

West Devon Development Management and Licensing Committee



West Devon
Borough
Council

Title:	Agenda
Date:	Tuesday, 30th May, 2017
Time:	10.00 am
Venue:	Chamber - Kilworthy Park
Full Members:	<p style="text-align: center;">Chairman Vice Chairman</p> <p><i>Members:</i></p>
Interests – Declaration and Restriction on Participation:	<p>Members are reminded of their responsibility to declare any disclosable pecuniary interest not entered in the Authority's register or local non pecuniary interest which they have in any item of business on the agenda (subject to the exception for sensitive information) and to leave the meeting prior to discussion and voting on an item in which they have a disclosable pecuniary interest.</p>
Committee administrator:	Kathy Trant Specialist - Democratic Services 01803 861185

1. Apologies for Absence

2. Declarations of Interest

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

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

3. Items Requiring Urgent Attention

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

4. Confirmation of Minutes 1 - 4

Meeting held on 24 April 2017

5. Planning Performance Indicators 5 - 10

6. Planning Applications 11 - 12

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

(a) 4005/16/FUL 13 - 28

**Land Adjacent To Yelverton Business Park, Crapstone
Three business units, 960sqm (1x384sqm 2x288sqm
(576sqm) Use Class B1(c) light industrial / Use Class B2
(general industrial) / Use Class B8 Storage & Distribution),
together with associated access, parking and landscaping.**

(b) 4006/16/FUL

29 - 40

Land Adjacent To Yelverton Business Park, Crapstone Meeting hall (152sqm – for Plymouth Brethren Christian Church) and associated access parking and landscaping.

(c) 4059/16/VAR

41 - 54

Land North Of Crediton Road, Okehampton Variation of conditions 3 (approved plans) and 21 (to allow phase 1 to start from joint school access and provision of roundabout as part of phase 2) following grant of planning consent 01089/2013

7. Planning Appeals Update

55 - 58

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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 **MONDAY** the **24th** day of **APRIL 2017** at **10.00am**

Present: Cllr P R Sanders – Chairman

Cllr R E Baldwin

Cllr C Mott

Cllr D E Moyse

Cllr T G Pearce

Cllr A Roberts

Cllr J Yelland

COP Lead Development Management (PW)

Solicitor (SN)

Specialist Development Management (TF)

COP Lead Environmental Health (IL)

Case Manager Licensing (TOK)

Specialist Democratic Services (KT)

In attendance: Cllr T F Leech

***P&L 63 APOLOGIES FOR ABSENCE**

Apologies were received from Cllrs Parker, Cann OBE and Hockridge.

***P&L 64 DECLARATION OF INTEREST**

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

Cllrs Moyse, Roberts and Pearce all declared a personal interest in agenda item 5 (Minute *P&L 67 below refers) by virtue of knowing or having known the applicant. They remained in the meeting and took part in the debate and vote thereon;

Cllr Sanders declared a personal interest in agenda item 5 (Minute *P&L 67 below refers) by virtue of knowing the author and her husband of a reference presented to Committee in support of the applicant. He remained in the meeting and took part in the debate and vote thereon;

Cllr Yelland declared a personal interest in agenda item 5 (Minute *P&L 67 below refers) following reference to the Citizens Advice Bureau during the debate, by virtue of being a member of the Citizens Advice Bureau. She remained in the meeting for the remainder of the debate and took part in the debate and vote thereon.

***P&L 65 CONFIRMATION OF MINUTES**

The Minutes of the Planning and Licensing Committee Meeting held on 7th March 2017 were confirmed and signed by the Chairman as a correct record.

***P&L 66 EXCLUSION OF PUBLIC AND PRESS**

RESOLVED

That in accordance with Section 100(A)(4) of the Local Government Act 1972, the public and press be excluded from the meeting during consideration of the following items of business as the likely disclosure of exempt information as defined in paragraph 1 of Schedule 12A to the Act is involved.

***P&L 67 DETERMINATION OF WHETHER TO REVOKE, SUSPEND OR REFUSE TO RENEW A HACKNEY CARRIAGE AND PRIVATE HIRE DRIVER LICENCE, IN EFFECT TO DETERMINE WHETHER THE LICENSEE REMAINS A FIT AND PROPER PERSON IN LIGHT OF COMPLAINTS MADE BY CUSTOMERS OF THE DRIVER.**

Consideration was given to an exempt report which sought to determine whether a licensee remained a 'fit and proper' person to hold a Hackney Carriage Driver Licence with this Authority in accordance with section 61 of the Local Government (Miscellaneous Provisions) Act 1976.

The Licensing Case Manager introduced the report. The Licensee was in attendance at the meeting and given the opportunity to address the Committee. Some Members asked questions of the Licensee and the Licensing Case Manager.

(At this point, the Chairman adjourned the meeting to enable the Committee to make a decision. The Solicitor remained in the meeting in an advisory capacity).

The Decision

The meeting reconvened and the Chairman then proceeded to announce the decision.

***P&L 68 READMITTANCE OF PUBLIC AND PRESS**

RESOLVED

That the public and press be re-admitted to the meeting.

***P&L 69 PLANNING PERFORMANCE INDICATORS**

The COP Lead Development Management presented the latest set of Performance Indicators and outlined the key information for Members consideration. He advised Members that the month of March 2017 had been particularly busy for receipt of applications.

Members raised a number of questions regarding enforcement matters. The COP Lead updated Members on staffing levels and also confirmed that he would present a more detailed breakdown of outstanding incomplete cases that were being dealt with by the backlog team. One Member noted an increasing trend in the number of enforcement cases being reported but accepted that some enforcement cases were complex and took a significant amount of time to reach a conclusion. He also asked that the minutes reflect that West Devon Borough Council and Dartmoor National Park Authority were now working together on a particular enforcement issue which was beneficial.

Members also asked if officers were routinely following up section 106 agreements, and the position regarding discharge of condition applications prior to commencement. The COP Lead advised that in respect of the discharge of conditions that were applied to approved applications there was not the officer resource to visit and actively check each application, and a key link had been lost now that building control work was open to other providers. In terms of section 106 agreements, there had been weaknesses in the system but the monitoring of agreements was being reviewed and as part of the process it was proposed to actively engage Locality Officers.

***P&L 70 PLANNING, LISTED BUILDING, TREE PRESERVATION ORDER AND ENFORCEMENT REPORTS**

The Committee considered the application 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**:

(a) Application No: 4058/16/FUL Ward: Exbourne

Site Address: Risdon Farm, Okehampton, Devon EX20 3AJ

Installation of a 13.2kW ground mounted photovoltaic array

RECOMMENDATION: Conditional Approval

COMMITTEE DECISION: Conditional Approval

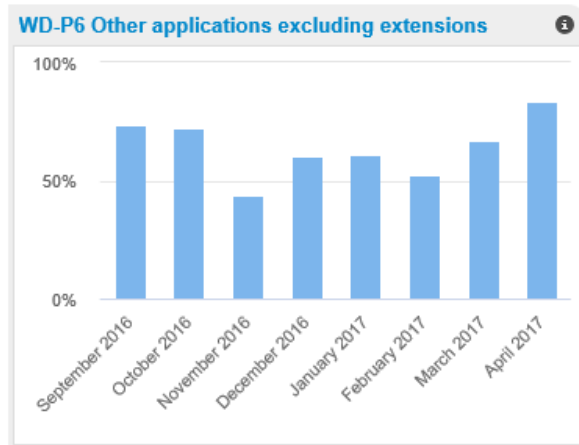
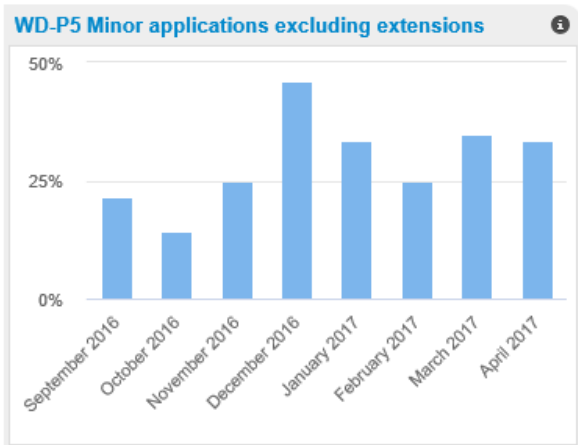
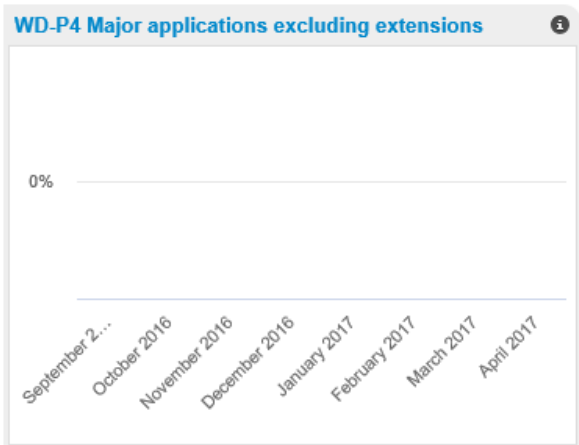
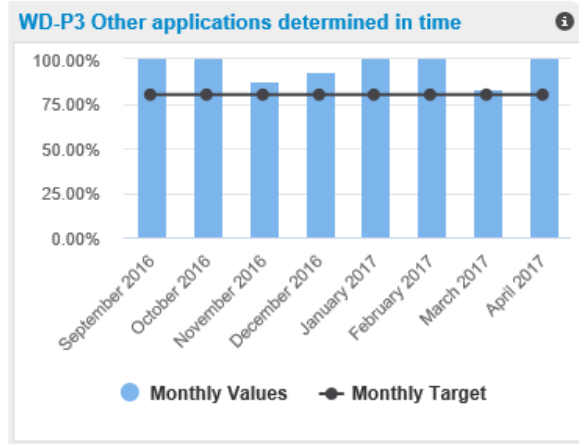
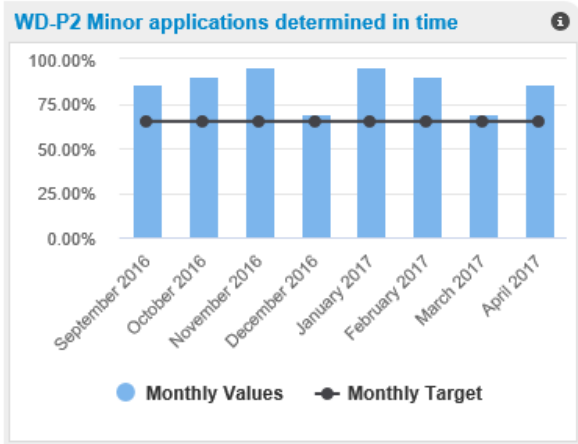
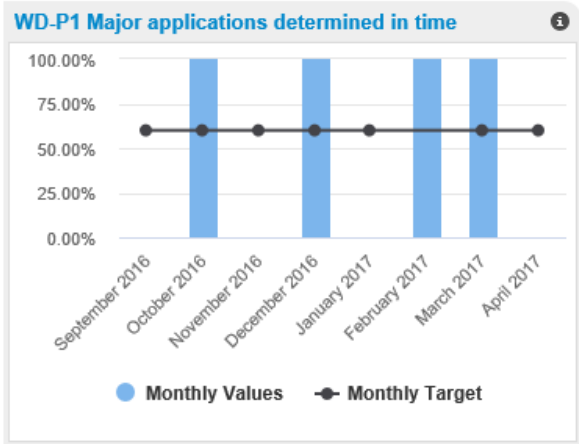
***P&L 71 PLANNING APPEALS UPDATE**

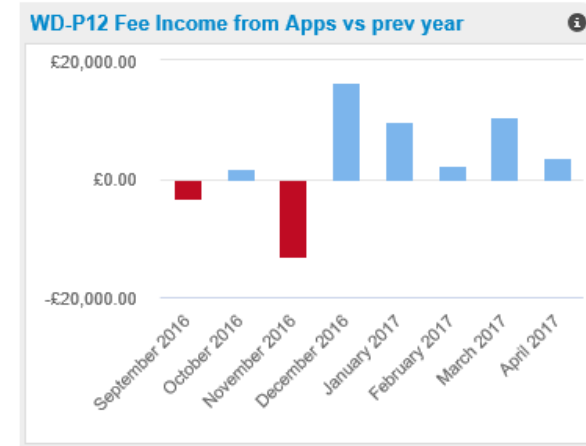
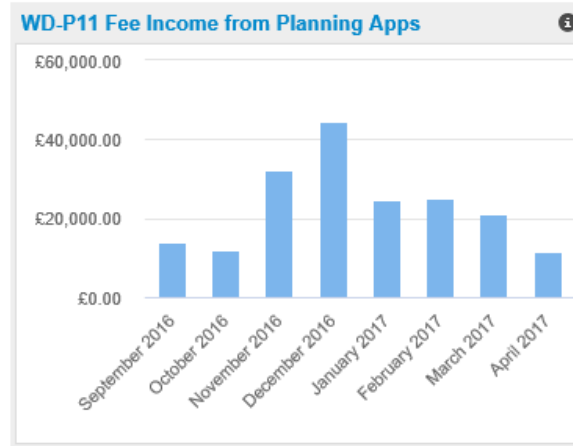
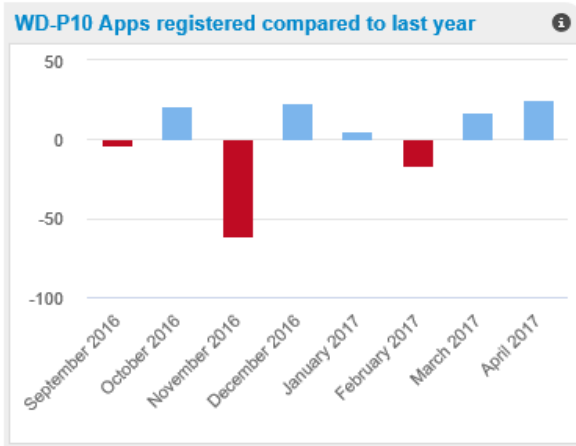
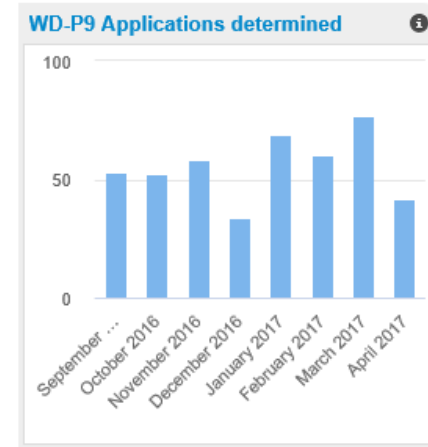
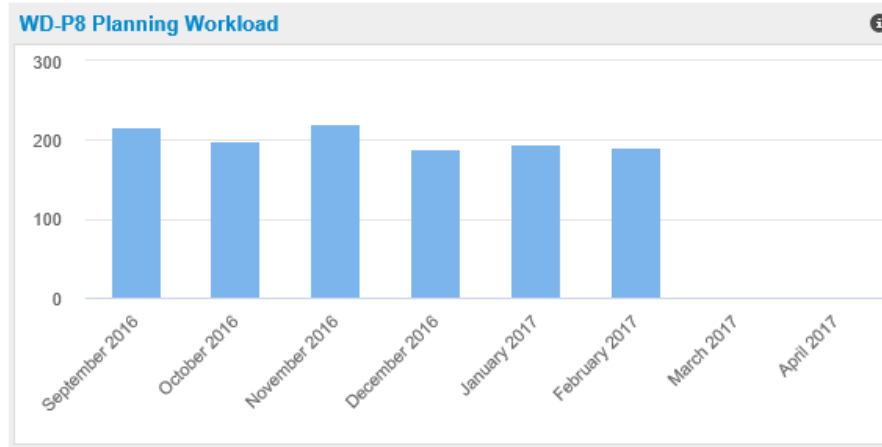
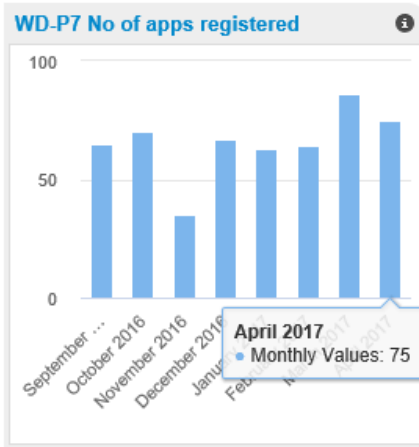
The Committee received and noted the updated list of Planning Appeals including enforcement appeals.

