls could help make the site

sustainable, while allowing the business to grow and provide a greater number of jobs to benefit the local, rural economy.

Housing Need

West Devon's latest Annual Monitoring Report makes clear that a five year housing supply within the Borough is established. This proposal would provide residential accommodation, but the policies that mitigate against this, mentioned above take precedence in line with the plan led system advocated by the NPPF.

Affordable Housing

The comments of the Affordable Housing Officer for the Borough appear above. A contribution would be required through a Section 106 Agreement, commensurate with the number of bedrooms in the residential component of the proposal towards the provision of affordable housing within the Borough. This has not been sought in light of the lack of support for the proposal and the absence of such an Agreement, contrary to policy SP9, forms the second refusal reason for this proposal.

Conclusion

It is acknowledged that the proposal is the only one that has come forward on this allocated site and due to landownership issues, it may not be viable due to the constraint of having to use the lane to access the allocated site, to maintain its prescribed use in subsequent plans. The decision requires to be taken on the basis of current policy, in the light of all material considerations. The material considerations are not considered in this case to outweigh policy: Although there is some potential for the proposed use being sustainable, in this form there are doubts about its sustainability credentials in practice. This proposal also does not meet the prescribed use of the site in respect of its residential element. This component of the proposal is considered to compromise the employment generation of the balance of the ED7 allocation, to the detriment of the potential economic benefits to the Hatherleigh community. The key issue to be balanced is one of limited benefits today, set against potential benefits of employment generation in the short to medium term, to be understood in the light of the applicants having ultimate control of this factor through their control of access to and ownership of the ED7 allocation. This issue is considered to be finely balanced, but in the absence of this proposal fully representing NPPF-compliant sustainable development, it is considered that there is demonstrable harm to the policies quoted in the refusal reasons and that the material considerations are insufficient to outweigh this harm. The proposal is recommended for refusal on that basis.

Planning Policy

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

Planning Policy

NPPF – in particular paragraph 123, regarding noise impacts on health and quality of life as a result of new developments.

West Devon Borough Council Core Strategy 2011

SP1 Sustainable development

SP5 – Spatial Strategy

SP9 – Meeting Housing Needs

SP10 – Supporting growth of the economy

SP11 – Rural Regeneration

SP20 - High Quality design

SP24 – Sustainable Rural Communities

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

BE18 – Noise Generating Development

ED7 – Land to the South of Holsworthy Road Employment Area

ED8 – Use Classes within Holsworthy Road Employment Area

NE10 – Protection of the Countryside and Other Open Spaces

H28 – Development within Defined Settlement Limits

H41 – Business uses in Residential Areas

T2 – Pedestrian and Cyclist Safety

T8 – Car Parking

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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SITE INSPECTIONS HELD THURSDAY 18 FEBRUARY 2016

01182/2015 Outline application with all matters reserved for change of use of land and construction of live work accommodation – Part of Glebelands, Hatherleigh, Okehampton

Present: Cllrs Sellis, Benson, Moyse, Cann OBE, Hockridge, Parker, Yelland, Roberts

Ward Member: Cllr Kimber

Officers: Case Officer (CG), Senior Case Manager (KT)

Cllr Kimber declared a personal interest by virtue of the applicant fixing his mother's car.

The Case Officer outlined the application. The proposal site was identified, as was the location of the access from the industrial site. The reason for the application was explained. Members clarified that the whole site could be used for employment purposes as per the current policy allocation. The Ward Member advised that he supported the application as the number of people employed as a result would be significant for Hatherleigh.

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PLANNING APPLICATION REPORT

Case Officer: Jenny Draper

Ward: Okehampton North

Application No: 00987/2015

Agent/Applicant:

Mr Andrew Hunter

AgriPlanning

Applicant:

Mr I Fewkes

The Hayloft

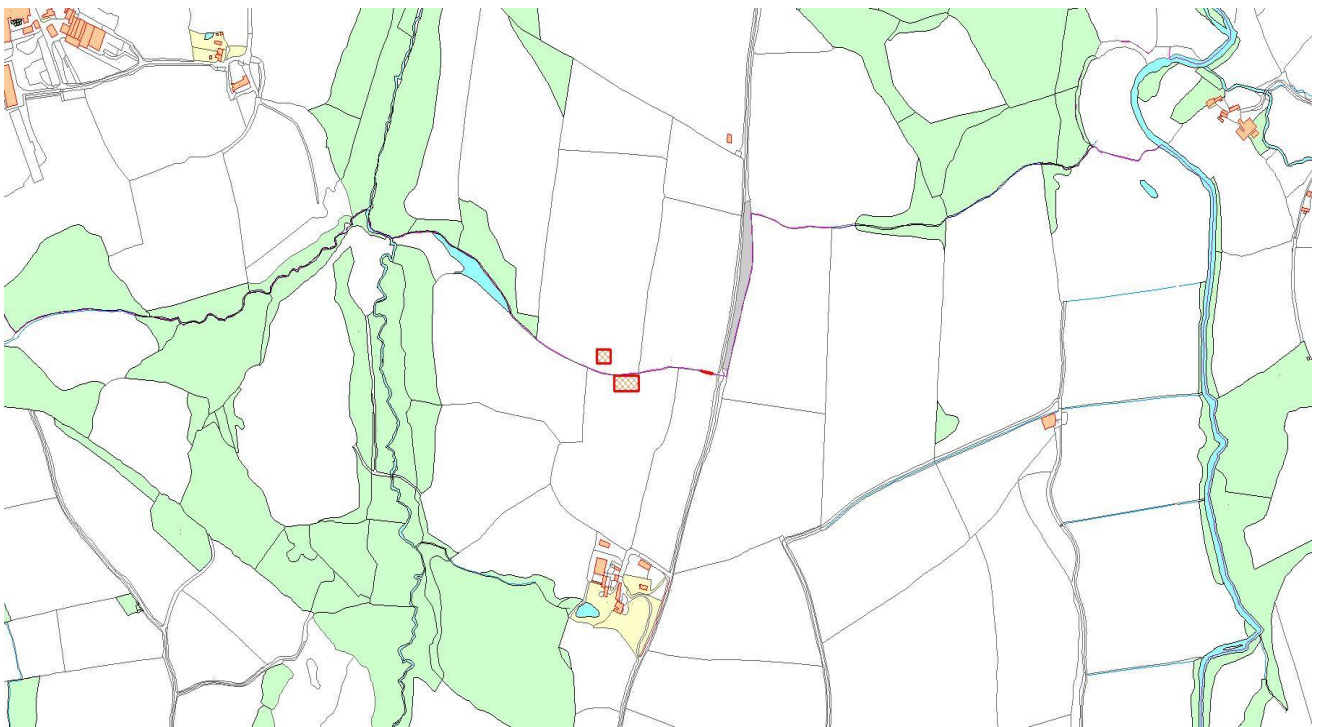
Hockworthy

Wellington

TA21 0NQ

Site Address: Land at NGR SX 590990, Okehampton, EX20 3BD

Development: Full application for erection of new agricultural livestock building and siting of a temporary agricultural workers dwelling.



Recommendation:

Conditional Consent

Conditions

Commencement within three years

Accord with plans

Agricultural use only

Agricultural building to be removed if use ceases

Agricultural buildings to be completed before the temporary dwelling is occupied

Agricultural workers dwelling to accord with the definitions and criteria of a caravan and be removed on or before three years from the date of this decision.

Prior to installation of dwelling, details of rain water and sewage disposal to be agreed

Removal of PD rights – curtilage outbuildings

Agricultural Tie

Key issues for consideration:

New buildings in the countryside – agricultural justification

Visual impact

Site Description:

Agricultural holding of 150 acres in open countryside setting located north of Okehampton. The development site is approximately 350m north of the nearest residential property at the group of dwellings known as Goldburn to the south.

The Proposal:

Erection of a new agricultural livestock building and siting of a temporary agricultural workers dwelling, close to previously approved agricultural storage building, approved under application 00374/2015.

Consultations:

- County Highways Authority - No comment
- Parish Council
 - Support if genuine need – Exbourne and Jacobstowe
 - Refuse – Inwardleigh and Follygate Parish
- Agricultural Consultant - Application satisfies the criteria as set out in both the NPPF and local plan policies H31 and H32

Representations

None

Relevant Planning History

00374/2015 – Prior approval for erection of agricultural storage building (not livestock) - Approved

ANALYSIS

The site is located 4.5 kilometres north of Okehampton to the west of the minor country lane from Okehampton to Jacobstowe. The land gently undulates away from Goldburn Cross to Jacobstowe which is located approximately 2.5 km to the north of the site.

Access is via an existing farm gate from the lane on the eastern boundary.

The applicant will operate 150 ewes with the intention to introduce a 90 head calf herd which will be fully reared within the proposed livestock building. It is proposed to increase that level up to approximately 115 head over a three year period.

Principal of the development

Policy H31 states;

Residential development, outside the defined limits of settlements and where Policy H29 does not apply will not be permitted unless all the following criteria are met:

- (i) There is written independent evidence that of a genuine and sustained need for the dwelling, that need being based upon an essential agricultural, forestry or horticultural requirement for a full time worker to be resident on the holding;
- (ii) The local planning authority has no reason to believe that the need for an additional dwelling has arisen primarily due to the recent sub-division of the holding and/or the recent disposal of a dwelling from the holding;
- (iii) There is no building on the holding suitable for conversion to a dwelling;
- (iv) The dwelling is sited close to existing agricultural buildings unless it can be clearly demonstrated that a more isolated location is essential for the operation of the holding; and
- (v) The dwelling is in keeping with the character of the area in terms of scale, design and materials.

Policy H32 states;

Where the creation of a dwelling is primarily dependent on the creation of a new, or the major expansion of an existing, agricultural, horticultural or forestry enterprise, any permission will be phased to ensure that the new enterprise is in operation prior to the erection of a permanent dwelling. Where the viability of a new enterprise needs time to become established, permission will only be granted for temporary accommodation for a maximum period of 3 years.

Policy ED18 states;

New agricultural buildings will be permitted where they are of an appropriate size for their proposed function and are designed and located so as to minimise their impact on the landscape.

The application is recommended for approval for the reasons set out below as it is considered that the proposed agricultural buildings and the temporary agricultural workers dwelling comply with the requirements of the policies above and do not result in other harm or conflict with other relevant development plan or national policies.

Agricultural justification

It is considered that this application satisfies the criteria as set out in both the NPPF and local plan policies H31 and H32.

In August 2015, the applicant purchased 59 hectares (approximately 146 acres) of farmland at the auction of Goldburn Farm, which was sold in various lots. The land is predominantly

temporary pasture, arable and areas of woodland. The holding perimeter is stock fenced throughout with established and well-managed indigenous mixed thorn, hazel and beech hedges dividing all the fields and on all boundaries.

There is currently no agricultural dwelling on the holding and the proposal is to locate a temporary 'caravan' type structure with a condition that it be removed if the agricultural use of the buildings ceases or after a period of three years. This will allow the new farm enterprise to become established and start to expand. The applicant will then be able to make an application and justify the presence of a permanent agricultural dwelling of a more traditional build.

