

West Devon Planning & Licensing Committee



West Devon
Borough
Council

Title:	Agenda								
Date:	Tuesday, 28th June, 2016								
Time:	10.00 am								
Venue:	Chamber - Kilworthy Park								
Full Members:	<p style="text-align: center;">Chairman Cllr Sanders Vice Chairman Cllr Parker</p> <p><i>Members:</i></p> <table style="margin-left: auto; margin-right: auto;"> <tr> <td>Cllr Baldwin</td> <td>Cllr Mott</td> </tr> <tr> <td>Cllr Benson</td> <td>Cllr Moyse</td> </tr> <tr> <td>Cllr Cann OBE</td> <td>Cllr Pearce</td> </tr> <tr> <td>Cllr Hockridge</td> <td>Cllr Roberts</td> </tr> </table>	Cllr Baldwin	Cllr Mott	Cllr Benson	Cllr Moyse	Cllr Cann OBE	Cllr Pearce	Cllr Hockridge	Cllr Roberts
Cllr Baldwin	Cllr Mott								
Cllr Benson	Cllr Moyse								
Cllr Cann OBE	Cllr Pearce								
Cllr Hockridge	Cllr 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 - 4

Meeting held on 29 March 2016

5. Planning Applications & Enforcement Reports

(a) 0958/16/FUL

5 - 10

Land West of Seaton Way Crapstone

Development of an 80kW solar photovoltaic installation, comprising of 307 solar photovoltaic panels with a rating of 260W each. Panels to be arranged in 7 rows of 22.24 metres long, with the top of the panels having a height of 2.46 metres above ground level. There will be a spacing of 9 metres between the rows and a deer fence enclosing the panels.

For Letters of Representation and further supplementary information select the following link:

<http://www.westdevon.gov.uk/planningdetails?RefType=APPPlanCase&KeyNo=0&KeyText=161012>

(b) 0436/16/COU

11 - 14

Kingswood, Castle Road, Okehampton

Change of use from private garage (C3) to furniture shop (A1)

For Letters of Representation and further supplementary information select the following link:

<http://www.westdevon.gov.uk/planningdetails?RefType=APPPlanCase&KeyNo=0&KeyText=161187>

(c) 1008/16/VAR

15 - 18

Land off Crediton Road, Hillside Drive, Okehampton

Variation of condition 2 (Approved Plans) of planning consent 01324/2014 to allow for a minor material amendment

For Letters of Representation and further supplementary information select the following link:

<http://www.westdevon.gov.uk/planningdetails?RefType=APPPlanCase&KeyNo=0&KeyText=161062>

6. Planning Appeals Update

19 - 22

PART TWO – ITEMS WHICH MAY BE TAKEN IN THE ABSENCE OF THE PUBLIC AND PRESS ON THE GROUNDS THAT EXEMPT INFORMATION MAY BE DISCLOSED (if any).

If any, the Committee is recommended to pass the following resolution:-

RESOLVED that under Section 100(A)(4) of the Local Government Act 1972, the public be excluded from the meeting on the grounds that exempt information is likely to be disclosed as defined in Part I of Schedule 12(A) to the Act.

7. Report the facts regarding the immediate revocation of a driver licence, as authorised by Head of Paid Service

23 - 28

Report the facts regarding the immediate revocation of a driver licence, as authorised by Head of Paid Service

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 **29th** day of **MARCH 2016** at **10.00am**

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

Substitutes: Cllr J Sheldon for Cllr G Parker

Lead Specialist - Development Management (PW)
Specialists (TF, JK)
Highways Authority Representative (PT)
Solicitor (SN)
Senior Case Manager (KT)

In attendance: Cllrs J Evans, A Leech, J Moody, R F D Sampson, P R Sanders

***P&L 58**

APOLOGIES

Apologies were received from Cllr G Parker for whom Cllr J Sheldon acted as substitute.

***P&L 59**

DECLARATION OF INTEREST

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

Cllr C Mott declared a personal interest in application 00583/2015: Erection of kennel building and cattery buildings, by virtue of knowing one of the objectors. She remained in the meeting and took part in the debate and vote;

Cllr L J G Hockridge declared a personal interest in application 00583/2015: Erection of kennel building and cattery buildings, by virtue of being the Chairman of the local Parish Council and receiving a number of representations on this application. He remained in the meeting and took part in the debate and vote;

Cllr D E Moyse declared a personal interest in application 00583/2015: Erection of kennel building and cattery buildings, by virtue of one of the speakers being known to her. She remained in the meeting and took part in the debate and vote;

Cllr M E Benson declared a personal interest in application 00583/2015: Erection of kennel building and cattery buildings, by virtue of knowing one of the objectors. He remained in the meeting and took part in the debate and vote;

Cllr T G Pearce declared a personal interest in application 00583/2015 Erection of kennel building and cattery buildings, by virtue of being a Member of the Devon Building Control Partnership. He remained in the meeting and took part in the debate and vote.

