

West Devon Development Management and Licensing Committee



West Devon
Borough
Council

Title:	Agenda								
Date:	Tuesday, 17th April, 2018								
Time:	10.00 am								
Venue:	Chamber - Kilworthy Park								
Full Members:	<p style="text-align: center;">Chairman Cllr Sanders Vice Chairman Cllr Roberts</p> <p><i>Members:</i></p> <table style="margin-left: auto; margin-right: auto;"> <tr> <td>Cllr Baldwin</td> <td>Cllr Moyse</td> </tr> <tr> <td>Cllr Cann OBE</td> <td>Cllr Parker</td> </tr> <tr> <td>Cllr Hockridge</td> <td>Cllr Pearce</td> </tr> <tr> <td>Cllr Mott</td> <td>Cllr Yelland</td> </tr> </table>	Cllr Baldwin	Cllr Moyse	Cllr Cann OBE	Cllr Parker	Cllr Hockridge	Cllr Pearce	Cllr Mott	Cllr Yelland
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Cllr Cann OBE	Cllr Parker								
Cllr Hockridge	Cllr Pearce								
Cllr Mott	Cllr Yelland								
Interests – Declaration and Restriction on Participation:	Members are reminded of their responsibility to declare any disclosable pecuniary interest not entered in the Authority's register or local non pecuniary interest which they have in any item of business on the agenda (subject to the exception for sensitive information) and to leave the meeting prior to discussion and voting on an item in which they have a disclosable pecuniary interest.								
Committee administrator:	Kathy 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

Meeting held on 20 March 2018 - **TO FOLLOW**

5. Planning Applications

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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>

2236/17/OPA – Former Hazledon Preparatory School, Mount Kelly College, Tavistock

Outline Application(all matters reserved apart from means of access) for demolition of existing structure (no works proposed to Hazledon House) and site redevelopment to provide 81 dwellings, associated access, parking, circulation, open space, landscaping and supporting infrastructure (including retaining structures)

0848-18-POD - 10 St James Street, Okehampton

Notification for prior approval for proposed change of use of building from Office use (Class B1 (a)) to 2no. dwellinghouses (Class C3) (resubmission of 0226/18/POD)

6. Planning Appeals Update

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Use of televised and sound recordings at Council and committee meetings

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Agenda Item 5

PLANNING APPLICATION REPORT

Case Officer: Kate Cantwell

Parish: Tavistock **Ward:** Tavistock North

Application No: 2236/17/OPA

Agent/Applicant:

Mr Mark Scoot
Maypool House
Maypool
Brixham
TQ5 0ET

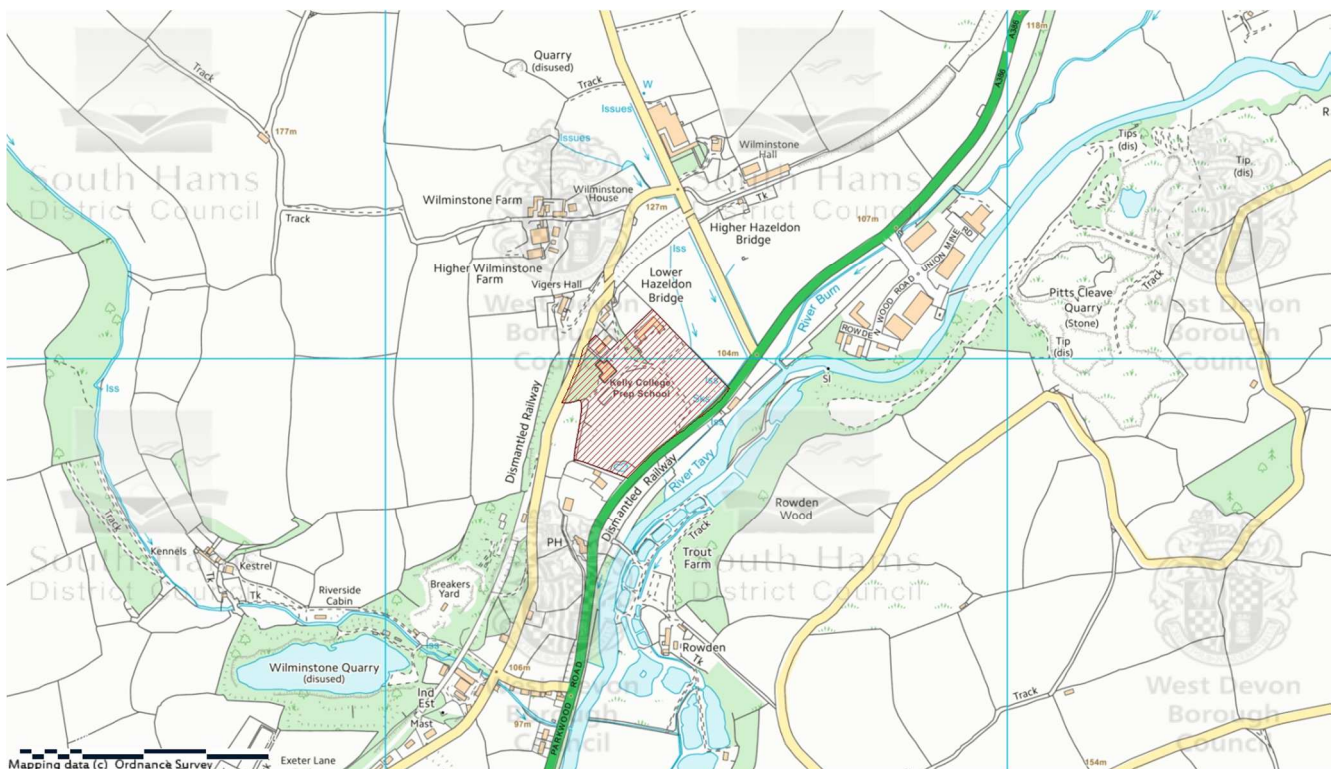
Applicant:

Mount Kelly Foundation Governors
Former Hazeldon Preparatory School,
Tavistock

Site Address: Former Hazeldon Preparatory School, Mount Kelly College, Parkwood Road, Tavistock, PL19 0HZ.

Development: Outline application (all matters reserved apart from means of access) for the demolition of existing structure (no works proposed to Hazeldon House) and site redevelopment to provide up to 81 dwellings, associated access, parking, circulation, open space, landscaping and supporting infrastructure(including retaining structures).

Reason item is being put before Committee: At the request of Cllr Moyse in view of this being a major application, and also Cllr Jory who makes this request due to the size of the proposed development, it's location, levels of local interest (not least the recommendation of the Town Council) and on grounds of suitability



Recommendation: Refusal

NB: *in view of the objection from Sport England, should Members resolve to approve the application, it will be referred to the Secretary of State via the Ministry for Housing, Communities and Local Government's National Planning Casework Unit. The local planning authority will then be advised whether the application is to be called in for the Secretary of State to determine. If it is called in, then a public inquiry will normally be needed for a planning inspector to hear the detailed arguments.*

Reasons for refusal

1. The proposed residential development is not in a sustainable location for open-market and affordable housing due to its location in the countryside outside the settlement boundary of Tavistock due to being remote from the services and community facilities of the town and in a rural location separated from the town and villages in the area. This is contrary to NPPF paragraphs 14, 17 and 49, West Devon Core Strategy Development Plan Document (2006-2026) policies SP5 and SP14 and West Devon Local Plan Review (March 2005) policies H3 and NE10.
2. The proposed development would result in significant adverse impacts on local landscape character, and a significant adverse impact on the setting of Dartmoor National Park, failing to conserve landscape and natural beauty within this valued landscape, contrary to West Devon Core Strategy Development Plan Document (2006-2026) policy SP17, West Devon Core Strategy Development Plan Document (2006-2026) policy NE10 and NPPF paragraph 109.
3. The proposed development would be likely to result in harm to the historic significance of the Grade II listed Hazeldon House due to the proximity, scale and density of the proposed development in the setting of this heritage asset. This is contrary to the provisions of NPPF paragraph 134, West Devon Core Strategy Development Plan Document (2006-2026) policy SP18 and West Devon Local Plan Review (March 2005) policies NE10 and BE3.
4. The proposed development would result in the loss of existing open space, sports and recreational land including playing fields, where the loss is not replaced by equivalent or better provision in a suitable location. The offer made by the applicant to provide a replacement junior football pitch off site is not in a suitable location by virtue of its separation from existing football sports facilities which are located on the other side of Tavistock. This is contrary to the provisions of NPPF paragraph 74, West Devon Strategic Policy 13 and West Devon Local Plan Review (March 2005) policy TLS7.
5. The sustainability benefits of the proposed development are clearly and demonstrably outweighed by adverse impacts such that it is not, in the round, judged to be sustainable development for the purposes of the NPPF and policy SP1 of West Devon Core Strategy Development Plan Document (2006-2026).