It is no longer a requirement to submit business or financial plans, which was referred to as the 'financial test' to justify the temporary agricultural workers dwelling and no such information has been submitted. It is considered if the applicant, or the agent, were asked to provide business plans or financial plans to justify that the proposed enterprises have either been planned on a sound financial basis or were likely to be viable and sustainable in the medium to long term, then those budgets and plans could be provided to make the proposals satisfy this particular criteria. The temporary agricultural workers dwelling is recommended with a condition requiring the two agricultural buildings are completed before the temporary dwelling is occupied. As the workers dwelling is justified in conjunction with the expanding business and livestock buildings it is considered both reasonable and necessary to ensure the agricultural buildings are provided prior to the temporary agricultural workers dwelling being occupied.

In the opinion of the authority, the objection received from Inwardleigh and Follygate Parish Council is misleading. The first application mentioned in their letter 00691/2015 pertains to a separate site at Goldburn Farm and an existing building that the owners were proposing to convert under Class Q of the GPDO. Bereavement then forced the sale of Goldburn at auction in August during which this plot was sold to the applicant of this application. The applicant bought the land without any buildings.

Highways, drainage and other matters

The County Highways Officer has offered no comments to the proposed agricultural buildings and temporary agricultural workers dwelling. The access is considered suitable and the site has sufficient parking.

A condition is recommended for details of surface water and foul drainage details are approved prior to occupation to ensure these details are suitable.

Due to the isolated nature, the proposed temporary dwellings and agricultural buildings do not result in harm to the living conditions of nearby occupiers. The mobile home by nature of it being a caravan does not enjoy permitted development rights for extensions or external alterations, however it is recommended to restrict curtilage outbuildings in order to protect the sites countryside location.

The proposed materials are acceptable and the siting does not result in the buildings being overly dominant in the wider landscape.

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

Planning Policy

All standard policies listed

West Devon Borough Council Core Strategy 2011

- SP1 – Sustainable Development
- SP3 – Renewable Energy
- SP5 – Spatial Strategy
- SP8 – Inclusive Communities
- SP10 – Supporting the Growth of the Economy
- SP11 – Rural Regeneration
- SP17 – Landscape Character
- SP19 – Biodiversity
- SP20 – Promoting High Quality Design
- SP21 – Flooding

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

- NE10 – Protection of the Countryside and Other Open Spaces
- H31 – Residential Development in the Countryside
- H32 - Residential Development in the Countryside
- H33 - Residential Development in the Countryside
- ED16 – Development for Employment in the Countryside
- ED17 – Farm Diversification
- ED18 – New Farm Buildings in the Countryside
- ED19 – Agricultural Related Activities

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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SITE INSPECTIONS HELD THURSDAY 18 FEBRUARY 2016

00987/2015 Full application for erection of new agricultural livestock building and siting of a temporary agricultural dwelling – Land at NGR SX 590990, Okehampton EX20 3BD

Present: Cllrs Sellis, Benson, Moyse, Cann OBE, Hockridge, Parker, Yelland, Roberts, Mott

Parish Council: Cllr Sykes (Inwardleigh PC), Cllr Luxton (Jacobstowe PC)

Officers: Case Officer (TF), Senior Case Manager (KT)

Members were unable to gain access onto the site however the position of the proposed building and temporary dwelling were identified. Members questioned the Case Officer in respect of the temporary nature of the permission for the dwelling. Some Members raised concerns over the visibility of the proposal. The Case Officer confirmed that a condition could be included that would require a hard surface to the dwelling be completed prior to occupation.

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PLANNING APPLICATION REPORT

Case Officer: Gemma Bristow
North

Parish: Okehampton Hamlets **Ward:** Okehampton

Application No: 00713/2015

Agent/Applicant:

PCL Planning
1 St Floor
3 Silverdown Office Park
Fair Oak Close
Clyst Honiton, Exeter
EX5 2UX

Applicant:

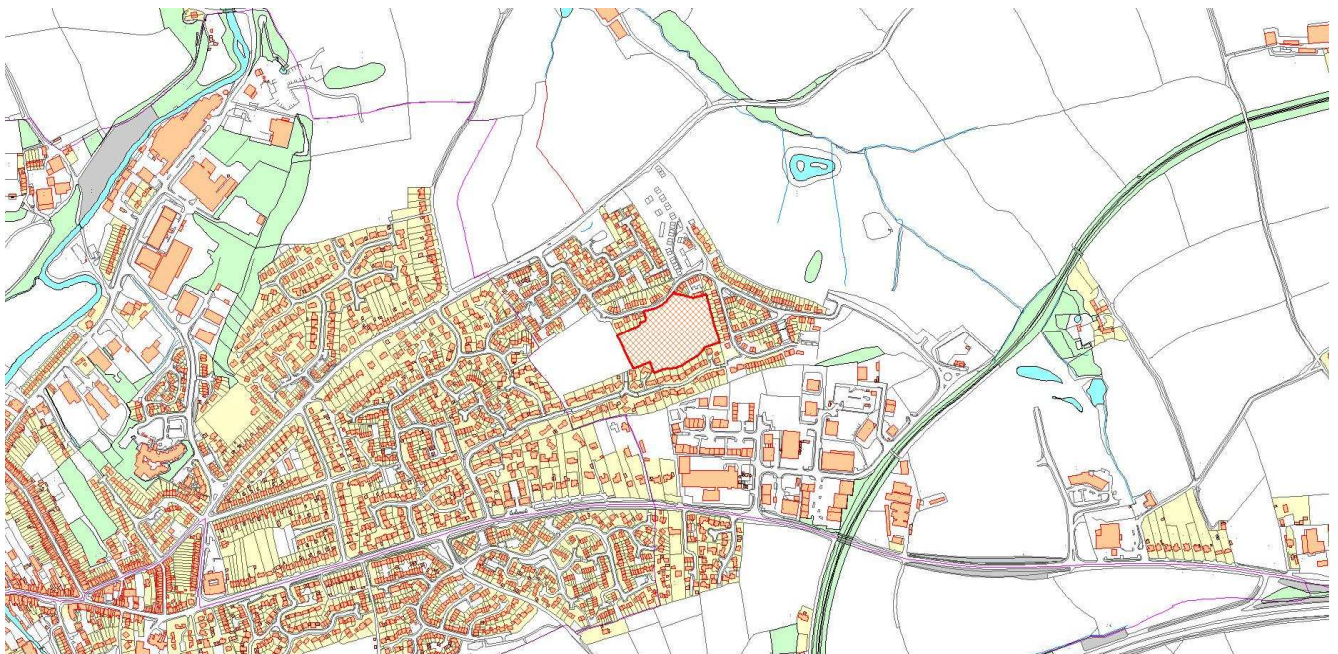
Linden Homes South West
C/O Agent

Site Address: Meldon Fields, Hameldown Road, Okehampton, Okehampton, Devon, EX20 1UB

Development: Re-plan and plot substitution of western portion of development site (Meldon Fields Phase 3B) to allow for the erection of 73 dwellings and associated works. Part of larger site ref: 02477/2012

Reason for presenting to Committee

The Ward Councillors have expressed concern with respect to the increase in density of the site, the permeability in relation to the spine road and the general appearance of the housing proposed. It has therefore been requested that the application is presented to Committee for a decision.



Recommendation:
Conditional approval

Conditions

- Time limit
- Accord with plans
- Construction management plan
- Foul water disposal plans
- Adherence to and replanting landscaping plan
- Ecology
- Contamination
- Remediation
- Unexpected contamination
- Surface Water drainage
- Details and materials of elevations, including windows, doors, gutting.

Key issues for consideration:

Whether the variation to the approved scheme is acceptable

Site Description:

The site is located to the East of Okehampton in the H5 allocated site. It is located centrally within the wider site approved by planning ref: 02477/2012: see below. It is noted that the majority of the surrounding site has now been implemented.



The Proposal:

Re-plan and plot substitution of western portion of development site (Meldon Fields Phase 3B) to allow for the erection of 73 dwellings and associated works. Part of larger site ref: 02477/2012.

73 dwellings are proposed (9 more than previously approved) including 12 affordable units (3 more than previously approved) and providing 127 parking spaces are proposed.

Unit mix (including affordable units)

	1 -bed	2-bed	3-bed	4 bed	Total
Previous approval	0	17	34	13	64
Current application	6	20	29	18	73

Affordable unit mix

	1 -bed	2-bed	3-bed	Total
Previous approval	0	4	5	9 (14%)
Current application	3	7	2	12 (16%)

*Previously 70/30 social rented to shared equity, but 50/50 split now proposed.

Layout and design

The housing will follow the same road layout as previously approved with the exception of a change to one turning head on the east of the site. This has been amended from a hammer head road end to a cul-de-sac with a turning area, and the housing on the south side would form a terrace of semi-detached properties compared to the two detached properties within larger plots. The housing would comprise a mix of detached and semi-detached houses, some with adjoining garages. In addition, there would be several plots with garages below a first floor flat and at the entrance to this site would be a three-storey block of nine 1 and 2-bedroom flats.

External works and planting

There would be a mix of boundary treatments including hedging, rendered dwarf and 1.8m high walls and railings. A planting scheme of shrubs and trees is also proposed.

Materials

The houses would be primarily rendered with 17 to have brick front elevations and the block of flats at the entrance and two further houses would be fully brick. The internal roads would be primarily block paved with pavements and parking areas in tarmac.

Supporting documents submitted with the application include:

- Planning statement
- Design and access statement
- Noise Assessment
- Ground Investigation
- Ecology Addendum
- Archaeology Report

Consultations:

- County Highways Authority: There are no objections to the proposed revisions from a highway point of view but the applicant is advised that the proposed alterations to the adoptable road layout will require a revision to the Section 38 road adoption agreement and it is also not acceptable to have bin store doors opening over the highway (as shown in some locations on the plan).
- Parish Council: Neutral view however the house colours should be varied from those currently under construction, i.e. they not be white, as the houses are very unsightly from Crediton Road. They also wish the Link Road issues between the different developer sites across the original school site (linking this development site to the original Persimmon site) be resolved and the link completed as a matter of priority.