(The Meeting terminated at 12.40 pm)

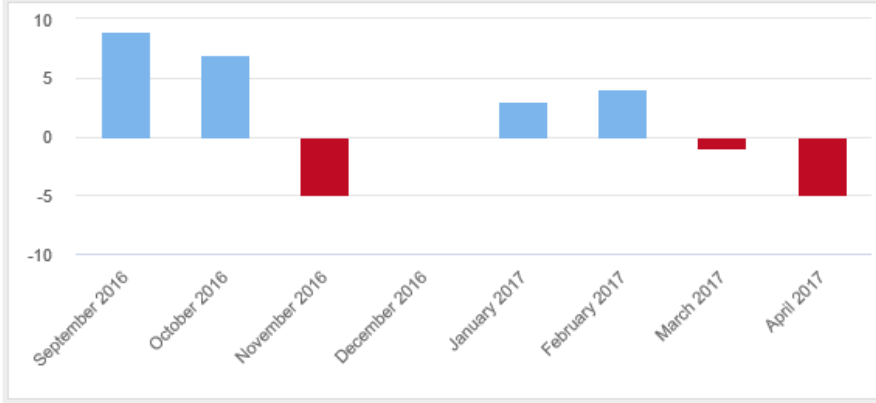
Dated this

Chairman

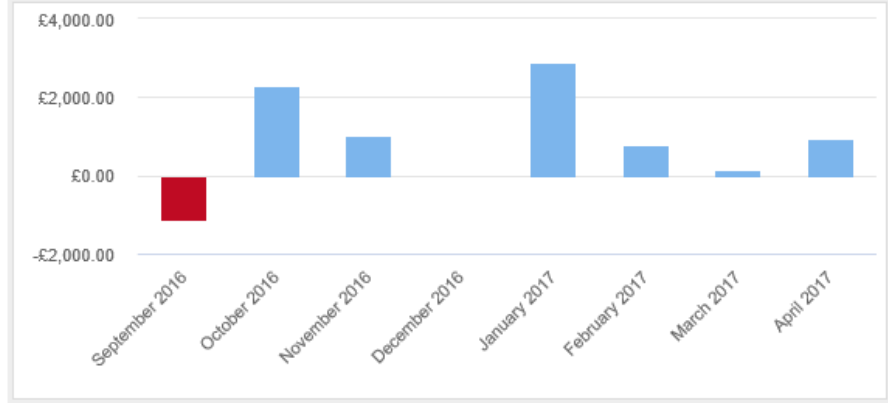


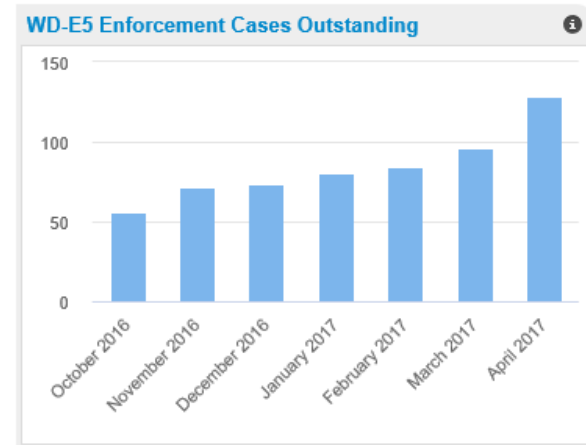
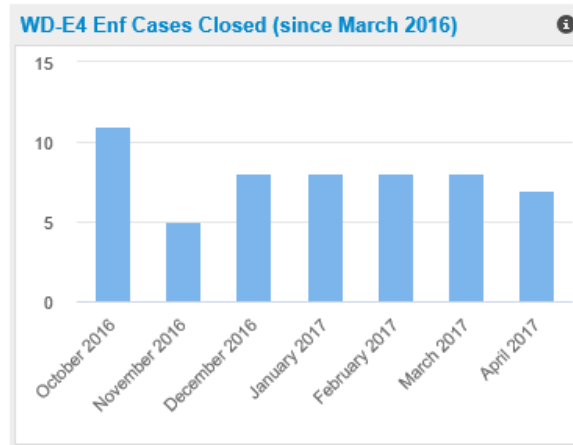
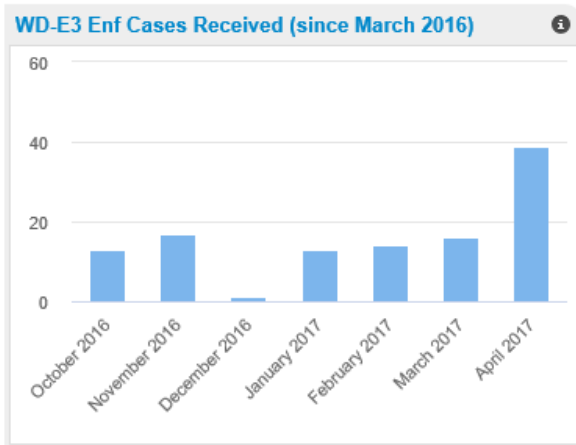
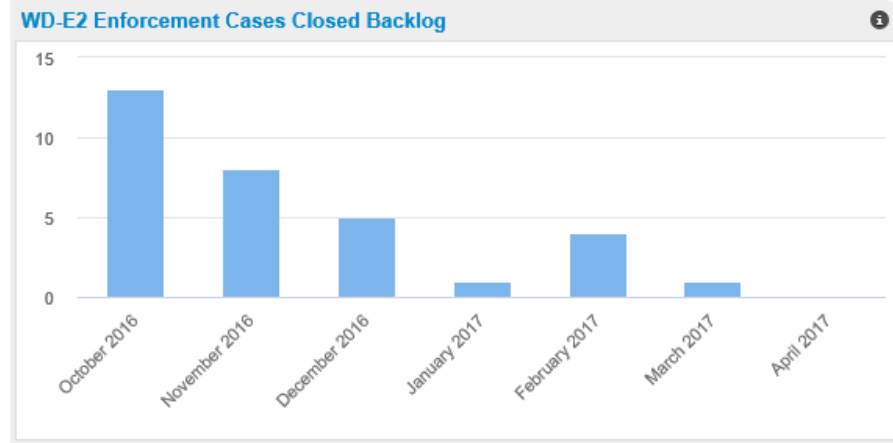
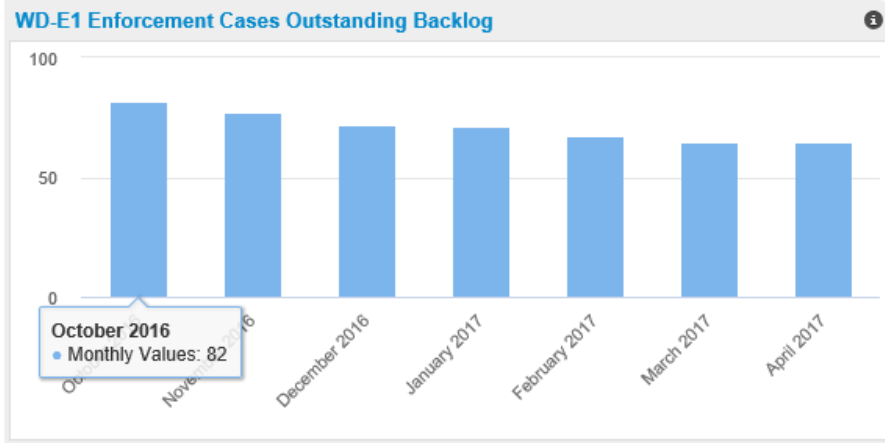


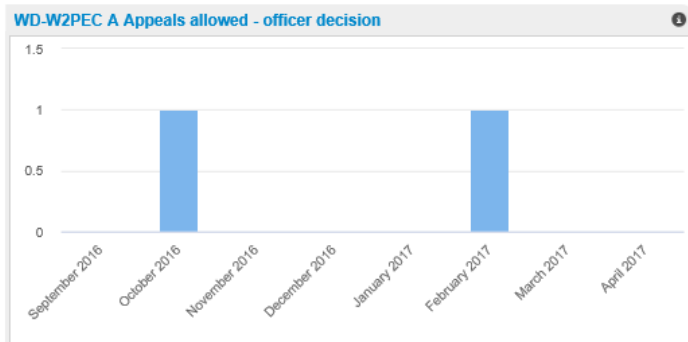
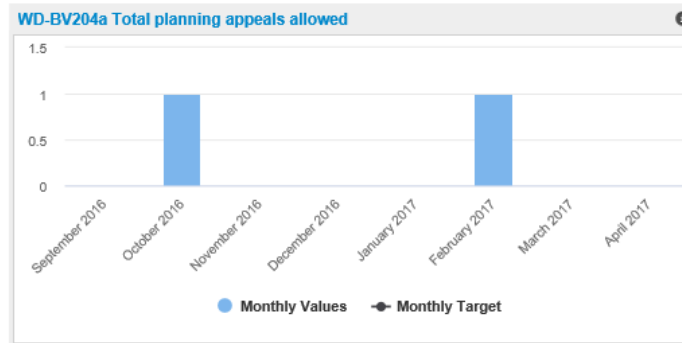
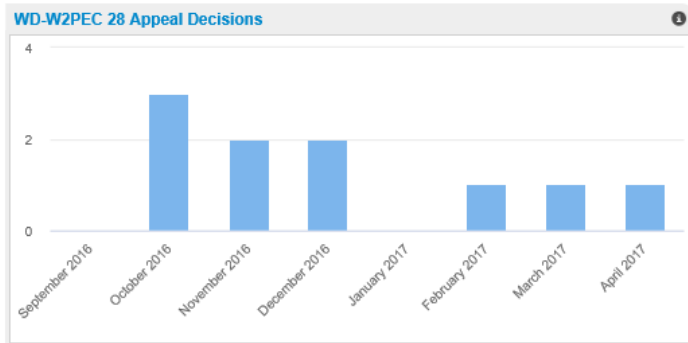
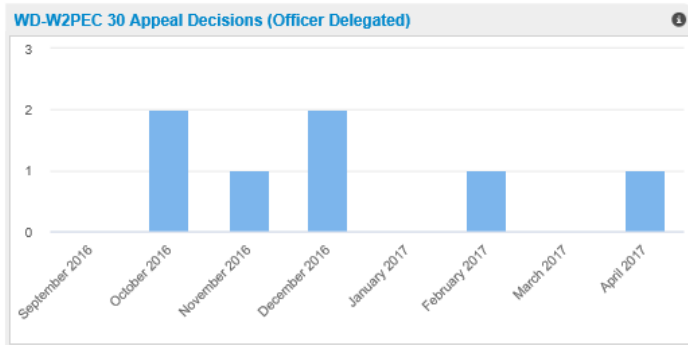
WD-P13 Pre-Apps Received compared to last year



WD-P14 Fee Income from Pre-Apps compared to last year







For charts above: WD-W2PEC A are officer delegated decisions, WD-W2PEC 29 are appeals where member decision went against officer recommendation, WD-BV204a are all appeals allowed. Any difference in these figures would be where decisions went to Committee and Members agreed with Officer recommendation.

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WEST DEVON BOROUGH COUNCIL
PLANNING AND LICENSING COMMITTEE

30 MAY 2017

WARD NAME Buckland Monachorum
APPLICATION NUMBER 4005/16/FUL
LOCATION Land Adjacent To Yelverton Business Park, Crapstone
DEVELOPMENT Three business units, 960sqm (1x384sqm 2x288sqm (576sqm) Use Class B1(c) light industrial / Use Class B2 (general industrial) / Use Class B8 Storage & Distribution), together with associated access, parking and landscaping.
APPLICANT Hill/Greeno/Hopkinson

WARD NAME Buckland Monachorum
APPLICATION NUMBER 4006/16/FUL
LOCATION Land Adjacent To Yelverton Business Park, Crapstone
DEVELOPMENT Meeting hall (152sqm – for Plymouth Brethren Christian Church) and associated access parking and landscaping.
APPLICANT Plymouth Brethren

WARD NAME Okehampton North
APPLICATION NUMBER 4059/16/VAR
LOCATION Land North Of Crediton Road, Okehampton
DEVELOPMENT Variation of conditions 3 (approved plans) and 21 (to allow phase 1 to start from joint school access and provision of roundabout as part of phase 2) following grant of planning consent 01089/2013
APPLICANT Hannard Developments Ltd

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PLANNING APPLICATION REPORT

Case Officer: Jeremy Guise

Parish: Buckland Monachorum

Ward: Buckland Monachorum

Application No: 4005/16/FUL

Agent/Applicant:

Mr Ian Russell
9 Lower Compton Road
Plymouth
PL3 5DH

Applicant:

Hill / Greeno / Hopkinson
Yelverton Business Park
Crapstone
PL207LS

Site Address: Land Adjacent To Yelverton Business Park, Yelverton Business Park, Crapstone, PL207LS

Development: Three business units, 960sqm (1x384sqm 2x288sqm (576sqm) Use Class B1 (c) light industrial / Use Class B2 (general industrial) / Use Class B8 Storage & Distribution), together with associated access, parking and landscaping.

Reason item is being put before Committee:

Cllr P. Sanders - My reasons are the impact on the AONB the impact on the adjacent National Park, the use of a green field site to locate industrial activities given that many suitable sites are available within a 15 mile radius. I also feel that although the evolving JLP does not as yet carry much weight it is relevant that although previously considered for industrial development this site is not now included in the JLP for any form of development.

Cllr R Cheadle - Given that the PC has recommended rejection of both applications and there are, to date, over 140 letters of objection, this must come before the Committee



Recommendation: Grant Conditional planning permission

Conditions (list not in full)

1. Time limit
2. Approved plan Nos.
3. Materials
4. Landscaping scheme Implementation
5. Street access and parking to be provided
6. Universal condition for development on land affected by contamination
7. Verification report
8. Unsuspected Contamination
9. Implementation of ecology mitigation and enhancement measures
10. Noise: Protection of residential amenity
11. Restriction on hours of delivery
12. Restriction on hours of use
13. Detailed design surface water drainage management system
14. Restriction to use classes and removal of PD to change

Key issues for consideration:

- The principle of employment development in this location
 - The design and appearance of the proposed buildings
 - The impact upon the character of the Tamar Valley AONB
 - The impact upon the amenity of neighbouring properties
 - The adequacy of parking and access arrangements
-

Site Description:

The application site is a piece of vacant agricultural land, approximately 2.25ha in size, located on the eastern edge of Yelverton Business Park and southwestern edge of the village of Crapstone. It comprises field used in the past for pasture / pony paddock, bounded on the northern and eastern side by established Devon hedges, interspersed with the occasional tree. Levels fall approx. 12m across the whole site from the north west to the south east (approx. 5m across the central part of the site, where development is proposed). It is accessed off from Stoke Hill Lane via the Business Park, to the west.