***P&L 60 CONFIRMATION OF MINUTES**

The Minutes of the Planning and Licensing Committee Meeting held on 1 March 2016 (page 1 to the Agenda), were confirmed and signed by the Chairman as a correct record.

***P&L 61 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 reports and summarised below, and **RESOLVED**:

Application No: 00583/2015 Ward: Bridestowe

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

Erection of kennel building and cattery buildings

Speakers included: Objector – Mr Richard Leonard; Supporter – Mr Ian Little; Ward Members – Cllr C Mott and Cllr J Hockridge

RECOMMENDATION: Conditional Approval

In presenting his report, the Case Officer showed a number of photographs and related these to the site inspection that Members undertook. In response to a number of concerns regarding highways safety, the representative from Devon Highways Authority outlined how the proposal would improve visibility at this location and also forward visibility on the approach to the junction. The Environmental Health specialist explained that the charity kennels would be set up by the owner, and the dogs would be in the applicant's ownership. The application was for kennels for 9 dogs, and as a resident the owner would be allowed to have 6 dogs. In speaking, the agent confirmed that the proposal was expected to create 4 jobs, including the owner. It was also noted that students would benefit from the proposal as the applicant was an NVQ assessor who would use the site to create student placements.

During debate, a number of concerns were expressed in relation to the amenity of the nearby residents. Concerns were also expressed in relation to the nearby golf course and users of the public bridleway, all of whom could be affected by the noise of barking dogs.

COMMITTEE DECISION: Refusal

Reasons

The proposal represents an un-necessary intrusion into open countryside and the economic and community benefit of the proposal does not outweigh the harm caused to the amenity of nearby residents and the wider countryside by nature of adverse noise generation from the proposed development that will have a detrimental impact for nearby residents upon the quiet and peaceful enjoyment of their homes and gardens. Furthermore the development will have an adverse impact upon the ability of other recreational users to enjoy peaceful recreation in this area of the Countryside, in particular using the nearby public right of way and golf course. The development would therefore be contrary to policies BE17; NE10 and ED16 of the West Devon Local Plan Review.

P&L 62 PLANNING SCHEME OF DELEGATION

The Committee were presented with a report that sought approval of a revised Scheme of Delegation. The Chairman asked that thanks be noted to Cllrs Parker and Pearce, who, as Members of the Working Group, had worked with officers and South Hams District Council Members to produce the scheme being presented today.

During discussion on the scheme, a number of minor revisions were requested and agreed. The revisions would be made to the document prior to presentation at the next full Council meeting on 5 April 2016.

There was some debate around whether non Ward Members could call in an application. Whilst it was agreed that they could, it was also noted that this should be with the full knowledge of the Ward Member. The document would be amended accordingly.

Finally, the Leader suggested that the Committee may like to consider an addition so that Members could defer an application once a decision had been made contrary to officer recommendation, to enable officers to come up with precise wording for the decision notice. Whilst he did not wish to prevent approval of the document today, he and other Members felt this suggestion worth consideration at a later date.

It was then:

RESOLVED to RECOMMEND to Council that:

1. The revised Planning Scheme of Delegation as presented at Appendix A of the report, and with amendments as suggested by the Committee, be adopted; and
2. Authority to make any minor amendments prior to adoption be delegated to the Community of Practice lead Specialist Development Management, in consultation with the Chairman and Vice Chairman of P&L Committee.

***P&L 63 PLANNING APPEALS UPDATE**

The Committee received and noted the updated list of Planning Appeals including enforcement appeals.

(The Meeting terminated at 12.20 pm)

Dated this

Chairman

PLANNING APPLICATION REPORT

Case Officer: Matthew Jones

Parish: Buckland Monachorum

Ward: Buckland Monachorum

Application No: 0958/16/FUL

Agent/Applicant:

Tamar Energy Community
Rock View
2 Devon Consols
Tavistock
PL19 8PB

Applicant:

Buckland Monachorum Parish Council
Gulls Cry
Courtenay Road
PL19 0EE

Site Address: Land West of Seaton Way, Crapstone, Yelverton, PL20 7UZ

Development: Development of an 80kW solar photovoltaic installation, comprising of 307 solar photovoltaic panels with a rating of 260W each. Panels to be arranged in 7 rows of 22.24 metres long, with the top of the panels having a height of 2.46 metres above ground level. There will be a spacing of 9 metres between the rows and a deer fence enclosing the panels.

Reason item is being put before Committee: The ward member has requested that this application be taken to Planning Committee due to concerns regarding the impact of the proposed development on the environment



Recommendation: Conditional approval

Conditions:

Time

Accord with Plans

Landscape plan for augmentation of boundary treatments prior to commencement

Means of enclosure specification prior to commencement of development

Drainage specification prior to commencement of development

Noise insulation specification for switch room prior to commencement

No external lighting unless otherwise agreed

Wildflower meadow specification prior to commencement

25 years temporary use, removal of works following 25 year period

Key issues for consideration:

The main issues are the benefits of providing renewable energy, the visual impact of the proposal, any impact on the integrity of adjacent recreational uses, contaminated land and drainage.