- Okehampton Town Council: Any further comments will be reported during the committee meeting.
- Environment Agency: No comment.
- Police: Comments on the design and layout of the scheme:
 - All gates that lead to rear gardens must be lockable from both sides to ensure rear gardens are secure at all times. The gates must be of the same height and level of security as the adjoining boundary treatment (1.8m)
 - The rear access for plot 46 should be clearly defined from plot 47.
 - It appears from the plans that plots 56 to 58 will share a rear garden? It is recommended that the space is divided up and each dwelling is provided with their own outdoor space to prevent the potential for conflict and angst over its use, for example maintenance, pets, parties, barbecues, toys, garden furniture etc.
 - Plots 59 & 62 would benefit from a buffer to protect the lower aspect of the elevations and the side boundary treatments this may also make it feel less enclosed. Ideally one of the elevations should have a first floor non obscured window to enable some surveillance opportunity over the access.
 - External bin stores should be sited in such a way that they cannot be used as climbing aids to commit crime and should be secure to prevent bins being removed and used as climbing aids or the contents used to start fires.
 - Care will need to be taken with regard to landscaped boundary treatments (where applicable). Individuals have varying levels of commitment with regard to maintenance which can result in inconsistent levels of growth and care resulting in unsightly street scenes and conflict with neighbours.
 - The back to back gardens where applicable are a good design feature in preventing easy access to rear of gardens.
 - Where is parking for 95 & 96? Parking should be allocated to prevent conflict over use.
 - The cul-de-sac layout for the development is a key feature in designing out crime (as long as they are not linked to poorly located and designed footpaths) as they create self policing communities. Residents are more aware of strangers in the area and those with criminal intent are less likely to venture there in fear of standing out or being seen.
 - All doors and windows should meet PAS 24 2012 standard as a minimum level of security.
 - All rear and accessible side boundaries must be 1.8m high (minimum requirement). Where is felt more surveillance is required a .3m trellis topping on a 1.5m solid boundary treatment could be used.
- Drainage: Low risk of flooding, however details of the surface water drainage management and maintenance arrangements must be provided and agreed with the LPA.
- DCC Education: In line with the s106 policy, we are not seeking a contribution for nine of the dwellings as they are only one bedroom properties. Therefore, a development of 64 (2+ bedrooms) is expected to generate 16 primary pupils, which means a contribution of £213,270.00 (16 x £13,329.50) is sought and the contribution will be used towards the provision of additional primary education facilities for those living in the development. As identified, a new primary school will be required in Okehampton and therefore a contribution towards land is also sought at £44,800.00. The secondary school within the development area is Okehampton College. A development of 64 (2+ bedrooms) dwellings is expected to generate 9.6 secondary aged pupils. There are 28 spare forecasted places at Okehampton College. However, there are currently 525 homes on the SP22 allocated site remaining, within the catchment area of the college. Therefore proportioning out spare capacity between the remaining allocation (525) and this proposed development (64) means each dwelling is entitled to 0.047 pupils worth of the remaining spare capacity at Okehampton College ($28/589 = 0.047$). Therefore, we are requesting 6.6 secondary pupil places $64 \times 0.047 = 3$ and $9.6 - 3 = 6.6$. 6.6 secondary places multiplied by the secondary school extension rate of £18,241.00 means the Education Authority is requesting £120,390.00 towards secondary education. Total education contribution is requested of £378,460.00.

Representations:

1 objection from 14 Summering Close:

- Loss of privacy
- Overbearing impact due to size, height and position
- Loss of daylight/sunlight
- Harm health of the Devon hedge at the rear of no.14 Summering Close
- Originally the adjacent house would have been built on an angle

Relevant Planning History

13354/2009/OKE	Outline application for residential development including means of access
02210/2011	Variation of conditions attached to outline application 13354/2009/OKE (residential development) to include allowance for phasing of the development and construction of link road to alternative boundary position.
02477/2012	Application for 308 residential units including 35% affordable dwellings
02537/2012	Discharge of Conditions 1-17 on application 02210/2011 for residential development including means of access
00469/2013	Variation of condition number 8 of planning permission number 02210/2011 to allow for alternative surface water drainage scheme

ANALYSIS

This application relates to a wider application area that gained outline approval in 2009 and reserve matters in 2012. This application relates to the central section of the wider development area that was previously approved for 64 dwellings. The current proposal includes 9 additional dwellings compared to that previously approved on this site. These additional units would be located on the eastern side of the site (2 further houses), the south-western corner (1 additional house) and within the block of flats at the entrance to the site (comprising 9 units in place of 3 houses).

Density and Unit mix

The previous density on this section of site was 37 units per hectare, and this would increase to 42 u/ha with the current application. Policy SP6 of the Core Strategy states that density should be the highest possible whilst ensuring an attractive living environment and safeguarding neighbour amenity, but developments at less than 30 u/ha will generally be resisted. The increase in density also needs to be considered in relation to the wider site area which also has a density of 37 u/ha, and as such the increase of 9 units would only increase the density to 38 u/ha which is not considered significant. It should also be noted that the current proposal includes 5 additional four-bedroom market houses as well as 3 additional one-bedroom market flats. The proposed density is therefore considered acceptable given an appropriate unit mix would be provided on an acceptable layout.

Layout and design

The principle of development and the majority of the layout has already been agreed by outline consent and reserve matters application. The applicant states that subsequent to detail engineered design it has been necessary to change the design of the housing types and position on the site but within the approved road and pedestrian layout (with the exception of one turning-head to a cul-de-sac road). Due to the level change across the site (close to 13m fall) the approved layout solution had addressed the change in level between the streets through the use of split level units, battered slopes between garden boundaries and small steps within gardens. The applicant has stated this has been found to be problematic and a different approach by amending the site levels has been used in this new design layout to avoid the use of split-level units.

The cul-de-sac arrangement/level changes are responsible for the change in house types on the eastern portion of the site. As a result of the changes the area in question is no longer able to accommodate the two larger plots previously envisaged on this part of the site (please see the amenity section below for further comment on these changes).

In terms of the overall design approach the previous approval and surrounding development largely dictates this. The applicant states the height of buildings has been designed to complement the existing development and the proposed buildings are designed with a simple palette of materials reflecting the local vernacular. The new three-storey block of nine flats (in place of three houses) is considered acceptable given its position at the entrance to the site and the rising ground level to the south/rear. It is also noted that three-storey elements were approved within the wider site.

While the Member concerns regarding the colour of the rendered houses is noted, the finish treatment of the surrounding housing has been constructed as approved and the finish of the current proposal reflects what has already been approved on this section of the site. It is noted that limited details have been submitted of the detailed materials of the houses, so it is recommended that these details are reserved by condition. It is therefore officer's opinion that the proposed design and finish of the proposed housing is acceptable and would tie into the surrounding housing.