The wider area is edge of settlement in character. There are open fields to the east and south, and the main village approach road to the north. The nearest residential properties, are a single dwelling, to the north east, and a row of large, detached, houses to the south. The latter are separated from the site by a pony paddock and a field.

The site is located within the Tamar Valley Area of Outstanding Natural Beauty (AONB) and adjacent to the boundary with Dartmoor National Park (DNP).

The Proposal:

Planning permission is sought for the erection of three business units, 960sqm 1x384sqm and 2x288sqm (576sqm) Use Class B1 (c) light industrial, Use Class B2 general industrial and Use Class B8 storage & distribution, together with associated access, parking and landscaping.

Plans show three buildings with 22 associated parking spaces grouped around the northern and north eastern half of the site. The buildings would be constructed with ground floors only, but would be 6.5m in height (to ridge), with painted render walls, and profiled aluminium roofs. Timber effect panels would add interest. Tree planting and landscape screening is shown around the buildings and on the southern part of the site which is shown as a pony paddock. A parallel planning application (ref. 4006/16/FUL) for a Brethren Meeting house in the centre/ west of the site is considered elsewhere on this agenda.

The application is accompanied with a suite of supporting documents:-

- Preliminary Ecological Appraisal & Ecology Mitigation & Enhancement prepared by Eco Logic
- Design & Access Statement prepared by Design Development
- Flood Risk Assessment & Drainage Strategy prepared by Hydrock
- Desk Study & Ground investigation prepared by Hydrock
- Transport Statement prepared by Hydrock
- Tree Survey Schedule prepared by Richard Prowse, Arborists
- Energy Statement prepared by Energy Compliance Ltd., and

The summary of the Planning Statement that accompanies the application provides an explanation as to why the application is being made and the processes that have led up to its submission. It states:- *'In summary this proposal has sought to take on board the feedback from the Local Authority, Tamar Valley Area of Outstanding Natural Beauty and local residents, received on the previous applications for the site. Therefore the applications have arranged a number of consultations, with all the relevant parties, to ensure an appropriate development has been proposed.*

A primary aspect of the design of this application has been to provide development for 'established need' only, this has been achieved by working closely with businesses in the existing Yelverton Business Park and proposing individual units for 'Sol Komfort', 'SW Lubricants' and 'Valves Online' only, with no speculative development provided.

As detailed in Section 3.0 of this document, the density and extent of the development has also been significantly reduced in comparison to previous applications. With the developed area now proposed as 26.7% of the 2,2198sqm total site area.

A significant portion of the site (66.9%) is proposed as new areas of woodland around the northern and eastern boundaries, a linear woodland screen and a retained pony paddock to the south. By being agreeable to the Local Authority giving this element of the proposals 'protected' status (by whichever means they deem appropriate). The applicants are seeking to reassure local residents that no further development will be sought.'

Consultations:

- **County Highways Authority** - The application is supported by a Transport Statement, the content and scope of which is broadly accepted by the highway authority. The recent previous similar withdrawn application, which was for a larger floor space of development, was acceptable from a transport perspective and there are similarly no objections to this proposals from a highway point of view. It is recommended that a condition to require street access, parking and turning to be provided is incorporated in any grant of permission.
- **Environmental Health Section** - Seeks conditions relating to:- Universal condition for development on land affected by contamination; Verification report and 'Unsuspected Contamination', restriction on external noise, delivery hours and hours of use.
- **Buckland Monachorum Parish Council** – First, the Committee considered the cumulative impact of the applications. It considered that the impact of the proposed development, which doubled the physical size of the current business park would have a significant impact on the village of Crapstone and the AONB, and in NPPF terms, should therefore be designated as major development for which no exceptional circumstances were either presented or apparent. The proposals singularly failed to either 'preserve' or 'protect' the AONB landscape. The Committee noted that this view was shared by the TVAONB Planning Officer in his response dated 20th Feb. On these grounds the Committee recommended that, in principal, the applications, if considered cumulatively, should be opposed.

In relation to the application 4005/16 - 3 business units the Committee felt that the application failed in respect of 'conserving and enhancing' the AONB and that none of the businesses (a distributor of industrial lubricants, a manufacturer of industrial blinds and an industrial valve procurement business) had any valid connection with the local community nor provided any services on which the community would derive benefit. There was no justification for building on

an unallocated green field site within the AONB when such businesses would be better located closer to transport routes and within sites allocated for such use. In short, the application failed on all relevant Policies within the extant Development Plan in particular, Policy SP17, and paras 14 & 115 of the NPPF.

- **Tamar Valley Area of Outstanding Natural beauty (TVAONB)** – Have provided a lengthy response that concludes:-

‘This consultation response has sought to set out how these applications have been assessed by the TVAONB and how they fall to be assessed as part of a wider suite of material planning matters that the LPA must consider.

As has been noted we have assessed the schemes both individually and also collectively.

We remain concerned that the overall development whilst reduced in scale, will result in impacts that do not enhance or conserve the natural beauty of the AONB landscape. Given the above we are of the view that the applications as they stand would not fully accord with SP17 of the West Devon Core Strategy or paragraph 115 of the NPPF. In those terms we feel that the application will need to be assessed by the LPA in the light of footnote 9 to the paragraph 14 of the NPPF.

If the LPA is of the view that the development is in accordance with current development plan policies or that other material considerations are such that they outweigh any conflict with these policies then we would wish for suitable mitigation to be provided beyond that currently shown.

The current proposals still leave the area of land to the south of the site as open field with a gap provided for future access into this area of land. It is suggested that further meaningful landscaping should be provided as a minimum to offset the impacts of any development if approved

It is suggested that such landscaping should take the form of a woodland and pond in order to contribute to the Tamar Valley Biodiversity 2020 targets asset out within section 5.7 of the TVAONB Management Plan.’

- **Dartmoor National Park (DNP)** – Objection. The National Park Authority (NPA) notes the revision to the scheme to extend the existing business park presented in their application. It is noted that the site is directly adjacent to the western boundary of the National park in this part of Yelverton - the planning statement makes no mention of the proximity to this protected landscape designation. The main access routes to the site remain from the east linking with the A386 within the Park with the expectation that the majority of traffic generated by the proposal will arrive from that direction. The site lies in open countryside outside of a designated settlement where policies of restraint for all forms of development should apply unless there are exceptional circumstances. The previous planning history of unsuccessful attempts to gain planning permission for similar developments in this location is noted.

Having considered the details of the application the NPA wishes to raise objection to the application for the following reasons:-

- A development of an additional 3 businesses units on the site areas shown, in conjunction with the existing development, would have a major urbanising effect on the character and appearance of this rural location outside of any designated settlement. This would be to the detriment of the setting of the National Park
- The likely increase in commercial traffic accessing the site, in both type and frequency, would have an unacceptable impact on the amenity of users of this part of the National; Park.
- The Council is respectfully asked to fully consider the duty to have regard to National Park purposes (s62 of the Environment Act 1995) when reaching a decision on this matter,

- **DCC Drainage** - At this stage, we have no in-principle objections to the above planning application, from a surface water drainage perspective, assuming that pre-commencement planning conditions are imposed on any approved permission:

Further to our letter of the 22/02/2017 and discussions with the consulting engineer (Hydrock) appropriate infiltration testing has provided within the submitted Ground Investigation to support the proposals for surface water disposal via infiltration. Although groundwater was located on the site, it is note that the groundwater maybe perched water rather than as a result of seasonal groundwater due to their location within the site. The current drainage proposals is now proposing a single soakaway as identified within Drawing No. C161168/C/100 (Rev. H, dated 12/04/17) supported by appropriate sizing calculations (Ref:170412, dated 12/04/17). This is located within are where groundwater was not recorded and infiltration rates where shown to be favourable.

The engineering consultants have also submitted Drawing No. C161168/C/205 (Rev. A, dated 24/03/17) which shows appropriate exceedance routing which proposals of interception bund to the south of the site to retain and exceedance flows within the site boundary.

The consultants have also submitted a suitable maintenance schedule within their email dated 31/03/17). As such we have no further objection from a surface water management perspective subject to the condition above requiring details of the drainage during construction.

- **WDBC Landscape Officer** - In considering this application and assessing potential impacts of the development proposal against nationally protected landscapes, in addition to the Development Plan, the following legislation, policies and guidance have been considered:
 - Section 85 of the Countryside and Rights of Way (CRoW) Act;
 - Section 11 of the NPPF in particular paragraphs; 109 and 114-116;
 - The National Planning Practice Guidance (NPPG) particularly Section 8-001 to 8-006 on Landscape; and
 - The Tamar Valley AONB Management Plan.
 - The Dartmoor National Park

In respect of the principle policy tests in the NPPF, this application is not considered to constitute “*major development*” in the context of paragraph 116, due to the existing industrial park context, the lack of special landscape features affected by the development, and the limited geographic extent of landscape and visual impacts associated with the proposed development. Paragraph 116 of the NPPF therefore wouldn’t apply. Further discussion of this principle is made in the Tamar Valley AONB comments.

However, as set out below, there are considered to be detrimental effects on the landscape and environment of the AONB and the National Park associated with the proposals that should be given great weight in this planning balance, in line with NPPF paragraph 115.

Landscape and Visual Impact

Comments have been made by both the Dartmoor National Park Authority and the Tamar Valley AONB Unit on landscape impact. They raise various concerns over the impacts of the developments on the protected landscapes, principally:

- The detrimental change in the rural character and appearance of the site area and the effect this has on the AONB and the setting of the National Park
- The increase in traffic flows, particularly those of a commercial nature in the protected landscapes and a resulting reduction in rural character and tranquillity.

Without wishing to repeat much of the discussion, these are fair representations of the impacts likely to result from the scheme.

Although the introduction of large built form and associated infrastructure would result in a negative change to the existing rural character, the geographical spread of these impacts would be limited to the local area. As recognised in the AONB comments, the prevailing local landscape character is that of an undeveloped part of the AONB in the setting of the National Park, but is nonetheless impacted upon by the existing industrial uses and road network.

It is therefore reasonable to conclude that there would be adverse landscape character and visual impacts resulting from the scheme, whilst recognising that they would be limited to the local area and moderated to an extent by the existing uses at the adjacent industrial site.

Landscape Design

The proposed landscape mitigation is in keeping with the predominant local character, which includes small woodlands with significant tree cover generally across the area. Although the proposed planted areas will provide a substantial area of visual screening for the development in time, as noted in the AONB comments, these measures do not represent an overall enhancement of the landscape of the site, and further meaningful landscaping to the south would be recommended to better achieve this policy objective. This could be conditioned along with full details of the landscape proposals if you were minded to recommend approval of the scheme.

Arboricultural Impact

There are no principle arboricultural issues associated with the scheme. The submitted tree survey is a fair representation of the trees present within the site boundaries, and recommends appropriate measures for their protection during the course of construction and following completion of the development.

Policy

Policy SP17 seeks to protect the natural beauty and quiet enjoyment of the AONB; to protect the character, natural beauty and special qualities of the National Park; and to conserve and enhance landscape character. As outlined above, although the impacts associated with the scheme are not considered to be significant or far-reaching, nonetheless they do not meet the policy tests of “conserve” and “enhance”. Within the AONB and within the setting of the National Park, NPPF para. 115 and SP17 give great weight to avoiding such impacts, and they should therefore weigh heavily in the planning balance.

Recommendation

The landscape issues associated with these two related applications are finely balanced. Due to the failure of planning policy tests in SP17, and the great weight that is afforded to impacts to protected landscape by the NPPF, it would not be unreasonable for the authority to refuse the application on landscape grounds if it considered that any benefits associated with the scheme did not outweigh these impacts.

However, it should be noted that there are circumstances here that also weigh in favour of the development on landscape grounds. The limited geographical spread of landscape and visual impacts, lessened further in time by the proposed landscaping; the existing industrial uses in this area, served by an already busy road; and the lack of any special landscape features which would be lost by the development are all relevant to the decision making

Representations:

235 letters of representation (LOR's) have been received. 28 support the proposal 207 raise objections to the proposal.

The reasons for support can be summarised as follows:-

Will allow business on the park to grow and increase opportunities for extra jobs in the area
There is a desperate need for industrial premises in the area
The proposal is well-designed will not impact upon the surrounding road network
Enables local people to work without commuting to Tavistock or Plymouth.
Some businesses have outgrown their current sites and wish to extend within the locality

Reduction in traffic – the lubrication business would be able to move from daily to weekly deliveries if they were able to build new and larger premises.

The moderate and discreet development can only be beneficial to the area providing, as it may well do, some local employment opportunities.

The reasons for objection can be summarised as follows:-

The principle

The proposal is unsuitable, unwanted and unnecessary. It is major development. It is inappropriate development in Tamar AONB boarder with Dartmoor National Park. There are no exceptional circumstances. It is outside village development boundary and will destroy a greenfield site adjacent to the National Park and within the AONB

The local community has strongly opposed the development of this site on 4 occasions. The people behind it intend to ride rough shod over the views of those who live locally. The proposal appears to contradict WDBC Policy Framework Policy OP19 of 'Our Plan' which contained the outline of this plan was rejected. It is an attempt to bypass the JLP and BMPC Neighbourhood Plan

No benefit to local community

There is no local justification to expand this park. It is unlikely that the jobs will benefit the local community. The majority of employees commute from adjacent villages and Plymouth. There are always vacant properties on the existing business park

Precedent

This application will set a precedent for further extensions. It is a developer ploy to put forward an extravagant proposal and then withdraw it and submit a new scheme with the claim it is vastly reduced scale.

Adverse impact upon the amenities of residential properties

The site is near residential properties and recreation land whose amenity will be adversely affected. Views would further be scarred by any expansion

Inadequate Screening

Yelverton Business Park is already inadequately screened. Any screening from planting trees will take years to make a difference. It will be an eyesore not in scale or keeping with the development already there.

Extra traffic / traffic safety

Will draw traffic through the National Park where animals roam free have no pavements and no lighting. The A386 is already overburdened. Livestock regularly knocked down. Heavy traffic will damage the roads placing more demands on the public purse. It doubles the size of the existing business parking. There is concern about traffic safety particularly three way junction bus stop used by schoolchildren just outside the site zero visibility when mist and foggy

Drainage

The proposed methods of dealing with surface water will not be effective. There are underground springs in the area which if disturbed will turn the land into a bog. Further investigative reporting has to be done upon the impact of the extension on surrounding land. Site is adjacent to a watercourse Yelverton Brook. Could cause flooding in Village of Milton Combe

Relevant Planning History

- Pre-application advice provided. qualified support offered
- Ref. 2172/16/FUL -Full planning permission for 15 units with D21 meeting hall (2,127sqm) withdrawn 22/11/2016.
- Ref. 00396/2010 Extension to existing business park for B1, B2 and B8 units (33 units 6,216sqm total [4,200sqm light industrial and 2,016sqm office space]) Refused 28/08/2010 on

the grounds that there is no exceptional need for development on this scale and that it would have a detrimental impact on the character of the AONB.