Site Description:

The site is within the Crapstone Development Boundary and is not designated, within the Local Plan, as an important public open space.

The site is currently long grass and appears to be used informally for the keeping of horses. It is unlikely that it is currently used for community recreation. There is also a utilitarian structure probably associated with the former Royal Navy use of the land. Submitted plans show that a number of RN structures have been removed from the land.

There was an application for change of use to leisure in 1992 but it is not clear if the specific land within the site boundary was ever physically changed to achieve this, or, if it was, one could also speculate that its use as a paddock has subsequently changed the use of the land back to agriculture. In any case, the land is currently unkempt and not currently fit for purpose as a public amenity space.

The site is within the Tamar Valley Area of Outstanding Natural Beauty.

The Proposal:

Planning permission is sought for the development of an 80kW solar photovoltaic installation, comprising of 307 solar photovoltaic panels with a rating of 260W each.

The panels are to be arranged in 7 rows of 22.24 metres long, with the top of the panels having a height of 2.46 metres above ground level. There will be a spacing of 9 metres between the rows and a deer fence enclosing the panels.

Consultations:

- County Highways Authority

No objection

- Tamar Valley AONB

No objection

- The National Trust

No objection subject to condition requiring reinforcement of boundary treatments

Representations

21 letters of representation have been received at the time of writing this report, 19 objecting to the scheme, one not committing either way and one letter in support. Concerns raised within the submitted letters of objection are summarised as follows:

- The site notices have not been posted properly
- The applicant has circulated a misleading letter, and has not costed the community properly
- The keeping of horses is more financially viable
- The land is contaminated
- Could cause a safety hazard to the children
- The site is within the AONB
- Will be unsightly causing industrialisation of village
- Will affect private views and property values
- Will be visible from PRowS, particularly during winter months
- Will prevent and prejudice recreational use of land
- Has an ecological survey taken place?
- Will increase drainage issues
- The land should be used as a BMX circuit

Comments made in support of the proposal are as follows:

- Will generate equivalent energy to power 25 homes
- The community will benefit financially
- A fence will protect the children
- A wildflower meadow could be planted
- The site will not be visible from the wider AONB

Relevant Planning History

RN/3/32/1099/1997/98 – Royal Navy Storage Facility– Renewal of change of use to sport and leisure
– Conditional approval

Analysis

Principle of Development

The site is within the Development Boundary for the village.

There is a strong presumption within planning policy at the national level and the local level for the support of renewable energy schemes, particularly those which are community led, as is the case here. The Framework also specifies that even small scale installations can make a valuable contribution to the provision of renewable energy.

Effect on recreational land

The comments made regarding the loss of recreational land are noted. However, the site is currently formed of what appears to be land informally used for the keeping of horses or otherwise left as scrub land. The grass is long and dense and precludes any sustained recreational use. Therefore, the proposal will not lead to the loss of currently useable public recreational land.

Even if the land was considered to be contributing to recreational facilities for the village, its loss would not be so significant as to warrant an objection; the remaining recreational land is considered to be appropriate in size to serve the community.

Officers would also question the appropriateness of using this land for recreation, owing to its current state and land contamination issues which have been raised by some third parties.

It is important, however, that the existing, adjacent recreational use is protected. This can be achieved by the imposition of a planning condition requiring additional detail regarding the specification for the means of enclosure, to ensure errant footballs will not commonly fly onto the site, and to prevent encroachment onto the site by a child or any third party who may wish to retrieve a football.

Visual impact within the AONB

The proposed array is on land which is very well screened from wider view. If glimpsed through the not insignificant trees and vegetation surrounding the site, the panels will appear immediately within the setting of the modern housing estate around Seaton Way.

However, third parties are correct to raise views from the nearby PRow as a potential issue during the winter months, and therefore it is considered reasonable to impose a condition requiring a landscape plan showing the augmentation of existing boundary treatments, where necessary, prior to the commencement of development.

Although it will be visible in its immediate context, this is in an area which is very contained and is overtly domestic, with the housing, football field and play park, and also includes a utilitarian building which is a remnant of the heavily developed former use of the site as a storage facility for the Royal Navy.

Overall, the placement of panels onto this land will not harm the character and appearance of the Tamar Valley AONB. The AONB unit is not objecting to this proposal, nor are the Council's landscape officers.

Neighbour Impact

Due to the orientation of the panels southwards and the distance from neighbouring dwellings the proposal is not considered to render a harmful impact on residential amenity. In addition, the switch room will be located within an existing building which can be insulated to prevent unacceptable noise, and this can be secured through condition. No external lighting is proposed, and a condition is reasonably imposed restricting any in the future, unless otherwise agreed in writing.

Land contamination and drainage

This is an appropriate style of development for land with contamination issues, as the panels are simply pinned to the land with minimal intrusion, and the use prohibits a more sensitive land use, such as residential or recreational.