Affordable Housing

The current application proposes 12 affordable units which equals 16% affordable housing, which is higher than the 14% affordable previously approved across this section of the wider site.

The affordable housing on the wider site previously allowed 70% of the accommodation provided to be rented accommodation, 30% of this was to provide shared ownership accommodation. The new application which has been submitted amends this mix to 50% rented and 50% shared ownership. This is due to the changes in government funding. Housing Associations are now only able to 'bid' for HCA funding on shared ownership properties, therefore, the rented accommodation has to be provided through their own reserves.

The mix which has now been proposed is welcomed by officers as it will accommodate various needs on both the rented and help to buy SW registers. These are likely to be for single people of various ages in the one bed rented properties and families in the 2 and 3 bed rented and shared ownership properties. This will also provide choices to our residents for those that are able to look at shared ownership and the amount of equity share that they can afford. Officers are pleased to see this mix which did not accommodate single people previously, this is also our highest need along with 2 bedrooms on the Devon Home Choice register, particularly as people are being encouraged to downsize due to the bedroom tax implications.

It is noted that in discussion with Aster (the social housing provider) the one-bedroom flats as originally proposed were below their minimum floorspace requirement of 45sq.m. The layout of the block of nine flats was subsequently amended to increase the size of the affordable one-bedroom units.

Residential amenity

In terms of amenity, as the housing broadly follows the layout previously agreed by the Council the impact has been considered and found to be acceptable. However, an objection was received from a neighbour to the east of the site opposite the section of the application that has the more significant amendments to the previous approval in terms of the layout of housing. The amended scheme would bring the proposed housing closer to the site boundary (and therefore the rear garden of the objector) than was previously agreed. However, in response to officer and resident concerns the application was amended and the proposed house pulled away from the site boundary to allow a 15m separation. Given the proposed house would not include any windows within the side elevation and its separation it is not considered to result in significant loss of privacy, light or form an overbearing impact on the adjoining residents on Summering Close.

Permeability of the site

The access to the site has been agreed by the previous permissions and this application does not seek to make any amendments to this. However, Members have raised concerns on the completion of the spine road that currently runs through the wider site, across the northern edge of the current

application and ends on the western boundary of the wider site, with the intention of extending up through the adjoining land to connect to Crediton Road via the adjoining Persimmons site. While the Persimmons section of the H4 spine road appears to be complete and the applicant Linden Homes have also built the spine road up to their site boundary, the remaining gap between these sections of road falls outside of Linden landownership. It is noted that condition 4 attached to the outline consent, that was later varied, states:

‘The spine road through the site shall be provided to the boundary of the site in accordance with a timescale or phasing which shall be agreed in writing by the Local Planning Authority prior to the commencement of the development.’

It is therefore officers understanding that the applicant has complied with this condition by constructing the link road to their site boundary. It unfortunately remains out of their control to ensure this route is opened up through the Persimmons site.

Any further update on the issues preventing opening the spine road up will be reported at the committee meeting.

Conclusion

The principles of the proposal have been agreed by the previous outline and reserve matters consents on the wider site. In terms of density, the increase of 9 additional units across this section of the site is considered acceptable and would still be broadly in line with policy. The amended layout and small changes to the design of the proposed housing is considered acceptable and is not considered to result in harm to adjoining neighbours amenity. The increase in percentage of affordable housing units, and inclusion of one-bedroom flats, is supported. The proposal is considered acceptable and recommended for approval subject to conditions and completion of the S106.

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

Planning Policy

NPPF

West Devon Borough Council Core Strategy 2011

SP1 – Sustainable Development

SP2 – Decentralised and Renewable Low Carbon energy to Supply New Developments

SP3 – Renewable Energy

SP4 – Infrastructure Provision

SP5 – Spatial Strategy

SP6 – Density of Housing Development

SP7 – Strategic Distribution of Housing

SP8 – Inclusive Communities

SP9 – Meeting Housing Needs

SP13 – Community Services and Facilities

SP14 – Accessibility Planning

SP15 – Traffic Management

SP16 – Safer Communities

SP17 – Landscape Character

SP19 – Biodiversity

SP20 – Promoting High Quality Design

SP21 – Flooding

SP22 – Okehampton

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

H26 – Open Space Provision in New Residential Developments

T1 – Walking and Cycling

T2 – Pedestrian and Cyclist Safety

T3 – Protection of Existing Footways, Cycleways and Bridleways

T4 - Footpath Links to Okehampton Town Centre

T5 – Public Transport

T8 – Car Parking

T9 – The Highway Network

PS2 – Sustainable Urban Drainage Systems

PS3 – Sewage Disposal

PS4 – Private Water Supply

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.

SITE INSPECTIONS HELD THURSDAY 18 FEBRUARY 2016

00713/2015 Replan and plot substitution of western portion of development site (Meldon Fields Phase 3B) to allow for the erection of 73 dwellings and associated works. Part of larger site ref: 02477/2012 – Hameldown Road, Okehampton EX20 1UB

Present: Cllrs Sellis, Benson, Moyse, Cann OBE, Hockridge, Parker, Yelland, Roberts, Mott

Ward Members: Cllr Leech

Parish Council: Cllr Webber

Officers: Case Officer (GB), Senior Case Manager (KT)

The Members attended the site and the Case Officer outlined the variations that were the subject of the revised application as being additional houses and the redesign of a hammer head on part of the site. The Ward Member shared concerns about the density of housing at the location that was the subject of the variation.