- Ref. 13262/2009/TAV Outline application for change of use (of land) to accommodate B1, B2 and B8 uses units (33 units 6,216sqm total [4,200sqm light industrial and 2,016sqm office space]) Withdrawn 06/11/2009
- Ref. 12273/2008/TAV Erection of 800sqm single storey unit Withdrawn 09/10/2008

ANALYSIS

Principle of Development/Sustainability:

The general policy framework in the adopted local plan is quite supportive of business growth and rural regeneration. Strategic Policy 10, supporting the Growth of the Economy and Strategic Policy 11, Rural Regeneration, of the adopted Core Strategy together with the supportive text and specific policy ED13, and to a lesser extent ED14 Employment Development on unallocated sites and ED16 Development and employment in the countryside, of the adopted Local Plan Review are relevant.

Strategic Policy 10 offers support to *ii. The development and expansion of small businesses* and *iii. The diversification of the rural economy*. Strategic Policy 11 Rural Regeneration offers support to *a. The development and expansion of small scale businesses in rural communities*.

Chapter 5 paragraph 5.40,

Growth in employment in West Devon has resulted principally from the growth of firms already located within the Borough. The retention of existing employers is an important component of the Regeneration Strategy. Firms which have often made significant investments in existing sites may be restricted in their choice of alternative sites should they wish to expand their business. Policy ED13 provides for the expansion of existing firms and employment uses where they meet the criteria listed in the policy.

The wording of Policy ED13 is:-

The expansion of existing employment uses within an existing employment site or the enlargement of an existing employment site will be permitted where:

(i) Sufficient land is available at the site (or at the extended site) to facilitate adequate lay out, access, parking, landscaping and other essential infrastructure required in connection with the proposed development:

In all cases there will be no significant adverse impact:

(ii) On travel, access and highway safety;

(iii) On the amenities of nearby residents or other land uses;

(iv) On wildlife, landscape or historic interests;

(v) In relation to the size of the settlement or group of buildings; or

(vi) In terms of the relationship of the site to the built up area/building group:

In all cases

(vii) The development should not conflict with any allocations or designations of the plan.

Policies ED14 and ED16 are generally supportive, subject to similar tests.

The Local Plan Review and Core Strategy are now somewhat dated policy documents, which both pre-date the Government's National Planning Policy Framework (March 2012). Their policies need to be applied, and afforded appropriate weight, in accordance with the degree of compliance with NPPF provisions. In the case of employment, economic growth and rural diversification issues the NPPF is, in general very supportive of business growth. It contains significant reference to its importance, particularly in chapters 1, building a strong competitive economy and 3 supporting a prosperous rural economy

19. The Government is committed to ensuring that the planning system does everything it can to support sustainable economic growth. Planning should operate to encourage and not act as

an impediment to sustainable growth. Therefore significant weight should be placed on the need to support economic growth through the planning system.

21. Investment in business should not be over-burdened by the combined requirements of planning policy expectations. Planning policies should recognise and seek to address potential barriers to investment, including a poor environment or any lack of infrastructure, services or housing. In drawing up Local Plans, local planning authorities should:

- *support existing business sectors, taking account of whether they are expanding or contracting and, where possible, identify and plan for new or emerging sectors likely to locate in their area. Policies should be flexible enough to accommodate needs not anticipated in the plan and to allow a rapid response to changes in economic circumstances;*

28. Planning policies should support economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development. To promote a strong rural economy, local and neighbourhood plans should:

- *support the sustainable growth and expansion of all types of business and enterprise in rural areas, both through conversion of existing buildings and well designed new buildings;*

Both the adopted Core Strategy and Local Development Review are in the process of being replaced with Joint Local Plan (JLP – being undertaken with South Hams District Council, SHDC, and Plymouth City Council, PCC). The JLP has reached Regulation 19 stage and its policy provisions have acquired limited weight. JLP Policies DEV14 Maintaining a flexible mix of employment sites, DEV15 Supporting the rural economy and DEV19 Provisions for local employment and skills are particularly relevant in relation to the economic case.

It should also be noted that between the adopted Core Strategy and JLP, WDBC undertook preparatory work on a plan to replace the Core Strategy and retained parts of the Local Plan Review, known as 'Our Plan' This work was subsequently subsumed into the JLP evidence base after the decision was taken to join SHDC and PCC in the preparation of a new 'joint' plan.

In considering the size and scale of the current proposal in relation to the settlement there are a number of factors that can be taken into account: the location of development outside the settlement boundary, the degree of local connection of the proposed end users; and, to a much lesser extent, the scale of development in relation to the previous withdrawn application ref. 2172/16/FUL and the scale of development in relation to the prospective 'Our Plan' employment allocation.

The three proposed business units all have identified end users (Sol Komfort, SW Lubricants and Valves Online) that currently occupy exiting premises on Yelverton Business Park. The proposal is not speculative, but intended to sustain the expansion and growth of existing local business. Many objectors have suggested that these firms should occupy exiting units on the Business Park, which periodically become vacant, in preference to developing on greenfield land. But if the expansion requirements of the businesses could so easily be met in this way it is hard to see why they have not already been occupied, the pursuit of new build being more difficult and uncertain. The applicant's arguments about needing to expend with new build, and wanting to expand locally appear genuine and credible.

The scale of the current application is much smaller than the previous applications and only exceeds the Development Management Order definition of 'major' development, because it includes within the red line of the application site a large 14,845sqm area that it is the applicant's stated intention is to plant and leave undeveloped. Furthermore it is much smaller than the amount of employment envisaged in the abortive Our Plan employment allocation.

There is a sound underlying economic case for supporting this development, which accords with the provisions of local and national policies and guidance. The scale is considered appropriate for the settlement, in relation to the policy ED13(i), ED14 and ED16 consideration. Despite being located outside the settlement boundary and not specifically allocated for employment use, neither of these

considerations represent an unsurmountable policy obstacle to approval. The economic case, in principle, for the business expansion, is, of course, subject to the proposal meeting the other ED13 tests. These are considered in the sections below.

Design/Landscape:

The proposal is located within the Tamar Valley Area of Outstanding Natural Beauty (TVAONB / AONB) where Core strategy Policy SP17, Landscape Character, is relevant. It states:-

a. In designated Areas of Outstanding Natural Beauty their conservation and enhancement will be given great weight. Development will not be proposed in the LDF, or otherwise permitted, which would be detrimental to the natural beauty and quiet enjoyment of the Area of Outstanding Natural Beauty, including its landscape, wildlife and geological interest.

The criteria used to assess whether an application is to be considered a major development, in relation to AONB considerations, does not follow the Development Management Order definition. It is based on an assessment of the likely impacts of the development, not a numeric formula. The TVAONB, in their consultation response, have set out their view that the current proposal does not constitute major development within the AONB, and therefore that paragraph 115 of the NPPF is the relevant consideration, not paragraph 116. WDBC planning and landscape officers concur with the TVAONB's view, and therefore that Paragraph 115 of the NPPF is the relevant consideration. It states

Great weight should be given to conserving landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to landscape and scenic beauty. The conservation of wildlife and cultural heritage are important considerations in all these areas, and should be given great weight in National Parks and the Broads.

Unlike previous applications, the scale of the current development proposal is quite modest, allowing space for extensive landscaping and habitat mitigation/ enhancement. It is considered that the applicants have done all they can to reduce the landscape impact of their proposed development and keep it contained to the area immediately adjacent to the existing Business Park.

The proposed business units are functional and reasonably attractive in design terms without being exceptional. The high floor to ceiling height (approximately 6m) would allow tall machinery and double height storage to be accommodated. Possibly it might also facilitate the insertion of a mezzanine at first floor level at a future date, although this does not form part of the current application. With the proposed landscaping around the buildings, the design is considered to be acceptable in relation to Core Strategy policy Strategic Policy 20, Promoting High Quality Design.

The proposal will impact upon semi improved grassland in the centre and north western part of the site, leaving the northern and eastern edges and a large swathe of the south undeveloped and enhanced by planting that would serve both to screen the site and enhance ecology. Development of the central part of the site is unlikely to impact much upon bio diversity. Subject to a condition requiring the implementation of the Ecology mitigation and enhancement measures the proposal is considered to be acceptable in relation to Strategic Policy 19 Biodiversity and Local Development Review Policy BE13 landscape and boundary treatment

Neighbour Amenity:

There are no residential properties in the immediate neighbourhood. Those in the row to the south are some located some distance (circa 60m / 100+m between buildings) from the site and are very unlikely to be affected by pollution or noise (the Policy BE16, potentially polluting activity pollution and Policy BE19 Noise, considerations). Their frontage outlook will alter, but their main private gardens are to the south and there is no planning requirement to safeguard individual views. Eventually the proposed landscaping will mature and obscure their view of their buildings, roads and car parking

Highways/Access:

Yelverton Business Park is located on the eastern side of Crapstone village. Most traffic visiting the Park does not have to travel through the village, as the main road link is via the A386 to the east.

There are various claims and counter claims from objectors and supporters about whether the proposal will result in an increase or decrease in traffic, and that safety will be adversely affected. The applicants transport statement, and traffic modelling predicts a modest increase that the existing highway network is capable of accommodating and no particular safety issues. DCC Highways concur and are satisfied with the proposal in relation to Policy T9, and that levels of parking proposed are adequate – the Policy T8 consideration. Subject to condition requiring the parking and access to be provided the proposal is considered to be satisfactory.

Other Matters:

Drainage

Strategic Policy 21 Flooding of the Core strategy is a relevant policy consideration. It states:-

Development should avoid flood risk where possible, ensure protection from and not worsen flooding, and provide betterment where possible.

Development should first seek to make use of areas at no or low risk to flooding (Flood Zone 1) before areas of higher risk (Flood Zones 2, 3a and 3b), where this is possible and compatible with other policies aimed at achieving a sustainable pattern of development.

Development which is acceptable (in terms of PPS25) or otherwise exceptionally justified within areas at risk of flooding must:

- *Be subject to a flood risk assessment;*
- *Include an appropriately safe means of escape above flood levels anticipated during the lifetime of the development; and*
- *Be designed and controlled to mitigate the effects of flooding on the site and the potential impact of the development on flooding elsewhere.*

Following work undertaken by Hydrock, the applicant's drainage engineers, DCC Drainage are satisfied that the surface water from the development can be adequately drained without adverse impact on land outside the site. A condition to require submission, approval and implementation of a surface water scheme is recommended. Subject to the imposition and compliance with this condition the proposal is considered to be acceptable in relation to Policy CS21.

Impact on public right of way

The site can be viewed in the from the public right of way to the south east. But it is medium distance, and the site will be seen against the backdrop of the existing Business Park. The proposal is not considered to have any significant adverse impact upon uses of the public right of way.

Conclusion

The issues are quite finely balanced. The site is 'greenfield', unallocated, outside the Crapstone settlement boundary and located with the Tamar Valley AONB. As 'greenfield' sites within the AONB go, it is: relatively flat, adjacent to an existing business Park, well screened and fairly inconspicuous within the landscape - hence the TVAONB and landscape officer's position: acknowledging that, in the 'planning balance', the economic benefits of developing three commercial units for local firms could outweigh the degree of contrariness to Core Strategy policy SP17 and the NPPF.

The advantages of allowing a modest extension to the existing business park, to facilitate the retention and growth of locally based businesses are considered to outweigh any harm that arises to the landscape character of the Tamar Valley AONB and setting of the Dartmoor National Park.

It is therefore considered, on balance, appropriate to recommend that conditional planning permission be granted.

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

All standard policies listed (delete where not relevant, add others as relevant, including 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
- SP10 – Supporting the Growth of the Economy
- SP11 – Rural Regeneration
- SP14 – Accessibility Planning
- SP15 – Traffic Management
- SP16 – Safer Communities
- 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
- BE13 – Landscaping and Boundary Treatment
- BE16 – Potentially Polluting Activity
- BE17 – Potentially Polluting Activity
- BE18 – Potentially Polluting Activity
- BE19 – Development on Contaminated Land
- H41 – Business Use in Residential Areas
- H42 – Disabled and Those with Mobility Issues
- ED12 – Safeguarding Employment Land
- ED13 – Expansion of Existing Employment Uses
- ED14 – Employment Development on Unallocated Sites
- ED16 – Development for Employment in the Countryside
- ED21 – Rural Diversification
- T1 – Walking and Cycling
- T2 – Pedestrian and Cyclist Safety
- T3 – Protection of Existing Footways, Cycleways and Bridleways
- T5 – Public Transport
- T7 – Railways
- T8 – Car Parking
- T9 – The Highway Network
- PS2 – Sustainable Urban Drainage Systems

Emerging Joint Local Plan

The Plymouth and South West Devon Joint Local Plan (the JLP) will replace the above as the statutory development plan once it is formally adopted.

Annex 1 of the National Planning Policy Framework (the Framework) provides guidance on determining the weight in relation to existing and emerging development plan policies.

- For current development plan documents, due weight should be given to relevant policies according to their degree of consistency with the Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given).
- For the JLP, which is an emerging development plan, the weight is to be determined by the stage of its preparation, the extent to which there are unresolved objections, and its degree of consistency with the Framework.

The JLP is at a relatively advanced stage of preparation. The precise weight to be given to policies within the JLP will need to be determined on a case by case basis, having regard to all of the material considerations as set out on the analysis above.

PLYMOUTH AND SOUTH WEST DEVON JOINT LOCAL PLAN -: PUBLICATION (as considered by the Full Councils end Feb/Early March 2017)

SPT1 Delivering sustainable development

SPT2 Sustainable linked neighbourhoods and sustainable rural communities

SPT4 Provision for employment floorspace

SPT8 Strategic connectivity

SPT11 Strategic approach to the natural environment

TTV1 Prioritising growth through a hierarchy of sustainable settlements

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

TTV31 Development in the Countryside

DEV1 Protecting amenity and the environment

DEV2 Air, water, soil, noise and land

DEV14 Maintaining a flexible mix of employment sites

DEV15 Supporting the rural economy

DEV19 Provisions for local employment and skills

DEV20 Place shaping and the quality of the built environment

DEV24 Landscape character

DEV27 Nationally protected landscapes

DEV28 Protecting and enhancing biodiversity and geological conservation

DEV30 Trees, woodlands and hedgerows

DEV34 Delivering low carbon development

DEV35 Renewable and low carbon energy (including heat)

DEV37 Managing flood risk and Water Quality Impacts

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.

1. The development to which this permission relates must be begun not later than the expiration of three years beginning with the date on which this permission is granted.

Reason: To comply with Section 91 of the Town and Country Planning Act, 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development hereby approved shall in all respects accord strictly with drawing numbers

980-201 existing site plan

980-A-301 Rev. N Proposed layout
980-410 – area 1 proposed floor plan roof plan and elevations
980-411 elevations & ground floor plan
980-412– area 3 proposed floor plan roof plan and elevations
980-510 Illustrative view
980-511 Illustrative view 2
980-512 Illustrative view 3
UB/YBP2/01 Rev. C Landscape proposals
C161168/C/200 Levels & Drainage Layout
received by the Local Planning Authority on 13/12/2016
and drawing numbers 980-A-300 Rev. A Red lined application site plan received by the Local Planning Authority on 19/01/2017.

Reason: To ensure that the proposed development is carried out in accordance with the drawings forming part of the application to which this approval relates.

3. Prior to their installation details of facing materials, and of roofing materials to be used in the construction of the proposed development shall be submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out in accordance with those samples as approved.

Reason: In the interests of visual amenity.

4. The building work shall not be implemented except in full accordance with the landscaping scheme that has been submitted and approved by the Local Planning Authority. The scheme submitted shall be fully implemented in the planting season following the completion of the development and the plants shall be protected, maintained and replaced as necessary for a minimum period of five years following the date of the completion of the planting.

Reason: In the interest of visual amenity in order to protect and enhance the amenities of the site and locality.