The panels will minimally increase the speed of surface water runoff. However, the surrounding land is within the control of the applicant and a proportionately sized SuDS can be easily achieved, and the specification for the controlling of surface water runoff can be secured by way of planning condition.

Ecology

The application is accompanied by a wildlife trigger table which is considered by officers to be proportionate to the scale and impact of the development. The panels are simply pinned to the land and do not themselves present any significant threat to ecology, certainly no greater than simply clearing or mowing the land, which can be carried out without planning consent.

In addition, the submission suggests the planting of a wildflower meadow which will mimic or better the ecological contribution of the current long grass, and this detail can be secured through planning condition.

Other matters

The Local Planning Authority has correctly and fully discharged its obligation to advertise the application to the public and statutory consultees.

The consistency or completeness of any consultation exercise separately undertaken by the applicant is not a matter for the Local Planning Authority.

The potential effect of this scheme on private views and property values is not a material planning consideration.

Highways infrastructure is adequate to construct and to serve the development. The highways officer is not objecting.

Conclusion

This is, relatively speaking, an extremely small solar installation proposed in a discreet and well-chosen location where it will have a neutral impact on the landscape and wider AONB designation. Concerns regarding other issues, such as drainage, can be satisfactorily resolved by way of planning condition.

Overall, the very small scale environmental harm associated with the visual impact of the proposal within its immediate context is outweighed by the social, economic and environmental benefit of its associated renewable energy production.

This application is therefore recommended for approval subject to appropriate conditions.

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

Planning Policy

West Devon Borough Council Core Strategy 2011

SP1 – Sustainable Development
SP3 – Renewable Energy
SP4 – Infrastructure Provision
SP5 – Spatial Strategy
SP13 – Community Services and Facilities
SP17 – Landscape Character
SP18 – The Heritage and Historical Character of West Devon
SP19 – Biodiversity
SP20 – Promoting High Quality Design
SP21 – Flooding
SP24 – Sustainable Rural Communities

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

NE10 – Protection of the Countryside and Other Open Spaces
BE1 – Conservation Areas
BE2 – Conservation Areas

BE3 – Listed Buildings
BE4 – Features and Artefacts of Local Importance
BE5 – Important Open Space within Settlements
BE13 – Landscaping and Boundary Treatment
BE19 – Development on Contaminated Land
H26 – Open Space Provision in New Residential Developments
PS2 – Sustainable Urban Drainage Systems
PS9 – Transmission and Distribution of Electricity

Considerations under Human Rights Act 1998 and Equalities Act 2010

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

PLANNING APPLICATION REPORT

Case Officer: Matthew Jones

Parish: Okehampton **Ward:** Okehampton South

Application No: 0436/16/COU

Agent/Applicant:

Miss Monika Pieprzyk

The Lodge

Castle Road

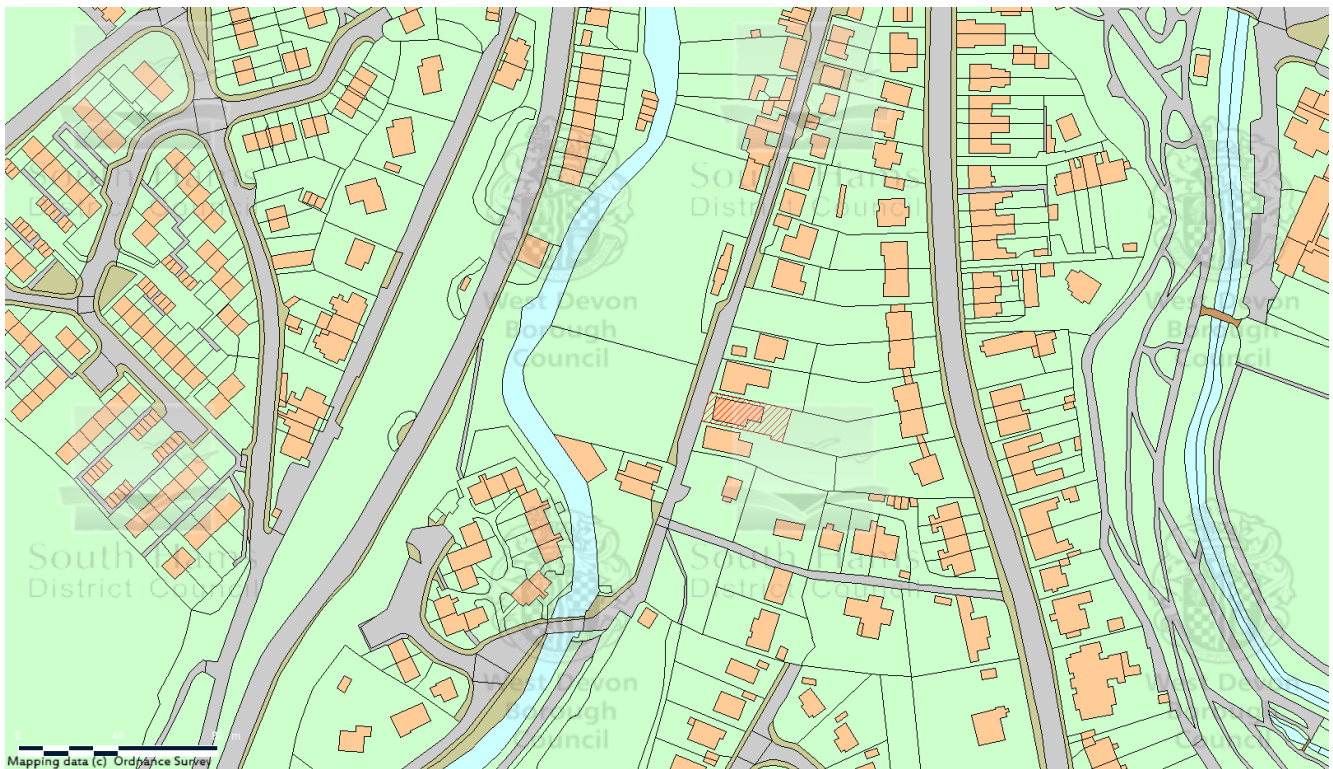
Okehampton

EX20 1HZ

Site Address: Kingswood, Castle Road, Okehampton, Devon, EX20 1HX

Development: Change of use from private garage (C3) to furniture shop (A1)

Reason item is being put before Committee: The ward members have requested that this application is taken to planning Committee due to concerns regarding highways safety and the impact of the development on highways infrastructure



Recommendation: Conditional approval

Conditions:

Time
Accord with Plans
Parking retained for customer parking
Restrict to furniture shop only
Restricted opening hours

Key issues for consideration:

The main issues are access, parking, the impact of the proposal on the amenity of neighbouring properties, the impact of the proposal on the retail vitality of Okehampton shopping area and any impact on the character and appearance of Okehampton Conservation Area.

Site Description:

The application site is a detached dwelling over three floors. The ground floor provides pedestrian access and has an integrated garage and store, with the garage fronted by two narrow garage doors. Access is from Castle Road to the west, via a front parking area. The residential curtilage of neighbouring dwellings is to the north and the south. The majority of properties have parking integrated in this way. There is limited on street parking and double yellow lines restrict vehicle parking.

The site is within the Okehampton Development Boundary and within the town's Conservation Area. The planning application has been correctly advertised, including by the posting of site notices at the site.

The Proposal:

Planning permission is sought for the Change of Use of the garage and store of the dwelling into a retail unit. No physical alterations are proposed.

Consultations:

- County Highways Authority

No objection (detailed comments within file)

- Environmental Health Section

No objection subject to condition restricting opening hours: *'I believe it would be pertinent to attach a condition to restrict opening hours of the shop to 08:00 – 18:00 Monday – Saturday, with no opening on Sundays or Bank Holidays. This being in order to protect neighbouring residential amenity'*

- Okehampton Town Council

Objection – due to impact on neighbouring dwellings, access, congestion and potential road blockages

Representations:

2 letters of representation have been received at the time of writing this report. Comments made within the submitted letters are summarised as follows:

- Will increase traffic and therefore challenge highways safety
- No notice have been posted at the site
- The road could be blocked blocking access for emergency vehicles
- Location not suitable for a business

Relevant Planning History

None

Analysis

Principle of Development

Local planning policy seeks to promote retail uses within Town Centres and requires applicants to consider more favourable, centrally located sites sequentially in order to justify a new unit outside of the local centre.

Okehampton does not have a zoned town centre designated within the current Development Plan, although, the primary frontages are identified in the area in and around Fore Street. The Post Office is approximately 240m from the site which clearly provides a community function and it, and the area surrounding it, is considered to be within the Town Centre

The applicant has not provided a sequential assessment of alternative sites. However, officers have undertaken research which identifies that there are not proportionally similar retail units currently available to let within the town centre. Officers are also not aware of a second hand furniture shop within Okehampton.

Overall, although this site can most sensibly be argued to be outside of the Town Centre, it is very close by and within easy waking distance. This close proximity, the relatively diminutive size of the unit, and the absence of a proportionate and available alternative in a more central location leads officers, on balance, to conclude that the proposed unit will not negatively impact the retail vitality of Okehampton Town Centre

Access and Parking

The application site is in a sustainable location with regard to access to services, being easy walking distance to the range of services and transport options available in the town. The Council does not prescribe minimal parking requirements and for these reasons the loss of the parking serving the dwelling is not considered to be unacceptable. It is also important to note that the garage is accessed via two extremely narrow doors, which effectively render the garage unusable, meaning that the only parking the dwelling relies on, in reality, is the parking apron to the front.