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PLANNING APPLICATION REPORT

Case Officer: Tom French

Parish: Sourton **Ward:** Bridestowe

Application No: 00583/2015

Agent/Applicant:

Exbourne Planning Services
Fenlea
Exbourne
Okehampton
Devon
EX20 3QS

Applicant:

Ms D Winther
Holly Berry
Thorndon Cross
Devon
EX20 4NE

Site Address: Holly Berry, Thorndon Cross, Okehampton, Devon, EX20 4NE

Development: Erection of kennel building and cattery buildings.

Reason for application being presented to the Committee: The application was referred to Committee by Councillors Mott and Hockridge



Recommendation: Conditional approval

Conditions

3 Year time limits

Accordance with plans

Details contained in management plan to be accorded with

Details contained in Noise Assessment Report to be accorded with

Access alterations to be provided prior to use commencing

Commercial use on 1No cattery as indicated only

Only kennel building as shown to be used for housing for dogs

External lighting to be agreed with LPA

Surface water and foul drainage details to be provided in accordance with submitted details

Key issues for consideration:

Proposed use in this location, impact on landscape and nearby occupiers, highways issues, environmental health and ecology

Site Description:

The site is to the north of the A3079 and is land to the west of 'Holly Berry'. It currently comprises pasture land and is well screened by hedging to the road side.

The Proposal:

Erection of kennel building and 2No cattery buildings. The kennel is proposed to be a charity dog kennel for a maximum of 9 dogs and 1No charity cattery. It is proposed to erect a separate cattery in the rear garden area of Holly Berry.

Consultations:

- County Highways Authority:
No objection subject to the inclusion of condition
- Environmental Health Section:
We have reviewed the above application, and feel that the applicant has adequately demonstrated that noise will not be an issue; through good management practices, distance to nearest receiver, and the background noise levels.

As such we do not have comments to make on this application.

- Sourton Parish Council:
Council resolved to object to the application on the grounds of noise impact on the area, residents and existing businesses.
- Ecologist:
The ecology report advises that ecology impacts are limited subject to appropriate design and control of external lighting (i.e. to avoid light spillage onto hedgerows that have potential to be used by protected species).

If minded to approve the application please apply a condition along the following lines:

- Any external lighting shall reflect recommendations for avoiding light spillage (section 5 of Extended Phases 1 Habitat Survey, J G Ecological Services, May 2015) and should first be agreed in writing by the LPA.

- Natural England
No comments to make

Representations:

Representations from Residents

Comments have been received and cover the following planning related points:

- Commercial Kennels would impact on quality of life for residents through noise pollution
- Disturbance to adjacent bridleway
- Tourism businesses would be adversely impacted by kennels
- If animals are contained in soundproofed kennels, how will they be exercised?
- Highway safety issues
- Previous objectors should have been informed of current application
- Application should go before committee
- Site is not remote
- Cattery could be used as more kennels
- Water pollution issues
- Changes to access welcomed

Relevant Planning History

00010/2015 - Erection of charity kennels and cattery and formation of new vehicular access from public highway - Withdrawn

ANALYSIS

Principle of Development/Sustainability:

Policy NE10 states:

Development within the countryside outside settlement limits or not otherwise in accordance with policies or allocations in the Plan will not be permitted unless:

(i) It provides an overriding economic or community benefit and cannot be reasonably located within an existing settlement;

(ii) It does not cause unacceptable harm to the distinctive landscape character of the area and the important natural and made features that contribute to that character including views;

(iii) Where the development is not associated with agriculture the best and most versatile land is only developed if sufficient lower grade land is not available or that available lower grade land has an environmental value that outweighs agricultural considerations.

The application has been submitted with supporting information in respect of the need for the charity facilities. Due to the nature of the use, it would not be appropriate for the 2No cattery's and kennel to be located within a settlement. It is considered that the proposal does not result in unacceptable harm to the distinctive landscape character of the area. The area of agricultural land used is minimal and has been used as pasture land, it therefore does not result in the loss of the best or most versatile land.

Design/Landscape:

The proposed buildings are considered to not be disproportionately large and would not result in harm to the wider landscape character. The site is well screened, thus with the modest height of the buildings, it is considered that the proposal does not harm the wider landscape and the design of the buildings is acceptable.

The land rises to the north, with Ashbury Gold Course being sited to the north east. A public right of way runs approximately 40 metres to the north of the proposed kennel, due to the screening on the site and the screening adjacent to the boundary with the public right of way, it is considered that the kennel building will not be overly prominent and does not harm the wider landscape.

Neighbour Amenity:

The proposed kennel is sited 45 metres to the north of the boundary with the site to the south, which adjoins the A3079. The nearest residential properties are sited approximately 50 metres to the south of Holly Berry. The proposed kennel has been designed so as to minimise potential noise and disturbance. These measures include the layout of the kennels so the dogs cannot see each other, the orientation of the building and its openings as well as the materials used to provide acoustic double glazing and insulated walls. On the basis of the details submitted, the Council's Environmental Health Officer has reviewed the application and detailed Noise Impact Assessment and has offered no objections to the proposals.

It is considered that the use will not have a harmful impact on local tourist businesses.

The proposed exercise area for the dogs is to be sited at the western end of the site, which is sufficiently far from residential properties.

Highways/Access:

The previous application proposed a new access to the A30749, which was unacceptable to the Highway Authority. This application proposes an improvement to the existing access to provide suitable sight lines, this is considered acceptable by Highways. It also provides a benefit of improving forward visibility for all traffic on the approach to a junction and busy lay-by. The Highways Officer concluded that the improvement to the access would suitable offset the modest increase in use at the access and the provision of the improved access can be secured by a condition.