5. No part of the development hereby approved shall be brought into its intended use until the industrial estate street, access, parking facilities, commercial vehicle loading/ unloading area, turning area and access drainage have been provided and maintained in accordance with details that shall have been submitted to, and approved in writing by, the Local Planning Authority and retained for that purpose at all times.

Reason: To ensure that adequate facilities are available for the traffic attracted to the site.

6. Prior to the commencement of development, the following components of a scheme to deal with the risks associated with contamination of the site shall be submitted to and approved, in writing, by the Local Planning Authority. That scheme shall include all of the following elements unless specifically excluded, in writing, by the Local Planning Authority.
 1. A preliminary risk assessment/desk study identifying:
 - All previous uses
 - Potential contaminants associated with those uses
 - A conceptual model of the site indicating sources, pathways and receptors
 - Potentially unacceptable risks arising from contamination at the site
 2. A site investigation scheme, based on (1) to provide information for an assessment of the risk to all receptors that may be affected, including those off site.
 3. The site investigation results and the detailed risk assessment (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
 4. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (3) are complete and identifying any

requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these agreed elements require the written consent of the Local Planning Authority. The scheme shall be implemented as approved.

Reason: There is a need for further assessment in regards to the potential risk of UXO's on site. The condition covers the full range of measures that may be needed depending on the level of risk at the site. If the LPA is satisfied with the information submitted with the application they can decide to delete any of elements 1 to 4 no longer required. The LPA may still decide to use the whole condition as this would allow them to declare the information no longer satisfactory and require more or better quality information if any problems are encountered in future.

7. Prior to commencement of development, a verification report demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out to demonstrate that the site remediation criteria have been met. It shall also include, where relevant, a plan (a "long-term monitoring and maintenance plan") for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action and for the reporting of this to the local planning authority.

Reason: Without this condition, the proposed development on the site may pose an unacceptable risk to the environment. This is listed as a separate condition as it gives the LPA the option to choose a later control point: i.e. prior to occupation, rather than commencement of the development for the main phase of the remedial works.

8. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, an amended investigation and risk assessment and, where necessary, a[n amended] remediation strategy and verification plan detailing how this unsuspected contamination shall be dealt with. Following completion of measures identified in the approved remediation strategy and verification plan and prior to occupation of any part of the permitted development, a verification report demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the local planning authority.

Reason: No site investigation can completely characterise a site. This condition is required to ensure that any unexpected contamination that is uncovered during remediation or other site works is dealt with appropriately.

9. The recommendations, mitigation and enhancement measures of the Ecological Report, by Eco Logic on 13/12/2016, shall be fully implemented prior to the commencement of the use hereby approved and adhered to at all times. In the event that it is not possible to do so all work shall immediately cease and not recommence until such time as an alternative strategy has been agreed in writing with the local planning authority.

Reason: To safeguard the interests of protected species

10. Prior to occupation of any part of the development a noise impact assessment in accordance with BS4142:2014 shall be undertaken, this assessment shall detail the current background noise levels, and stipulate a noise rating which future activities at the site shall not exceed. This limit once agreed with the local planning authority shall not be exceeded by activities on

site without reasonable cause.

11. Goods shall not be dispatched or delivered to any of the premises hereby approved except between the hours of 07:00 to 20:00 Monday to Saturday. There shall be no dispatch or deliveries on Sundays or bank holidays.

Reason: To safeguard the residential amenities of adjoining residential properties.

12. The buildings shall not be used outside the hours of 07:00 to 20:00 on any day.

Reason: To safeguard the residential amenities of adjoining residential properties.

13. No part of the development hereby permitted shall be commenced until the detailed design of the proposed surface water drainage management system which will serve the development site for the full period of its construction has been submitted to, and approved in writing by, the Local Planning Authority, in consultation with Devon County Council as the Lead Local Flood Authority. This temporary surface water drainage management system must satisfactorily address both the rates and volumes, and quality, of the surface water runoff from the construction site.

Reason: To ensure that surface water runoff from the construction site is appropriately managed so as to not increase the flood risk, or pose water quality issues, to the surrounding area.

14. Notwithstanding the provisions of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 as amended (or any Order revoking, re-enacting or further amending that Order), the commercial premises hereby approved shall only be used for purposes within use classes Class B1 (c) light industrial / Use Class B2 (general industrial) / Use Class B8 (Storage & Distribution).

Reason: To protect the commercial function of the existing business Yelverton Park.

PLANNING APPLICATION REPORT

Case Officer: Jeremy Guise **Parish:** Buckland Monachorum **Ward:** Buckland Monachorum

Application No: 4006/16/FUL

Agent/Applicant:

Mr Ian Russell
9 Lower Compton Road
Plymouth
PL3 5DH

Applicant:

Plymouth Brethren
Plymouth Brethren Meeting Hall
Plymouth
PL3

Site Address: Land Adjacent To Yelverton Business Park, Yelverton Business Park, Crapstone, PL20 7LS

Development: Meeting hall (152sqm – for Plymouth Brethren Christian Church) and associated access parking and landscaping.

Reason item is being put before Committee:

Cllr P. Sanders - My reasons are the impact on the AONB the impact on the adjacent National Park, the use of a green field site to locate industrial activities given that many suitable sites are available within a 15 mile radius. I also feel that although the evolving JLP does not as yet carry much weight it is relevant that although previously considered for industrial development this site is not now included in the JLP for any form of development.

Cllr R Cheadle - Given that the PC has recommended rejection of both applications and there are, to date, over 140 letters of objection, this must come before the Committee



Recommendation: Grant Conditional planning permission

Conditions (list not in full)

1. Time limit
2. Approved plan Nos.
3. Materials
4. Implementation of landscaping scheme
5. Street access and parking to be provided
6. Universal condition for development on land affected by contamination
7. Verification report
8. Unsuspected Contamination
9. Implementation of ecology mitigation and enhancement measures
10. Detailed design of surface water management system.
11. Restriction of use class

Key issues for consideration:

1. The principle of developing a church on this site
 2. The design and appearance of the building
 3. The impact upon the character of the wider area including the Tamar Valley AONB
 4. The impact upon neighbouring properties
 5. The adequacy of parking and access arrangements
-

Site Description:

The application site is a small 0.14ha area of vacant agricultural land to the east of Yelverton Business Park. It forms part of a larger area 2.25ha in size, located on the eastern edge of Yelverton Business Park and southwestern edge of the village of Crapstone.

It comprises part of a field that has been used in the past for pasture / pony paddock. Levels fall approx. 3m across the site from the North West to the south east. It is accessed off from Stoke Hill Lane via the Business Park, to the west.

The wider area is edge of settlement in character. There are open fields to the east and south, and the main village approach road to the north. The nearest residential properties, are a single dwelling, to the north east, and a row of large, detached, houses to the south. The latter are separated from the site by a pony paddock and a field.

The site is located within the Tamar Valley Area of Outstanding Natural Beauty (AONB) and adjacent to the boundary with Dartmoor National Park (DNP).

The Proposal:

Full planning permission is sought for a low rise single storey building (152sqm) comprising reception lobby, meeting hall, 3xWC's, mothers' room and garage. The proposed building shown on the western part of the site with sixteen parking spaces (one capable of being used by people with disabilities) and peripheral hedge and tree planting around the site

A planning statement prepared by PCL Planning, a Design and Access Statement (DAS) prepared by Design Development (DAS); an energy statement prepared by Energy Compliance; a Preliminary Ecological Assessment (PEA) prepared by Eco Logic; Desk Study and Ground investigation prepared by Hydrock and a Technical Note on transport issues, also prepared by Hydrock accompany the application.

In relation to the reasons for the proposal the Planning Statement states:-

'2.3 The proposed development seeks planning permission for the erection of a new hall of worship for use by the Plymouth Brethren.

2.4 There are currently 13 members of the Plymouth Brethren Christian Church living in the immediate neighbourhood with a further 2 members in the process of moving and another 5 just outside Yelverton. Members would like a convenient local meeting place for worship. The current meeting hall is in Brest Road, Plymouth, approximately 7 miles to the south of the site.

2.5 The Plymouth Brethren Church is an extremely charitable organisation that provides voluntary support for the emergency services and the general public of all faiths and denomination in time of need. The proposed building would also provide as much needed base to the Rapid Relief Team (RRT) to store all the equipment needed to deploy at short notice for any type of incident, including a catering trailer, water, food, sandbags etc. The RRT is registered with the relevant authorities such as the Councils, Fire Brigade, Police And Ambulance Services etc, and are often called upon to provide support at short notice/

In relation to the appearance of the proposed building the DAS states:-

'The site is on the edge of an AONB and as such is considered appropriate to receive a more considered external aesthetic than that of the adjacent existing development. This now looks somewhat dated with the curved eaves to the industrial cladding system. The Vandyke Brown has also weathered poorly. With ultraviolet degradation, making the surface appear chalky with uneven colouring.

The external walls are proposed in masonry construction with a smooth v stucco render that will be painted in a subdued 'heritage' colour... 'Spring Meadow' has been chosen as it is available in high quality durable smooth masonry paint.

The roof is a low duo pitch configuration chosen to reduce the overall height of the building. Accordingly to suit the low pitch, a profiled metal sheeting is proposed in 'Anthracite' colour. This colour will also be used for the windows doors and rainwater goods.'

There is a parallel application for three commercial units on part of the remaining field to the north and east. This is reported elsewhere on this agenda see ref. 4005/16.

Consultations:

- **County Highways Authority** - The application is supported by a Technical Note considering the highway impact of the development, the content and scope of which is broadly accepted by the highway authority. The access and parking proposed to serve the proposed development is acceptable from a highway point of view. It is recommended that a condition to require street access, parking and turning to be provided is incorporated in any grant of permission.
- **Environmental Health Section** - Seeks conditions relating to:- Universal condition for development on land affected by contamination; Verification report and Unsuspected Contamination'
- **Buckland Monachorum Parish Council** – First, the Committee considered the cumulative impact of the applications. It considered that the impact of the proposed development, which doubled the physical size of the current business park would have a significant impact on the village of Crapstone and the AONB, and in NPPF terms, should therefore be designated as major development for which no exceptional circumstances were either presented or apparent. The proposals singularly failed to either 'preserve' or 'protect' the AONB landscape. The Committee noted that this view was shared by the TVAONB Planning Officer in his response dated 20th Feb. On these grounds the Committee recommended that, in principal, the applications, if considered cumulatively, should be opposed.

The D&A Statement states that this application would be a 'modest addition to the proposed expansion of the Business Park'. The [Parish Council] Committee were of the view that the two applications had been submitted separately to constrain development of each to less than 1000 sqm (960 sqm and 152 sqm) in the mistaken belief that this would obviate the need to consider the application as a major development (thereby mis-understanding the difference between 'major'

in respect to the T&C PO and 'major' in respect of the NPPF). On its own, as a single building in the open countryside, within the AONB on an unallocated site outside the Settlement Boundary, the Committee had no hesitation in opposing the application. The Committee had no objection to the establishment of a facility to suit the needs of the applicant but considered such a facility would be inappropriate in this location and that no meaningful alternatives had been explored. It therefore failed in respect of relevant Policies within the extant Development Plan and in particular Policy SP17.

- **Tamar Valley AONB** — Have provided a lengthy response. Para 6 specifically relates to the meeting hall proposal. It states:

'It is evident that the physical impact of the meeting hall is limited given its scale and use. In those terms it is unlikely that it would generate impacts by way of noise, traffic flows, visual impact, landscape character that would render it major in the conventional sense to be applied in the case of para 116 of the NPPF.'

TVAONB response that concludes:-

'This consultation response has sought to set out how these applications have been assessed by the TVAONB and how they fall to be assessed as part of a wider suite of material planning matters that the LPA must consider.'

As has been noted we have assessed the schemes both individually and also collectively.

We remain concerned that the overall development whilst reduced in scale, will result in impacts that do not enhance or conserve the natural beauty of the AONB landscape. Given the above we are of the view that the applications as they stand would not fully accord with SP17 of the West Devon Core Strategy or paragraph 115 of the NPPF. In those terms we feel that the application will need to be assessed by the LPA in the light of footnote 9 to the paragraph 14 of the NPPF.

If the LPA is of the view that the development is in accordance with current development plan policies or that other material considerations are such that they outweigh any conflict with these policies then we would wish for suitable mitigation to be provided beyond that currently shown.

The current proposals still leave the area of land to the south of the site as open field with a gap provided for future access into this area of land. It is suggested that further meaningful landscaping should be provided as a minimum to offset the impacts of any development if approved

It is suggested that such landscaping should take the form of a woodland and pond in order to contribute to the Tamar Valley Biodiversity 2020 targets asset out within section 5.7 of the TVAONB Management Plan.'

- **Dartmoor National Park (DNP)** – The National Park Authority (NPA) has noted the application ref 4005/16/FUL.

While the scale of this proposed development is not likely, in its own right, to result in an unacceptable impact on the National Park interests, it is nevertheless considered to be an unsustainable form of development in an open countryside location outside of a recognised settlement. This may lead to additional car borne traffic movements from locations within the National Park to the detriment of the amenity of this location.

- **DCC Drainage** - At this stage, we have no in-principle objections to the above planning application, from a surface water drainage perspective, assuming that the following pre-commencement planning conditions are imposed on any approved permission:

Further to our letter of the 22/02/2017 and discussions with the consulting engineer (Hydrock) appropriate infiltration testing has provided within the submitted Ground Investigation to support the proposals for surface water disposal via infiltration. Although groundwater was located on the site, it is noted that the groundwater may be perched water rather than as a result of seasonal groundwater due to their location within the site. The current drainage proposals are now proposing a single soakaway as identified within Drawing No. C161168/C/100 (Rev. H, dated 12/04/17) supported by appropriate sizing calculations (Ref:170412, dated 12/04/17). This is located within an area where groundwater was not recorded and infiltration rates were shown to be favourable.

The engineering consultants have also submitted Drawing No. C161168/C/205 (Rev. A, dated 24/03/17) which shows appropriate exceedance routing which proposals of interception bund to the south of the site to retain and exceedance flows within the site boundary.

The consultants have also submitted a suitable maintenance schedule within their email dated 31/03/17). As such we have no further objection from a surface water management perspective subject to the condition above requiring details of the drainage during construction.

Representations:

226 letters of representation (LOR's) have been received. 43 support the proposal 183 object to it.

The reasons for support can be summarised as follows:-

The proposal gives the Rapid Relief Team (RRT - an associate charity which gives support to the community in times of flooding, fire and other emergencies) an essential base and store for their equipment. Support a very worthwhile cause. The RRT equipment store is a great asset. Easier to access this hall than to drive to Plymouth. It needs to be stored where it is easily accessible will reduce the need for local resident members travel to Plymouth. Buckland Monochorum Parish have been the biggest beneficiaries of RRT voluntary service. Look forward to seeing the application received majority support in favour so that RRT can continue to develop their great track record of public benefits. Allowing RRT to be based at Crapstone rather than Plymouth would be a significant benefit to the local community.

Development of green belt and is inevitable as a city like Plymouth expands geographically. An excellent way to further strengthen and support the vibrant community in Yelverton.

A meeting hall of the business park would be a massive asset. There aren't enough churches around the Yelverton area. Support this move to uphold the Christian faith in the area.

Building design and access very in keeping with other surrounding buildings. Small towns and villages are living places and as such cannot remain the same for ever. This is a well thought out design which is complimentary to the local; surrounding landscape.

This hall will have no adverse effect on traffic or the environment as it will only be used out of office hours.

Glad to see that they are planting more trees.

The reasons for objection can be summarised as follows:-

The proposal is inappropriate development in Tamar AONB and borders with Dartmoor National Park area. There are no exceptional circumstances. It is outside village development boundary and will destroy a greenfield site adjacent to the National Park and within the AONB.