This area would now become a space allowing a customer or the operator to load and unload a vehicle. Furthermore, the applicant lives next door which means that the entire parking area in front of these two properties and a car port are all available to serve the two dwellings and the shop. Overall, this larger parking area is considered to allow the off street parking for a car for each property and a space for the shop. For these reasons and for those given in the response from the highways officer, officers conclude that the parking and access arrangements are satisfactory.

The comments raised by third parties and the Town Council are noted. However, the blocking of a highway is an offence under separate legislation and the locality already benefits from waiting restrictions which should prevent inappropriate parking and ensure access for emergency vehicles.

Neighbour Impact

Policy supports new commercial uses within residential areas unless the proposal would lead to *'Significant adverse harm to the character of the area or to the amenities of adjoining properties.'* The affected properties are those on both sides and the dwelling above the shop. The neighbour to the north, in particular, has a balcony close to the proposed shop.

Although the provision of a shop in this location will have an impact on neighbour amenity, officers have the ability to impose a condition restricting opening hours. With this in mind, officers can conclude that the impact will be acceptable. The opening hours suggested by officers are 08:00 – 18:00 Monday – Saturday, with no opening on Sundays or Bank Holidays.

A different type of shop, such as a pet shop, could have an entirely different impact on neighbour amenity and it is therefore reasonable to impose a condition restricting the use specifically to a furniture shop.

Conservation Area

This proposal includes no operational development and the provision of a shop within this location will not harm the character or appearance of the Conservation Area.

Conclusion

The comments made by the Town Council and by interested third parties are considered within the above analysis. For the reasons outlined above this application is considered acceptable. The application is therefore recommended for approval subject to conditions.

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

West Devon Borough Council Core Strategy 2011

SP1 – Sustainable Development
SP5 – Spatial Strategy
SP10 – Supporting the Growth of the Economy
SP 12 – Retailing
SP18 – The Heritage and Historical Character of West Devon
SP20 – Promoting High Quality Design

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

BE1 – Conservation Areas
H41 – Business Use in Residential Areas
R1 – Core Shopping Frontage
T1 – Walking and Cycling
T2 – Pedestrian and Cyclist Safety
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.

PLANNING APPLICATION REPORT

Case Officer: Tom French

Parish: Okehampton Hamlets **Ward:** Okehampton North

Application No: 1008/16/VAR

Agent/Applicant:

Mr Ben Warren
5 Church Street
Stoke
Plymouth
PL3 6DT

Applicant:

Ms Donna Johnson
Eastbridge House
Rooksbridge
BS26 2TN

Site Address: Land Off Crediton Road, Hillside Drive, Okehampton, EX20 1UN

Development: Variation of condition 2 (Approved Plans) of planning consent 01324/2014 to allow for a minor material amendment

Reason item is being put before Committee: Referred by Cllr Leech due to concerns over compliance issues on the site and the impact on the Devon hedgebank, which is sited between the application site and Kellands Lane to the south



Recommendation: Conditional approval subject to deed of variation of the Section 106 Agreement

Conditions:

1. Development in Accordance with Approved Plans
2. Materials to be in accordance with approved details
3. Parking spaces to be provided prior to first occupation.
4. Surface water design and maintenance and management for drainage to be submitted
5. Unexpected contaminated land
6. Removal of PD rights (Classes A-E)
7. No new windows - the north-eastern or south-western side elevations of the proposed dwellings
8. Obscure glazing – first floor side windows to semi-detached dwellings and first floor bathroom window to front of detached dwelling.
9. Development to be in accordance with approved Construction Management Plan.
10. Devon hedgebank retained

Advice notes:

1. Requirement for adherence to Section 106 agreement

Key issues for consideration:

The principal of the development has been established through the approval of application 01324/2014, which was for the erection of 3 No affordable dwellings, a pair of semi-detached dwellings at the northern end of the site, which have been substantially completed and a detached dwelling at the southern end of the site. This application seeks to amend the detached dwelling therefore the considerations are the impact of this proposed change on;

- Impact on character of surrounding area;
- Impact on amenities of neighbouring occupiers;

Site Description:

The application site is located immediately to the west of nos. 26 and 25 Hillside Drive and to the east of nos. 18 and 20 Long Barton Avenue. The application site is located within a recently constructed residential estate and surrounded to the north, west and eastern sides by two storey dwellings

The Proposal:

This applications seeks to vary the approved plans by raising the detached dwelling by 0.7 metres. This would result in the detached dwelling being 0.2 metres higher than the adjacent dwelling No 25 Hillside Drive

Consultations:

- County Highways Authority: No objection
- Okehampton Hamlets Parish Council: Councillors resolved to object to this application. They felt it would have a detrimental effect on neighbouring properties particularly those to the south. They are concerned that a retaining wall has already been built which appears to have not been included in the approved plans.
In view of the fact that there are known outstanding issues with the other two properties being built, they would like to see this application and those issues considered together in order a complete picture is considered as a whole.