Other Matters:

The surface water drainage is proposed to utilise soakaways and foul waste via a digester plant, these details are acceptable and will be conditioned to be provided. Planning applications are advertised in accordance with the requirements of The Town and Country Planning Act 1990 (as amended). It is considered that the proposal will not adversely affect the use of nearby rights of way and Bridleways.

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

Planning Policy

All standard policies listed (delete where not relevant, add others as relevant, including NPPF):

West Devon Borough Council Core Strategy 2011

SP1 – Sustainable Development

SP15 – Traffic Management

SP16 – Safer Communities

SP17 – Landscape Character

SP19 – Biodiversity
SP20 – Promoting High Quality Design
SP24 – Sustainable Rural Communities

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

NE10 – Development in the Countryside
T9 – The Highway Network

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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West Devon Borough Council **Agenda Item 6**
PLANNING AND LICENSING COMMITTEE 1-Mar-16

Appeals Update from 11-Jan-16 to 19-Feb-16

Ward Bere Ferrers

APPLICATION NUMBER : **01065/2014** APP/Q1153/W /15/3124767
APPELLANT NAME: Mr T Young-Clamoak Farm , Bere Alston , Yelverton , Devon ,
PROPOSAL : Temporary siting of caravan for an agricultural worker.
LOCATION : Clamoak Farm Bere Alston Yelverton Devon PL20 7BU
APPEAL STATUS : Appeal decided
APPEAL START DATE: 30-June-2015
APPEAL DECISION: Dismissed (Refusal)
APPEAL DECISION DATE: 09-February-2016

Ward Buckland Monachorum

APPLICATION NUMBER : **00684/2015** APP/Q1153/D/15/3138044
APPELLANT NAME: Mr G Jones
PROPOSAL : Householder application for complete renewal of roof from existing 30 degree pitch to 40 degree pitch, raising of wall plate height by 350mm, and two storey extension to east end of the rear of the property
LOCATION : Broad Oak Farm Sowton Road Yelverton Devon PL20 6DB
APPEAL STATUS :
APPEAL START DATE: 13-November-2015
APPEAL DECISION: Dismissed (Refusal)
APPEAL DECISION DATE: 18-February-2016

Ward Okehampton North

APPLICATION NUMBER : **01194/2014** APP/Q1153/D/15/3128799
APPELLANT NAME: Mrs A Murphy
PROPOSAL : Householder application for retention of fence measuring 2.6 metres.
LOCATION : 7 Kellands Lane Okehampton Devon EX20 1FQ
APPEAL STATUS : Appeal decided
APPEAL START DATE: 12-November-2015
APPEAL DECISION: Upheld (Conditional approval)
APPEAL DECISION DATE: 17-February-2016

Ward Tamarside

APPLICATION NUMBER : **00167/2015** APP/Q1153/W /15/3130244
APPELLANT NAME: Mr & Mrs Duttson
PROPOSAL : Removal of Condition 2 of planning permission 12361/2008/TAV
LOCATION : Orchard Studio Stowford Lewdown Devon Devon EX20 4BZ
APPEAL STATUS : Appeal decided
APPEAL START DATE: 07-August-2015
APPEAL DECISION: Upheld (Conditional approval)
APPEAL DECISION DATE: 29-January-2016

Ward Tavistock South West

APPLICATION NUMBER : **01276/2014** APP/Q1153/W /15/3051167
APPELLANT NAME: Stonehaven (Healthcare) Ltd
PROPOSAL : Extension at side and rear to form 10 additional bedrooms with ancillary accommodation and covered car spaces. Extension at side to form managers office.
LOCATION : Chollacott Nursing Home 61 Whitchurch Road Tavistock Devon PL19 9BD
APPEAL STATUS : Appeal decided
APPEAL START DATE: 08-September-2015
APPEAL DECISION: Upheld (Conditional approval)
APPEAL DECISION DATE: 26-January-2016

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West Devon Borough Council
PLANNING AND LICENSING COMMITTEE 1-Mar-16

Appeal Hearings/Public Inquiry from 1-Mar-16

Ward Milton Ford

APPLICATION NUMBER : **00452/2015** APP/Q1153/W /3131024
APPELLANT NAME: Mr & Mrs D Bennett-1 Lutyens Fold , Milton Abbot , Devon ,
PROPOSAL : Retrospective permission for alterations to levels and retention of the building as built in association with part use for an internet sales business (93sqm) and part use for a barn/agricultural store (126sqm) together with the regrading and seeding of land around the existing building and removal of the field shelter.
LOCATION : Stables Edgecumbe Road Milton Abbot Devon
APPEAL STATUS : Appeal Lodged
APPEAL START DATE: 08-October-2015
TYPE OF APPEAL **Informal hearing**
DATE OF APPEAL HEARING OR INQUIRY: 14-March-2016
LOCATION OF HEARING/INQ: Chamber 1, Kilworthy Park,
Tavistock
APPEAL DECISION:
APPEAL DECISION DATE:

Ward Tavistock North

APPLICATION NUMBER : **00610/2015** APP/Q1153/W/15/3138936
APPELLANT NAME: 3H Investments Ltd
PROPOSAL : Outline application with access to be determined for residential development of up to 110 units including 40% affordable housing, parking, open space, play space and associated infrastructure.
LOCATION : Land Ne Redmoor Close Land Ne Redmoor Close Butcher Park Hill Tavistock Devon
APPEAL STATUS :
APPEAL START DATE: 09-December-2015
TYPE OF APPEAL **Public inquiry**
DATE OF APPEAL HEARING OR INQUIRY: 14-June-2016
LOCATION OF HEARING/INQ:
APPEAL DECISION:
APPEAL DECISION DATE:

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