This proposal is for a meeting room for a religious group. There are already 5 public halls within the parish, which could be utilised for this purpose. These are all underutilised. There is no need for another. Furthermore, a public space of this type is likely to increase the number of visitors several fold, and to extend to hours of use in the evening and weekends which the business park does not.

No members of the Plymouth Brethren live in Crapstone and neighbouring villages. They travel from Plymouth. They have a brand new building in Roborough. There is absolutely no need for this extension. Plymouth Brethren have other local meeting halls. One in Roborough.

Relevant Planning History

- Pre-application advice provided. qualified support offered
- Ref. 2172/16/FUL -Full planning permission for 15 units with D21 meeting hall (2,127sqm) withdrawn 22/11/2016.
- Ref. 00396/2010 Extension to existing business park for B1, B2 and B8 units (33 units 6,216sqm total [4,200sqm light industrial and 2,016sqm office space]) Refused 28/10/2010 on the grounds that there is no exceptional need for development on this scale and that it would have a detrimental impact on the character of the AONB.
- Ref. 13262/2009/TAV Outline application for change of use (of land) to accommodate B1,B2 and B8 uses units (33 units 6,216sqm total [4,200sqm light industrial and 2,016sqm office space]) Withdrawn 06/11/2009
- Ref. 12273/2008/TAV Erection of 800sqm single storey unit Withdrawn 09/10/2008

ANALYSIS

Principle of Development/Sustainability:

The proposal falls to be considered, in the first instance, against Strategic Policy 13, Community services and facilities of the Core Strategy. This states

'Proposals to increase and enhance ... cultural ... facilities will be supported where they contribute to the wellbeing of the community and improve accessibility to services. Any new facilities... should be as well related as possible to the settlement ensuring that they are designed so as to be fully accessible taking into account a range of diverse needs and circumstances.'

The proposal would serve a particular section of the community, providing them with a hall for worship and functions that abrogates the need to travel elsewhere and provide a storage facility for the rapid Relief Team equipment. It will thus help satisfy the cultural needs of the community contributing to its wellbeing and accessible services

Design/Landscape:

The proposal is located within the Tamar Valley Area of Outstanding Natural Beauty (TVAONB / AONB) where Core strategy Policy SP17, Landscape Character, is relevant. It states:-

a. In designated Areas of Outstanding Natural Beauty their conservation and enhancement will be given great weight. Development will not be proposed in the LDF, or otherwise permitted, which would be detrimental to the natural beauty and quiet enjoyment of the Area of Outstanding Natural Beauty, including its landscape, wildlife and geological interest.

The criteria used to assess whether an application is to be considered a major development, in relation to AONB considerations, does not follow the Development Management Order definition. It is based on an assessment of the likely impacts of the development, not a numeric formula. The TVAONB, in their consultation response, have set out their view that the current proposal does not constitute major development within the AONB, and therefore that paragraph 115 of the NPPF is the relevant consideration, not paragraph 116. WDBC planning and landscape officers concur with the TVAONB's view, and therefore that Paragraph 115 of the NPPF is the relevant consideration. It states

Great weight should be given to conserving landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to landscape and scenic beauty. The conservation of wildlife and cultural heritage are important considerations in all these areas, and should be given great weight in National Parks and the Broads.

The proposal is for a single storey building of functional design. It would have some resemblance to the existing commercial buildings in the adjacent Business Park and the 3 commercial units proposed

in the parallel application ref. 4005/16. With the proposed landscaping around the buildings, the design is considered to be acceptable in relation to Core Strategy policy Strategic Policy 20, Promoting High Quality Design.

The proposal will impact upon semi improved grassland in the centre and north western part of the site, leaving the northern and eastern edges and a large swathe of the south undeveloped and enhanced by planting that would serve both to screen the site and enhance ecology. Development of the central part of the site is unlikely to impact much upon bio diversity. Subject to a condition requiring the implementation of the Ecology mitigation and enhancement measures the proposal is considered to be acceptable in relation to Strategic Policy 19 Biodiversity and Local Development Review Policy BE13 landscape and boundary treatment

Neighbour Amenity:

There are no residential properties in the immediate neighbourhood. Those in the row to the south are some located some distance (circa 60m / 100+m between buildings) from the site and are very unlikely to be affected by pollution or noise (the Policy BE16, potentially polluting activity pollution and Policy BE19 Noise, considerations). Their frontage outlook will alter, but their main private gardens are to the south and there is no planning requirement to safeguard individual views. Eventually the proposed landscaping will mature and obscure their view of their buildings, roads and car parking

Highways/Access:

Yelverton Business Park is located on the eastern side of Crapstone village. Most traffic visiting the Park does not have to travel through the village, as the main road link is via the A386 to the east.

The applicant's transport statement, and traffic modelling predicts a modest increase that the existing highway network is capable of accommodating and no particular safety issues. DCC Highways concur and are satisfied with the proposal in relation to Policy T9, and that levels of parking proposed are adequate – the Policy T8 consideration. Subject to condition requiring the parking and access to be provided the proposal is considered to be satisfactory

Other Matters:

Drainage

Strategic Policy 21 Flooding of the Core strategy is a relevant policy consideration. It states:-

Development should avoid flood risk where possible, ensure protection from and not worsen flooding, and provide betterment where possible.

Development should first seek to make use of areas at no or low risk to flooding (Flood Zone 1) before areas of higher risk (Flood Zones 2, 3a and 3b), where this is possible and compatible with other policies aimed at achieving a sustainable pattern of development.

Development which is acceptable (in terms of PPS25) or otherwise exceptionally justified within areas at risk of flooding must:

- *Be subject to a flood risk assessment;*
- *Include an appropriately safe means of escape above flood levels anticipated during the lifetime of the development; and*
- *Be designed and controlled to mitigate the effects of flooding on the site and the potential impact of the development on flooding elsewhere.*

Following work undertaken by Hydrock, the applicant's drainage engineers, DCC Drainage are satisfied that the surface water from the development can be adequately drained without adverse impact on land outside the site. A condition to require submission, approval and implementation of a surface water scheme is recommended. Subject to the imposition and compliance with this condition the proposal is considered to be acceptable in relation to Policy CS21.

Conclusion

This is considered to be a low key D1 use, compatible with the adjoining Business Park and wider area . It will satisfy the requirements of local Plymouth Brethren group, in accordance with policy SP13.

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
SP2 – Decentralised and Renewable Low Carbon energy to Supply New Developments
SP3 – Renewable Energy
SP4 – Infrastructure Provision
SP5 – Spatial Strategy
SP13 - Community services and facilities
SP14 – Accessibility Planning
SP15 – Traffic Management
SP16 – Safer Communities
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
BE13 – Landscaping and Boundary Treatment
BE16 – Potentially Polluting Activity
BE17 – Potentially Polluting Activity
BE18 – Potentially Polluting Activity
BE19 – Development on Contaminated Land
H41 – Business Use in Residential Areas
H42 – Disabled and Those with Mobility Issues
T1 – Walking and Cycling
T2 – Pedestrian and Cyclist Safety
T3 – Protection of Existing Footways, Cycleways and Bridleways
T5 – Public Transport
T7 – Railways
T8 – Car Parking
T9 – The Highway Network
PS2 – Sustainable Urban Drainage Systems

Emerging Joint Local Plan

The Plymouth and South West Devon Joint Local Plan (the JLP) will replace the above as the statutory development plan once it is formally adopted.

Annex 1 of the National Planning Policy Framework (the Framework) provides guidance on determining the weight in relation to existing and emerging development plan policies.

- For current development plan documents, due weight should be given to relevant policies according to their degree of consistency with the Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given).

- For the JLP, which is an emerging development plan, the weight is to be determined by the stage of its preparation, the extent to which there are unresolved objections, and its degree of consistency with the Framework.

The JLP is at a relatively advanced stage of preparation. The precise weight to be given to policies within the JLP will need to be determined on a case by case basis, having regard to all of the material considerations as set out on the analysis above.

PLYMOUTH AND SOUTH WEST DEVON JOINT LOCAL PLAN - : PUBLICATION (as considered by the Full Councils end Feb/Early March 2017)

SPT1 Delivering sustainable development
 SPT2 Sustainable linked neighbourhoods and sustainable rural communities
 SPT4 Provision for employment floorspace
 SPT8 Strategic connectivity
 SPT11 Strategic approach to the natural environment
 TTV1 Prioritising growth through a hierarchy of sustainable settlements
 TTV2 Delivering sustainable development in the Thriving Towns and Villages Policy Area
 TTV31 Development in the Countryside
 DEV1 Protecting amenity and the environment
 DEV2 Air, water, soil, noise and land
 DEV20 Place shaping and the quality of the built environment
 DEV24 Landscape character
 DEV27 Nationally protected landscapes
 DEV28 Protecting and enhancing biodiversity and geological conservation
 DEV30 Trees, woodlands and hedgerows
 DEV34 Delivering low carbon development
 DEV35 Renewable and low carbon energy (including heat)
 DEV37 Managing flood risk and Water Quality Impacts

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.

1. The development to which this permission relates must be begun not later than the expiration of three years beginning with the date on which this permission is granted.

Reason: To comply with Section 91 of the Town and Country Planning Act, 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development hereby approved shall in all respects accord strictly with drawing numbers 980-202; 980-413; 980-513; 980-514; UB/YBP2/01 Rev.C & C161168/C/201 received by the Local Planning Authority on 13/12/2016 and drawing no. 980-B-300 Rev.A received 19/01/2017.

Reason: To ensure that the proposed development is carried out in accordance with the drawings forming part of the application to which this approval relates.

3. Prior to their installation details of facing materials, and of roofing materials to be used in the construction of the proposed development shall be submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out in accordance with those samples as approved.

Reason: In the interests of visual amenity.

4. The building work shall not be implemented except in full accordance with the landscaping scheme that has been submitted and approved by the Local Planning Authority. The scheme

submitted shall be fully implemented in the planting season following the completion of the development and the plants shall be protected, maintained and replaced as necessary for a minimum period of five years following the date of the completion of the planting.

Reason: In the interest of visual amenity in order to protect and enhance the amenities of the site and locality.

5. No part of the development hereby approved shall be brought into its intended use until the industrial estate street, aces, parking facilities, commercial vehicle loading/ unloading area, turning area and access drainage have been provided and maintained in accordance with details that shall have been submitted to, and approved in writing by, the Local Planning Authority and retained for that purpose at all times.

Reason: To ensure that adequate facilities are available for the traffic attracted to the site.

6. Prior to the commencement of development, the following components of a scheme to deal with the risks associated with contamination of the site shall be submitted to and approved, in writing, by the Local Planning Authority. That scheme shall include all of the following elements unless specifically excluded, in writing, by the Local Planning Authority.
 1. A preliminary risk assessment/desk study identifying:
 - All previous uses
 - Potential contaminants associated with those uses
 - A conceptual model of the site indicating sources, pathways and receptors
 - Potentially unacceptable risks arising from contamination at the site
 2. A site investigation scheme, based on (1) to provide information for an assessment of the risk to all receptors that may be affected, including those off site.
 3. The site investigation results and the detailed risk assessment (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
 4. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these agreed elements require the written consent of the Local Planning Authority. The scheme shall be implemented as approved.

Reason: There is a need for further assessment in regards to the potential risk of UXO's on site. The condition covers the full range of measures that may be needed depending on the level of risk at the site. If the LPA is satisfied with the information submitted with the application they can decide to delete any of elements 1 to 4 no longer required. The LPA may still decide to use the whole condition as this would allow them to declare the information no longer satisfactory and require more or better quality information if any problems are encountered in future.

7. Prior to commencement of development, a verification report demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out to demonstrate that the site remediation criteria have been met. It shall also include, where relevant, a plan (a "long-term monitoring and maintenance plan") for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action and for the reporting of this to the local planning authority.

Reason: Without this condition, the proposed development on the site may pose an unacceptable risk to the environment. This is listed as a separate condition as it gives the LPA

the option to choose a later control point: i.e. prior to occupation, rather than commencement of the development for the main phase of the remedial works.

8. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, an amended investigation and risk assessment and, where necessary, a[n amended] remediation strategy and verification plan detailing how this unsuspected contamination shall be dealt with. Following completion of measures identified in the approved remediation strategy and verification plan and prior to occupation of any part of the permitted development, a verification report demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the local planning authority.

Reason: No site investigation can completely characterise a site. This condition is required to ensure that any unexpected contamination that is uncovered during remediation or other site works is dealt with appropriately.

9. The recommendations, mitigation and enhancement measures of the Ecological Report, by Eco Logic on 13/12/2016, shall be fully implemented prior to the commencement of the use hereby approved and adhered to at all times. In the event that it is not possible to do so all work shall immediately cease and not recommence until such time as an alternative strategy has been agreed in writing with the local planning authority.

Reason: To safeguard the interests of protected species

10. No part of the development hereby permitted shall be commenced until the detailed design of the proposed surface water drainage management system which will serve the development site for the full period of its construction has been submitted to, and approved in writing by, the Local Planning Authority, in consultation with Devon County Council as the Lead Local Flood Authority. This temporary surface water drainage management system must satisfactorily address both the rates and volumes, and quality, of the surface water runoff from the construction site.

Reason: To ensure that surface water runoff from the construction site is appropriately managed so as to not increase the flood risk, or pose water quality issues, to the surrounding area.

11. The proposed building shall only be used as a religious meeting hall and associated purposes (including limited equipment storage for the Rapid Relief Team) and for no other purpose within the class D1 of the use classes order, without the specific permission in writing of the Local Planning Authority.

Reason: The D1 use class, and associated permitted development right provisions, allow some uses that may be incompatible with the other industrial and commercial uses on the Business Park. The Local Planning Authority wishes to control any future changes of use to ensure that they do not undermine the viability of the Business Park.