Representations:

1 Letter of objection has been received

With regards to the building of 3 houses to the rear of my garden in Kellands Lane my husband and I would like to strongly object to any further removal and preferably replacement of plants in the Devon hedge at the end of our garden as we have already lost considerable privacy to an ancient hedge which we have been told by Aster Homes/Linden Homes should be protected and has dormice living in it.

We also object to houses any further towards our boundary or any higher than planned as we also feel this would cause privacy issues

Relevant Planning History

01324/2014 - Erection of 3 dwellinghouses with associated access and parking – Conditional approval

ANALYSIS

The italicised text below is the assessment of planning application 01324/2014 in relation to the detached dwelling which this application seeks to amend. The siting and design of the proposed dwelling remains unchanged. The modest increase in height does not result in the dwelling being overly dominant in the street scene. The distance between the proposed dwelling and the dwellings to the south in Kellands Lane remain unchanged, the dwelling will be marginally higher than the adjacent dwelling No 25 Hillside Drive and therefore the potential for mutual overlooking between the dwellings of Hillside Drive and Kellands Lane remains the same and is acceptable.

The proposed detached dwelling would be set behind the rear building line of no. 18 Long Barton Avenue, although to the side and therefore views between the two properties would be at an oblique angle. In addition, the first floor window proposed to the side of the detached property closest to Barton Avenue would serve a bathroom. On this basis, it is considered reasonable to condition that this remains obscure glazed, to limit overlooking to neighbouring properties. In addition, the relationship of the proposed detached dwelling and the existing properties to Barton Avenue is not unusual in the surrounding development.

The existing and proposed site plans show the retention of the Devon hedge bank at the rear, it is proposed to impose a condition requiring its retention in the interests of biodiversity.

This application does not proposed any changes to the 2no dwellings approved at the northern end of the site.

There are no retaining walls shown on the proposed plans, the applicants have indicated that the raising of the dwelling is proposed in order to remove the need for retaining walls to be constructed on the boundaries.

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):

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
SP5 – Spatial Strategy
SP6 – Density of Housing Development
SP20 – Promoting High Quality Design
SP22 – Okehampton

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

BE13 – Landscaping and Boundary Treatment
BE19 – Development on Contaminated Land
H28 – Settlements with Defined Limits
T8 – Car Parking
PS2 – Surface Water Run-off
PS3 – Sewage Disposal

National Planning Policy Framework (2012):

Paras. 49 and 56

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.

West Devon Borough Council **Agenda Item 6**
PLANNING AND LICENSING COMMITTEE 28-Jun-16
Appeals Update from 17-Mar-16 to 17-Jun-16

Ward Bere Ferrers

APPLICATION NUMBER : **2589/15/HHO** APP/Q1153/D/16/3147148
APPELLANT NAME: Mr I McAuliffe
PROPOSAL : Retrospective application for raised decking
LOCATION : 51 Broad Park Road, Bere Alston, Devon, PL20 7DT
APPEAL STATUS : Appeal Lodged
APPEAL START DATE: 01-April-2016
APPEAL DECISION:
APPEAL DECISION DATE:

Ward Bridestowe

APPLICATION NUMBER : **00583/2015** APP/Q1153/W/16/3149586
APPELLANT NAME: Ms D Winther
PROPOSAL : Erection of kennel building and cattery buildings.
LOCATION : Holly Berry, Thorndon Cross, Okehampton, Devon, EX20 4NE
APPEAL STATUS : Appeal Lodged
APPEAL START DATE: 12-May-2016
APPEAL DECISION:
APPEAL DECISION DATE:

Ward Buckland Monachorum

APPLICATION NUMBER : **00727/2015** APP/Q1153/W/16/3145211
APPELLANT NAME: Mr & Mrs S Taylor
PROPOSAL : Outline planning application proposing the erection of 3 dwellings with means of access and layout to be considered.
LOCATION : Land At Axtown Farm, Green Lane, Yelverton Devon
APPEAL STATUS : Appeal Lodged
APPEAL START DATE: 31-March-2016
APPEAL DECISION:
APPEAL DECISION DATE:

APPLICATION NUMBER : **2845/15/OPA** APP/Q1153/W/16/3147720
APPELLANT NAME: Mr P Jones
PROPOSAL : Outline application (all matters reserved) for the erection of new dwelling and garage (resubmission of 00905/2015)
LOCATION : Fratton Golf Links Road Yelverton Devon PL20 6BN
APPEAL STATUS : Appeal Lodged
APPEAL START DATE: 15-April-2016
APPEAL DECISION:
APPEAL DECISION DATE:

Ward Drewsteignton

APPLICATION NUMBER : **00054/2015** APP/Q1153/W/15/3135821
APPELLANT NAME: Powerhawk Limited
PROPOSAL : Erection of a single wind turbine with maximum blade tip height of 67m, formation of new vehicular access track and associated infrastructure.
LOCATION : Land At Ngr Sx698988, Spreyton Devon Devon
APPEAL STATUS : Appeal Lodged
APPEAL START DATE: 11-April-2016
APPEAL DECISION:
APPEAL DECISION DATE:

Ward Hatherleigh

APPLICATION NUMBER : **01104/2015** APP/Q1153/W/16/3143483
APPELLANT NAME: Mr D McCulloch
PROPOSAL : Notification for prior approval for a proposed change of use of agricultural building to

LOCATION : dwellinghouse Class C3
Oak Hill Church Road Highampton. EX21 5LF
APPEAL STATUS : Appeal decided
APPEAL START DATE: 13-April-2016

APPEAL DECISION: Dismissed (Refusal)
APPEAL DECISION DATE: 14-June-2016

Ward Mary Tavy

APPLICATION NUMBER : **WDE/00001/2015** APP/Q1153/C/16/3149564
APPELLANT NAME: Mr J Henry
PROPOSAL : Operational Development for the installation of a pre-fabricated garage
LOCATION : West Liddaton Farm, Coryton, Okehampton, Devon, EX20 4AD
APPEAL STATUS : Appeal Lodged
APPEAL START DATE: 03-June-2016
APPEAL DECISION:
APPEAL DECISION DATE:

APPLICATION NUMBER : **WDE/00001a/2015** APP/Q1153/C/16/3149560
APPELLANT NAME: Mr J Henry
PROPOSAL : A material change of use of the Land without planning permission from Agricultural (Sui Generis) to Residential Garden (C3) (the 'Development')
LOCATION : West Liddaton Farm, Coryton, Okehampton, Devon, EX20 4AD
APPEAL STATUS : Appeal Lodged
APPEAL START DATE: 03-June-2016
APPEAL DECISION:
APPEAL DECISION DATE:

Ward Milton Ford

APPLICATION NUMBER : **01013/2014** APP/Q1153/W /15/3039116
APPELLANT NAME: Murex Energy Ltd
PROPOSAL : Erection of a wind turbine (estimated output of 500kw) with 50m maximum hub height and maximum tip height of 77m, formation of vehicular access track and associated infrastructure.
LOCATION : Land At Sx409 802, Milton Abbot Devon Devon
APPEAL STATUS : Appeal decided
APPEAL START DATE: 14-July-2015
APPEAL DECISION: Dismissed (Refusal)
APPEAL DECISION DATE: 06-June-2016

Ward Okehampton North

APPLICATION NUMBER : **0150/16/VPO** APP/Q1153/S/16/3146934
APPELLANT NAME: Leander Developments Ltd
PROPOSAL : Application under section 106BA
LOCATION : Land Adjacent To Baldwin Drive, Radford Way, Okehampton, Devon
APPEAL STATUS : Appeal Lodged
APPEAL START DATE: 24-March-2016
APPEAL DECISION:
APPEAL DECISION DATE:

Ward Tamarside

APPLICATION NUMBER : **00336/2015** APP/Q1153/W/15/3136884
APPELLANT NAME: Murex Energy
PROPOSAL : Erection of a single wind turbine with a maximum blade tip height of 67m, formation of new vehicular access track and associated infrastructure.
LOCATION : Land At Ridgecombe Farm, Lifton, Devon, PL16 0HD
APPEAL STATUS : Appeal decided
APPEAL START DATE: 16-November-2015
APPEAL DECISION: Dismissed (Refusal)
APPEAL DECISION DATE: 12-April-2016

Ward Tavistock North

APPLICATION NUMBER : **00398/2015** APP/Q1153/W/15/3141065
APPELLANT NAME: Mr B Gurney
PROPOSAL : Removal of condition 2 of planning permission 7119/2005/TAV to allow the building to be used as a separate dwelling.
LOCATION : Coach House, 3 Watts Road, Tavistock, Devon, PL19 8LF
APPEAL STATUS : Appeal decided
APPEAL START DATE: 30-December-2015
APPEAL DECISION: Dismissed (Refusal)
APPEAL DECISION DATE: 02-June-2016

APPLICATION NUMBER : **00812/2015** APP/Q1153/W/16/3147322
APPELLANT NAME: Fado Ltd
PROPOSAL : Prior approval for proposed change of use of agricultural barn to dwellinghouse (Class C3)
LOCATION : Barn At Higher Wilminstone Farm, Wilminstone, Devon, PL19 0JT
APPEAL STATUS : Appeal Lodged
APPEAL START DATE: 12-April-2016

APPEAL DECISION:

APPEAL DECISION DATE:

Ward Tavistock South East

APPLICATION NUMBER : **01186/2015** APP/Q1153/W/16/3146685
APPELLANT NAME: Mr M Beveridge
PROPOSAL : Erection of detached dwelling with integral garage and alterations to access (resubmission of 00726/2015)
LOCATION : Little Church Park, Whitchurch, Tavistock, Devon, PL19 9EL
APPEAL STATUS : Appeal Lodged
APPEAL START DATE: 06-April-2016

APPEAL DECISION:

APPEAL DECISION DATE:

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By virtue of paragraph(s) 1 of Part 1 of Schedule 12A
of the Local Government Act 1972.

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