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PLANNING APPLICATION REPORT

Case Officer: Anna Henderson-Smith **Parish:** Okehampton Hamlets **Ward:** Okehampton North

Application No: 4059/16/VAR

Agent/Applicant:
Mr Robin Upton
Hawkridge House
Chelston Business Park
Wellington
TA21 8YA

Applicant:
Hannard Developments Ltd

Site Address: Land North Of Crediton Road, Crediton Road, Okehampton, Devon

Development: Variation of conditions 3 (approved plans) and 21 (to allow phase 1 to start from joint school access and provision of roundabout as part of phase 2) following grant of planning consent 01089/2013

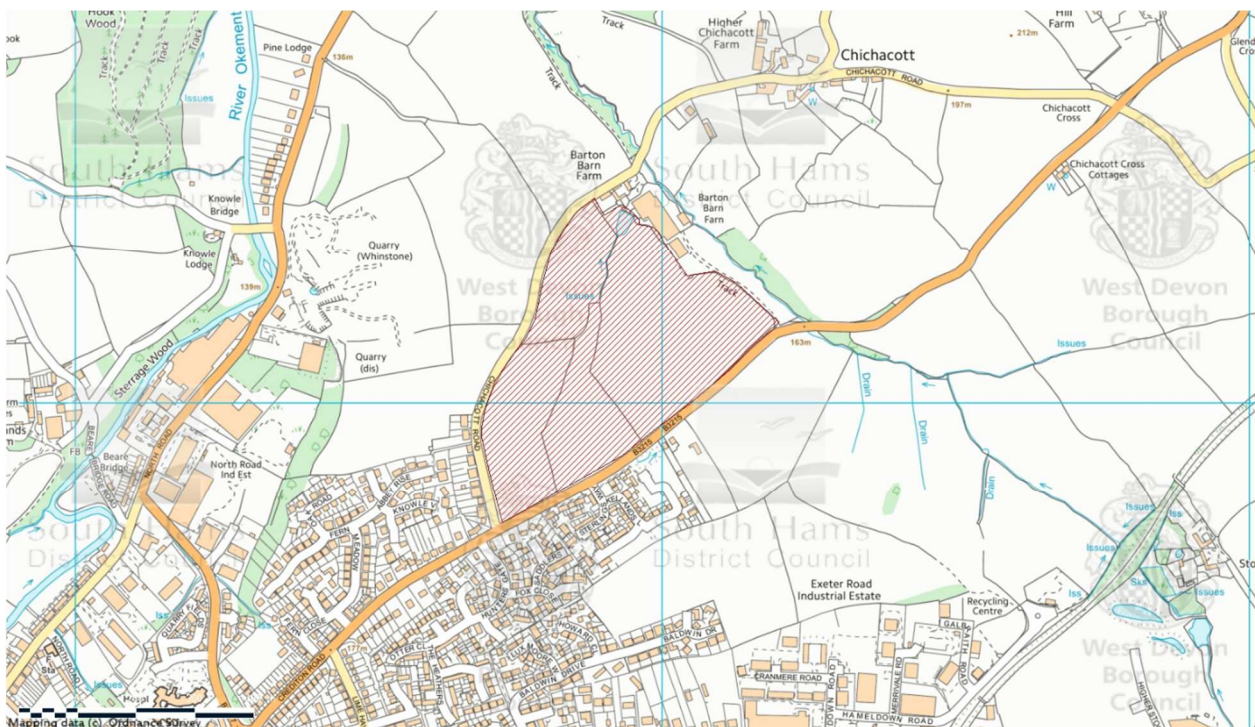
Reason item is being put before Committee:

This application has been called in to committee by all three Ward Members for the following reasons:

'Both Councils are concerned with this one so I for one would prefer for it to go to the full Planning Committee for debate. I would also want the Highways Officer there to explain his thinking. If we agree to letting this amount of houses to be built before we even get the roundabout, then this will put even more strain on the road infrastructure of the town and Hamlets.' Cllr Leech

'I would prefer it if this came to Committee. Although I am happy with the amendment to Affordable Housing, I would prefer no amendment to what has already been agreed on the roundabout.' Cllr Rev Davies

'I agree with Tony and Mike. The change to the affordable housing is fine, but the roundabout is critical for the further delivery of infrastructure. It should go to committee.' Cllr Ball



Recommendation: Delegate to COP Lead Development Management in consultation with the Chairman of Development Management and Licensing Committee to grant permission subject to completion of S106 agreement which ties this amended decision to the obligations of the original approval.

Conditions:

As per the original approval save for the changes sought to the phasing plan, roundabout technical details plan and red line and the phasing condition in order to allow the school access road and junction to be delivered prior to phase 1 and the roundabout to be delivered in phase 2.

Key issues for consideration:

The key issues are whether the inclusion of the school site access and junction prior to phase one is acceptable and whether the amended trigger of delivering the roundabout access to the occupation of the 150th dwelling (as part of phase 2) is acceptable.

Also included with this application was the proposal to remove the S106 uplift clause and instead increase the upfront Affordable housing contribution offer.

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

Not applicable in this instance as the houses and their numbers have already been approved so this application seeks no changes which would alter the NHB attracted.

Site Description:

The site forms part of a larger site allocated in the Council's adopted Core Strategy 2011. The application site is identified as parcel 2 of SP22a in the East of Okehampton Masterplan. It is also retained as part of the Wider East of Okehampton allocation in the emerging JLP as Policy TTV18 for around 775 homes.

It comprises approximately 14.7 hectares in size. It is mainly in agricultural use for grazing and is bordered to the east by the dense woodland of the Stockley Valley, to the north and east by Chichacott Lane and to the south by Crediton Road.

There are various constraints within and around this site, these include heritage and archaeological assets; to the west of Parcel 2 on the boundary of Chichacott Road is a Roman Fort, which is protected as a Scheduled Ancient Monument (SAM). This is a nationally significant asset. Some evidence of the fort is still available on the ground and as such the visual setting of this important heritage feature will be an important consideration in the layout of new development.

The Environment Agency has identified a flood zone through the Stockley Valley. This is classified as flood zone 3, which is considered to be at high risk of flooding. As such, residential development in this area is considered to be 'more vulnerable' and should not be located here. There is also a minor watercourse in the northern part of the parcel. The watercourses and the woodlands which surround them are important habitats for local biodiversity.

The Stockley Valley forms a dense area of woodland and runs along the eastern boundary of Parcel 2. Lowland mixed deciduous woodland is present here. There is also a network of locally distinctive hedgerows present on this parcel. Parcel 2 can be viewed from the northern boundary of the Dartmoor National Park and in views towards Dartmoor. However, this area of land is relatively low lying and relates both physically and visually with surrounding built up development.

The Proposal:

To allow the joint school access to be provided prior to phase one and provision of the roundabout as part of phase 2 (no later than the occupation of the 150th unit)

Also removal of the S106 uplift clause and replacement with an increased upfront affordable housing offer.

Consultations:

- County Highways Authority -

‘as the proposed variation to the conditions will, as outlined in the correspondence supporting the application, result in the delivery of the roundabout even earlier in the phased development of the site than previously recommended, there are no objections to the proposed variation from the highway point of view’.

- Okehampton Hamlets Parish Council –

‘Revised Phasing Plan – councillors resolved to object to the change in phasing as proposed. If the wording was changed to ‘delivery’ as opposed to occupation this would be considered more acceptable. There will be impact on the road infrastructure as soon as development commences and it is therefore essential the provision of infrastructure is a priority.

Councillors agree it is essential that Parcel 2 is completed prior to the commencement of parcels 3 and 4 – the priority is for Parcel 2 to be completed with all the associated infrastructure before any other development commences.

The Council would not wish to see any changes to the existing S106 agreement. The potential benefits from the existing uplift clause would provide significant local benefits.’

- Okehampton Town Council -

‘The Town Council urge the planning authority to decline the proposed amendment to the phasing plan unless the roundabout be provided on the *delivery* of the 150th dwelling, as opposed to the *occupation* as proposed. Reason: occupation is dependent upon the sale of dwellings, whereas delivery is an empirical statement of units actually built out. The adverse effect and impact on local infrastructure will be in evidence before the first dwelling is occupied.

The Council further urge the Planning Authority to maintain all the provisions of the existing S106 intact. It is considered that the uplift clause, together with its additional obligations, would provide benefits locally subject to financial triggers being met.

Finally, the summary paragraph refers also to parcels 3 and 4. The Council are keen to ensure that there is no notional linking of parcel 2 with parcels 3 and 4 and that parcel 2, together with the necessary road infrastructure elements, is delivered as a self contained development’.

- Affordable housing officer – supports the removal of the uplift clause in lieu of the increased upfront delivery of an increased AH offer from 6 to 8% based on the viability information provided and the professional advice received from our viability consultants at PCC.
- Viability consultants at PCC:

Re. the offer of 8% Affordable Housing on a 50/50 basis affordable rent/intermediate. This is an increase from the approved 6% however the tenure on this approval was 80% rent/20% intermediate.

'In exchange for this the applicant has requested a removal of the uplift mechanism (overage/revaluation) which would result in a payment due to the local authority if the development achieved a certain profit level. The applicant entered in to this agreement believing it was so unlikely to occur that house-builders would not be phased by it. They have subsequently found, following extensive marketing and approaching various house-builders, that the presence of this mechanism alone is enough to put developers off who do not like the uncertainty and complexity regardless of the perceived risk of it triggering. We find this argument persuasive and in our judgement delivery of this site could be being prejudiced by the presence of this clause.

We consider the likelihood of the local authority receiving benefit from this clause in the event the land was developed is low. Should a developer reach the required profit level to trigger the clause it will be difficult for the local authority to assess and prove the contribution that they are owed. ...

In this context we believe the effective exchange of the uplift mechanism for 2% more affordable (assuming the tenure mix is acceptable) should be considered a fair arrangement for the LPA.

In any event, were we to appraise this as a fresh application we would likely still conclude that 8% 50/50 was the maximum to be viably deliverable. This is due to the presence of significant other section 106 requirements over and above what we typically see for a scheme of this size'

Representations from Residents

Comments have been received and cover the following points:

One objection:

- Concern regarding the location of the roundabout as the stretch of road is challenging and visibility sometimes poor

Relevant Planning History

01089/2013 outline application to include access and layout (insofar as identifying the primary school site) for residential development of up to 375 dwellings, primary school and retail unit. – approved by committee 29/10/13

1493/16/VAR – variation of conditions 3 and 21 of outline 01089/2013 to allow the development to be delivered in a phased manner – resolution to grant from committee but awaiting final approval due to technicality surrounding the S106. Due to be issued imminently.

ANALYSIS

Background:

The original outline approval on this site was the subject of much viability scrutiny as the scheme was/is unable to deliver the complete policy compliant package of infrastructure and contributions required. However a satisfactory s106 package was arrived at and agreed upon. This resulted in a £50k contribution to open space, sport and recreation, 6% Affordable housing, with the remainder of the available money going to DCC for education and highways. The highways monies were prioritised with the link road first, followed by cycling/walking routes and the town centre relief road.

In addition to this package of S106 contributions, it was agreed that the development would deliver a roundabout as its easterly access rather than just a T- junction (which was technically all that was

required from a highway perspective.) This was because the junction would be in the position where a roundabout would eventually be required in order to connect into the link road and, as such, rather than necessitate a further upgrade of a junction to a roundabout, the development offered up the roundabout from the outset which is essentially a contribution in kind as the engineering works and cost associated with the roundabout are greater than that of the simpler T-junction.

Current situation:

Since its approval in 2013 there have been changes to the situation of the site, the school site has been acquired by DCC and this acquisition requires the early delivery of the western access junction and its first section of road to serve the school.

The previously agreed S106 required the delivery of the roundabout prior to the occupation of any of the residential units. This was agreed to but was an earlier delivery than DCC highways actually considered would be necessary for the proper and safe functioning of the development. The roundabout is a large financial outlay, especially upfront and the requirement to deliver this infrastructure so early has been cited as deterring potential developers from the site.

Viability is an important consideration in planning, but this is coupled with the importance of 'deliverability' and the local authority must consider the need to actually aid and enable the delivery of developments once approved.

The elements of the proposal

1) The school site junction/access road

The early delivery of this junction is beneficial to all concerned as it facilitates the development of the school site, there are no objections received to this and overall it is considered both acceptable and beneficial.

2) The delivery of the roundabout in phase 2 (prior to the occupation of the 150th dwelling). This is also considered acceptable as DCC Highways are in agreement that 150 units and the school can be adequately served off the western school site junction/access. Although the roundabout is a local infrastructure priority as it is the northern point of the link road, it must be remembered that infrastructure can only be requested through a s106 when it is reasonable and necessary to make the development acceptable. The point at which this development requires the roundabout in highway terms is not before the 150th dwelling is occupied and as such we can not reasonably require it before this point.

The Town and Hamlets Parish councils state they would prefer the wording to read 'delivery' of the 150th unit, however a delivered unit does not create traffic and therefore need. An occupied one creates the traffic and thus the need. So 'occupation' not 'delivery' is the correct trigger. Overall then this proposal is considered acceptable.

3) Removal of the uplift clause in lieu of an increased on-site affordable housing offer from 6% to 8% with a new mix of 50% rental 50% intermediate. It is evident from the comments from the viability consultants who, alongside the case officer and affordable housing officer, have scrutinised this case and proposal, that this is a reasonable and viable offer and that the reasons for it, surrounding the certainty of the site and the need to attract a developer, are valid. The first pot to be 'topped up' in the uplift clause was Open space sport and recreation with AH next, however this offer is for an AH increase only. However overall the offer is the most which is considered viable for the scheme and the reasons for the uplift removal are considered sound. Although uplift clauses have their place, it is quite likely that the local authority would not have benefitted in the future from the clause and it is considered that a greater contribution now rather than the possibility later is beneficial to the authority whilst also providing greater on-site certainty thus attracting a developer. This will then deliver the housing and with it greater certainty and a higher quantum of families which will aid in the

delivery of the school. Overall then officers also support this proposed change to the S106 agreement through a deed of variation to the original agreement.

The proposal also included very slight changes to the red line of the application so as to provide a slim buffer to the adjacent residential property to the North East as previously the red line has been drawn tight to the buildings' boundaries, this is considered acceptable.

It also includes an additional technical drawing for the roundabout so that it is capable and suitable to accommodate parcels 3 and 4 which members have already resolved to grant subject to the S106. The changes relate to the east arm that provides a pedestrian crossing and extended footway. This is considered acceptable by officers and DCC.

Conclusion

Overall officers support all aspects of the proposed changes to this scheme.

This application has been considered in accordance with Section 38 of the Planning & Compulsory Purchase Act 2004 and with Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Planning Policy

Section 70 of the 1990 Town and Country Planning Act requires that regard be had to the development plan, any local finance and any other material considerations. Section 38(6) of the 2004 Planning and Compensation Act requires that applications are to be determined in accordance with the development plan unless material considerations indicate otherwise.

The relevant development plan policies are set out below:

West Devon Borough Council Core Strategy 2011

SP1 – Sustainable Development
SP4 – Infrastructure Provision
SP13 – Community Services and Facilities
SP14 – Accessibility Planning
SP15 – Traffic Management
SP22 – Okehampton

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

T5 – Public Transport
T9 – The Highway Network

Emerging Joint Local Plan

The Plymouth and South West Devon Joint Local Plan (the JLP) will replace the above as the statutory development plan once it is formally adopted.

Annex 1 of the National Planning Policy Framework (the Framework) provides guidance on determining the weight in relation to existing and emerging development plan policies.

- For current development plan documents, due weight should be given to relevant policies according to their degree of consistency with the Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given).
- For the JLP, which is an emerging development plan, the weight is to be determined by the stage of its preparation, the extent to which there are unresolved objections, and its degree of consistency with the Framework.

The JLP is at a relatively advanced stage of preparation. The precise weight to be given to policies within the JLP will need to be determined on a case by case basis, having regard to all of the material considerations as set out on the analysis above.

PLYMOUTH AND SOUTH WEST DEVON JOINT LOCAL PLAN -: PUBLICATION (as considered by the Full Councils end Feb/Early March 2017)
SPT1 Delivering sustainable development
SPT8 Strategic connectivity
SPT9 Strategic principles for transport planning and strategy
SPT10 Balanced transport strategy for growth and healthy and sustainable communities
SPT12 Strategic infrastructure measures to deliver the spatial strategy
TTV3 Strategic infrastructure measures for the Main Towns
TTV16 Spatial priorities for development in Okehampton.
TTV18 East of Okehampton
DEV31 Specific provisions relating to transport
DEV32 Meeting the community infrastructure needs of new homes
DEL1 Approach to development delivery and viability, planning obligations and the Community Infrastructure Levy

Considerations under Human Rights Act 1998 and Equalities Act 2010

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

Conditions (changes from original outline approval highlighted in yellow):

- 1 In the case of any matter reserved by this permission, any application for approval of any reserved matter must be made not later than the expiration of three years beginning with the date of grant of outline planning permission.

The development to which this permission relates must be begun not later than whichever is the later of the following dates:
 - (i) the expiration of three years from the date of the grant of outline planning permission; or if later
 - (ii) the expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.

Reason: To comply with Section 92 of the Town and Country Planning Act, 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2 The development hereby authorised shall be carried out in accordance with detailed drawings for each phase which shall previously have been submitted to and approved by the Local Planning Authority prior to the commencement of the phase to which the details pertain. These detailed drawings shall show the following:
 - (a) the design and external appearance of the proposed building(s);

- (b) its/their siting;
- (c) existing (and proposed) (i) site levels (together with proposed (ii) slab levels);
- (d) the materials for their construction
- (e) the arrangements for the disposal of foul and surface water;
- (f) the means of access from public highways;
- (g) the areas for (i) parking (ii) (and turning) of vehicles (in accordance with the Devon County Council's parking standards);
- (h) all other works including walls fences means of enclosure screening.
- (i) the location, extent and layout of open space(s) play space(s)
- (j) the design, layout, levels, gradients, materials, drainage, lighting and method of construction of all new roads and connection with existing roads.

Reason: To ensure that adequate information is available for the proper consideration of the detailed proposals.

- 3 The development hereby approved shall be carried out strictly in accordance with the drawings numbered :

Site location plan August 2013 426 001 E

Amended phasing Plan August 2016

426 004 B land use plan (layout) received 14/5/14

Proposed Vehicular Access Strategy 21227-HAR-10A

Proposed Ghost Island Junction 21227-HAR-11A

Proposed pedestrian crossing at roundabout junction A092521 – SK09

Roundabout X Section 21227-VER-10

unless further amendments have been agreed in writing by the Local Planning Authority.

Reason: To ensure a satisfactory standard of development in the interests of amenity.

- 4 PRIOR TO COMMENCEMENT

No development shall take place until a Waste Audit Statement for waste arising from the development has been submitted to and agreed in writing by the Local Planning Authority.

The statement shall include:

- a) methods to reduce the amount of waste material
- b) methods to re-use the waste within the development
- c) methods for the reprocessing and/or final disposal of excavated materials, including locations (which should hold appropriate planning permission, Environment Agency licences and exemptions) where such activities will take place
- d) estimated quantities of excavated/demolition materials arising from the site
- e) evidence that all alternative methods of waste disposal have been considered
- f) evidence that the distance travelled when transporting waste material to its final disposal point has been kept to a minimum.

The development shall be carried out in accordance with the approved statement.

Reason: To minimise the amount of waste produced and promote sustainable methods of waste management in accordance with policy WPC4: Waste Audit, of the adopted Devon County Waste Local Plan.

- 5 PRIOR TO COMMENCEMENT

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

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

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

- 6 No later than the submission of the first reserved matters application, details of a travel plan shall be submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out in accordance with the details as approved.

Reason: in the interests of sustainability, the better functioning of the highway network and green travel.

- 7 **PRIOR TO COMMENCEMENT**
Prior to commencement of any phase of development the applicant shall provide a detailed design for the proposed site to demonstrate compliance with BS8233. The building envelope of all plots shall be constructed so as to provide sound attenuation against external noises, in accordance with the submitted noise assessment with window shut and other means of ventilation provided.

Reason: To protect amenity of future occupants

- 8 **PRIOR TO COMMENCEMENT**
Prior to commencement of development hereby approved an acceptable construction method statement will be required to be submitted to and agreed with the LPA, and this shall include:
- a) the parking of vehicles of site operatives and visitors
 - b) loading and unloading of plant and materials (none of this will be allowed to stand or wait on the existing highway network, and it should be noted that low loaders currently experience difficulty negotiating part of this area and this must be resolved prior to commencement
 - c) storage of plant and materials
 - d) wheel washing facilities
 - e) measures to control the emission of dust and dirt
 - f) estimates of the numbers of vehicles likely to visit the site during construction and daily hours of construction
 - g) a timetable of the works (including measures for traffic management)
 - h) wildlife protection measures required during construction.
 - i) provision of boundary hoarding behind any visibility zones has been submitted to and approved in writing by the Local Planning Authority. Only the approved details shall be implemented during the construction period.

Informative: This list is not exhaustive.

Reason: In the interest of highway safety and prevention of public nuisance

- 9 If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, an [amended] investigation and risk assessment and, where necessary, a[n amended] remediation strategy and verification plan detailing how this unsuspected contamination shall be dealt with.

Following completion of measures identified in the approved remediation strategy and verification plan and prior to occupation of any part of the permitted development, a verification report demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the local planning authority.

Reason: No site investigation can completely characterise a site. This condition is required to ensure that any unexpected contamination that is uncovered during remediation or other site works is dealt with appropriately.

- 10 There shall be only one retail unit on the site and the net retail floor area of this space shall be no larger than 250m² in total.

Reason: for the purposes of preserving the vitality and viability of the town centre.

- 11 The retail unit hereby approved shall sell convenience goods only and shall not sell comparison goods. The retail unit shall be a neighbourhood convenience store only and no other retail use.

Reason: in order to protect the vitality and viability of the town centre, and for the purposes of maintaining a sustainable development on this site.

- 12 At least 10% of energy used on the development shall be generated from decentralised and renewable or low carbon sources, or the development shall be constructed so as to be 10% more energy efficient than the standard for building regulations at the time of approval of reserved matters unless otherwise agreed in writing by the LPA.

Reason: for the purposes of sustainable development and a reduction in carbon emissions, (flexibility included due to emerging ministerial guidance.)

- 13 PRIOR TO COMMENCEMENT

Prior to the commencement of each phase, details of how fibre optic broadband connections to at least "superfast" (greater than 24Mg Bps) shall be facilitated to ensure that all Internet Service Providers (ISPs) are able to deliver their services to all premises within the phase and overall development area shall have been provided to and approved in writing by the Local Planning Authority. Such infrastructure as identified within these approved details shall be provided in phase with the development.

Reason: To support sustainable living and working patterns and ensure inclusiveness.

- 14 PRIOR TO COMMENCEMENT

Works to hedgerows that are likely to cause an offence against dormice shall not in any circumstances commence unless the LPA has been provided with either:

- a) A licence by Natural England pursuant to Regulation 53 of The Conservation of Habitats and Species Regulations 2010 authorizing the development to go ahead; or
- b) A statement in writing from Natural England to the effect that it does not consider that the development will require a licence.

Reason: In the interests of the protection of protected species and biodiversity.

- 15 PRIOR TO COMMENCEMENT

Development shall not begin until details of a Landscape and Ecological Management Plan (LEMP) for the site have been submitted to and approved in writing by the LPA. The LEMP should detail management and maintenance of existing and new landscape, wildlife and open space features reflecting recommendations of ecology and landscape reports.

Reason: in the interests of biodiversity and environmental protection

- 16 Detailed mitigation, compensation and enhancement measures to be provided at Reserved Matters Stage (e.g. an Ecological Design Strategy or similar document) showing how impacts on wildlife will be avoided/minimised and how a net gain for biodiversity at the site will be achieved.

Reason: for the protection of wildlife, biodiversity and the environment.

17 PRIOR TO COMMENCEMENT

Details of on-site play provision and open space shall be submitted to and approved in writing by the LPA before any development commences, and the development shall be carried out as approved.

Reason: in the interests of public amenity and wellbeing

18 The development shall be carried out in accordance with the revised Flood Risk Assessment received on 07/02/2014 as approved.

Reason: in the interests of flood protection, the environment and residential amenity

19 PRIOR TO COMMENCEMENT

Prior to the commencement of the development, details of the foul and surface water design including percolation test results and/or discharge flow rates and details of flow control devices where applicable, and supporting calculations shall be submitted to and approved in writing by the local planning authority.

Prior to the commencement of the development, a plan identifying each phase of development and the order in which such phases shall be developed shall be provided and agreed with the local planning authority. The LPA must be notified before any changes to this plan are made. Such changes must be agreed with the LPA before they are implemented.

Prior to the commencement of each phase of the development, details of construction phase surface water management scheme for each phase shall be provided and approved in writing by the local planning authority. This shall include details of the management of surface water run off, silt and debris containment and reduction for the duration of the construction works.

Prior to the commencement of each phase the development, details of the protection measures for existing watercourses, ditches, ponds and any other drainage feature affected by that phase of development shall be provided and approved in writing by the local planning authority.

Details relating to the maintenance and management responsibility of the drainage systems must be submitted to and approved in writing by the local planning authority prior to commencement on site.

Such approved foul and surface water drainage details shall be completed and become fully operational before the first occupation of that phase of development. Following its installation the approved scheme shall be permanently retained and maintained thereafter.

Surface water drainage systems design and installation shall be accordance with CIRIA C697 The SuDS Manual and CIRIA C698 Site Handbook for the Construction of SuDS.

Reason: To safeguard the amenities of the locality and to ensure that the development is adequately drained

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

materials and method of construction shall be submitted to the Local Planning Authority.

REASON: To ensure that adequate information is available for the proper consideration of the detailed proposals.

21 **PRIOR TO COMMENCEMENT**

The development hereby approved shall not be carried out otherwise than in accordance with the 'amended phasing plan' dated August 2016, which indicates 4 phases; school, phase one, phase two and phase three.

- The timing of delivery of the phases does not need to follow in the numerical sequence implied
- Phases can proceed concurrently
- The western access junction and first section of access road (highlighted green on attached plan) into the site shall be delivered prior to any other phase
- The roundabout shall be completed prior to the occupation of the 150th residential unit.

REASON: To ensure the proper development of the site and the timely delivery of the necessary infrastructure

22 **PRIOR TO COMMENCEMENT**

No part of the development hereby approved shall be commenced until:

- A) The access roads have been laid out, kerbed, drained and constructed up to base course level for the first 20 metres back from its junction with the public highway
- B) The ironwork has been set to base course level and the visibility splays required by this permission laid out
- C) The footway on the public highway frontage (if required by this permission) has been constructed up to base course level
- D) A site compound and car park have been constructed to the written satisfaction of the Local Planning Authority

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

23 The occupation of any dwelling in an agreed phase of the development shall not take place until the following works have been carried out to the written satisfaction of the Local Planning Authority:

- A) The spine road and cul-de-sac carriageway including the vehicle turning head within that phase shall have been laid out, kerbed, drained and constructed up to and including base course level, the ironwork set to base course level and the sewers, manholes and service crossings completed;
- B) The spine road and cul-de-sac footways and footpaths which provide that dwelling with direct pedestrian routes to an existing highway maintainable at public expense have been constructed up to and including base course level;
- C) The cul-de-sac visibility splays have been laid out to their final level;
- D) The street lighting for the spine road and cul-de-sac and footpaths has been erected and is operational;

E) The car parking and any other vehicular access facility required for the dwelling by this permission has/have been completed;

F) The verge and service margin and vehicle crossing on the road frontage of the dwelling have been completed with the highway boundary properly defined;

G) The street nameplates for the spine road and cul-de-sac have been provided and erected.

REASON: To ensure that adequate access and associated facilities are available for the traffic attracted to the site

24 The following details shall be submitted at the same time as the layout under the reserved matters for each phase of the development hereby approved:

(i) location, species and spread of all trees, shrubs, hedges, hard landscaping, boundary treatments existing on the site, distinguishing those proposed to be removed and those to be retained;

(ii) a landscaping scheme showing ground moulding, screen banks, hedgebanks, trees, shrubs, and hedges, including proposals for protection and maintenance of the landscaping.

The scheme submitted shall be fully implemented

(a) in the planting season following the substantial completion of the development

(b) in tandem with each phase of the development as set out under condition above,

and must be implemented not later than the planting season following the completion of each phase and the plants shall be protected, maintained and replaced as necessary to the reasonable satisfaction of the Local Planning Authority for a minimum period of five years following the date of the completion of the planting.

Reason: To protect and enhance the visual amenities of the site and locality.

25 The phased landscaping scheme as approved shall be fully implemented not later than the planting season following the completion of the development and the plants shall be protected, maintained and replaced as necessary to the reasonable satisfaction of the Local Planning Authority for a minimum period of five years following the date of the completion of the planting.

Reason: In the interest of visual amenity and landscape in order to protect and enhance the amenities of the site and locality

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West Devon Borough Council **Agenda Item 7**
PLANNING AND LICENSING COMMITTEE 30-May-17
Appeals Update from 6-Apr-17 to 12-May-17

Ward Milton Ford

APPLICATION NUMBER : **1082/16/OPA** APP/Q1153/W/16/3160586
APPELLANT NAME: Mr & Mrs Manning
PROPOSAL : Outline application with some matters reserved for the erection of a dwelling

LOCATION : Land at SX 450 771, Adj. Court Barton Mews Lamerton
APPEAL STATUS : Appeal decided
APPEAL START DATE: 14-December-2016
APPEAL DECISION: Dismissed (Refusal)
APPEAL DECISION DATE: 19-April-2017

Ward Okehampton South

APPLICATION NUMBER : **2676/16/FUL** APP/Q1153/W/17/3168366
APPELLANT NAME: Mr S Tancock
PROPOSAL : Development of redundant outbuildings at 9 Station Road to 2 x 1 bedroom flats

LOCATION : 9 Station Road, Okehampton, EX20 1DY
APPEAL STATUS :
APPEAL START DATE: 15-February-2017
APPEAL DECISION: Dismissed (Refusal)
APPEAL DECISION DATE: 11-May-2017

Ward Tamarside

APPLICATION NUMBER : **2323/16/OPA** APP/Q1153/W/17/3170746
APPELLANT NAME: Mrs SJL Hamblin, Mrs ME Guthrie & Mrs AT Bucklow
PROPOSAL : Outline application (with some matters reserved) for residential development (Class C3) of up to 20 dwellings with vehicular and pedestrian access to North Road, car parking, associated landscaping and infrastructure, public open space and Accessible Natural Greenspace - External access not reserved

LOCATION : Land South Of North Road Lifton Devon
APPEAL STATUS : Appeal Lodged
APPEAL START DATE: 03-May-2017
APPEAL DECISION:
APPEAL DECISION DATE:

Ward Tavistock North

APPLICATION NUMBER : **0415/16/FUL** APP/Q1153/W/16/3161719
APPELLANT NAME: Miss I Chambers
PROPOSAL : Change of use of existing annexe with planning permission for holiday accommodation into dwelling

LOCATION : Annexe Round House, Old Launceston Road, Tavistock, Devon, PL19 8NA
APPEAL STATUS :
APPEAL START DATE: 14-December-2016
APPEAL DECISION: Dismissed (Refusal)
APPEAL DECISION DATE: 03-May-2017

Ward Tavistock South West

APPLICATION NUMBER : **2461/16/FUL** APP/Q1153/W/17/3169048
APPELLANT NAME: Mr T Faircloth
PROPOSAL : Erection of dwelling
LOCATION : 83 Plymouth Road Tavistock PL19 8BZ
APPEAL STATUS : Appeal Lodged
APPEAL START DATE: 28-April-2017
APPEAL DECISION:
APPEAL DECISION DATE:

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West Devon Borough Council
DEVELOPMENT MANAGEMENT COMMITTEE 25-Apr-17
Appeal Hearings/Public Inquiry from 17-Feb-17

Ward Tavistock North

APPLICATION NUMBER : **3089/15/CLE** APP/Q1153/X/17/3167854
APPELLANT NAME: Mr B Gurney
PROPOSAL : Certificate of lawfulness - existing use of former outbuilding/coach house to an independent dwelling
LOCATION : 3 Watts Road Tavistock Devon PL19 8LF
APPEAL STATUS : Appeal Lodged
APPEAL START DATE: 15-March-2017
TYPE OF APPEAL **Informal hearing**
DATE OF APPEAL HEARING OR INQUIRY: 11-July-2017
LOCATION OF HEARING/INQ: Kilworthy Park, Drake Road, Tavistock
APPEAL DECISION:
APPEAL DECISION DATE:

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