Key issues for consideration:

Given the location of this unallocated site outside the development boundary, the adopted development plan indicates a refusal of planning permission. However, if relevant policies in the adopted plan are out-of-date, the NPPF indicates that the application ought to be determined in line with the presumption in favour of sustainable development in paragraph 14 of the NPPF. This will involve a consideration of the economic, social and environmental benefits and adverse impacts of the proposed development. In view of the issues that have been raised in connection with the application, the potential benefits and adverse impacts on the following matters will be considered in detail in this report:

- Principle of the development (settlement boundary, land classification, the need for housing)
- Landscape impact including the impact on Dartmoor National Park
- Highways, traffic and access
- Air quality
- Drainage and flood risk

- Heritage
- Biodiversity
- Contamination
- The re-use of previously developed land
- Loss of playing fields

The application has been accompanied by the following:

- Planning Statement
- Design and Access Statement – Revised when scheme was amended
- Location Plan and Topographical Survey
- Illustrative Masterplan – Revised when scheme was amended
- Flood Risk Assessment and Sustainable Drainage System
- Drainage Report
- Ground Conditions Report
- Contamination Assessment
- Landscape and Visual Impact Assessment
- Tree Survey
- Heritage Assessment
- Heritage Statement – submitted with revised proposal
- Transport Assessment
- Ecological Assessment
- Bat Activity Survey
- Air Quality Statement
- Draft Planning Obligation Heads of Terms
- Suffolk Coastal District Council (Appellant) v Hopkins Homes Ltd and another (Respondents) Richborough Estates Partnership LLP and another (Respondents) v Cheshire East Borough Council Appellant) – submitted with revised scheme.

The Draft Heads of Terms accompanying the application sets out the following:

- Travel Plan - To be submitted in support of the detailed scheme with an obligation to comply with the proposals contained therein for each phase of development.
- Housing - Delivery of 40% affordable housing.
- Education - The developer shall pay to the Council (the amount and timing of such payment to be set out in the Agreement) the council's standard education contribution payment per eligible residential unit towards the improvement of existing educational facilities.
- Public Open Space - Provision of open space on site and / or a financial contribution to meet any deficit in sports and equipped play provision. To submit to the Council for approval details for the open space to be provided across the site, both formal and informal – to be generally in accordance with the 'master plan'.
- Prior to commencement to submit an Open Space Works Specification Plan setting out:
 - Detailed Layout Design and Specification for all open space areas and associated infrastructure.
 - Detailed Management Specification identifying all management operation and associated frequencies linked to each open space identified within that phase;
 - Detailed planting Schedule and Planting Specification for all open space areas relating; and
 - Details of the timing of the delivery of the public open space.

- Drainage - Sustainable urban drainage (SUDs) structures located on public land will be adopted by Devon County Council as the Local Flood Authority.
- Highways soakaways will be adopted by Devon County Council as the Highway Authority.
- Other - Upon execution of the Section 106 agreement the owner shall pay the Council's reasonable expenses for the negotiation preparation and execution of the agreement.
 - All prices referred to in the agreement shall be index linked.
 - The detailed drafting of these obligations will be agreed with the Council as part of the preparation and completion of a Section 106 Agreement prior to the issue of any planning permission.

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

It is estimated that this development has the potential to attract New Homes Bonus of £108,216 per annum, payable for a period of 4 years. This is calculated on the basis of 81 homes x £1,224 and securing 40% affordable housing which attracts a further £280 per affordable unit.

Members are advised that this is provided on an information basis only and is not a material planning consideration in the determination of this application.

Note:

This application is a departure from adopted Development Plan policies and therefore has been advertised as such.

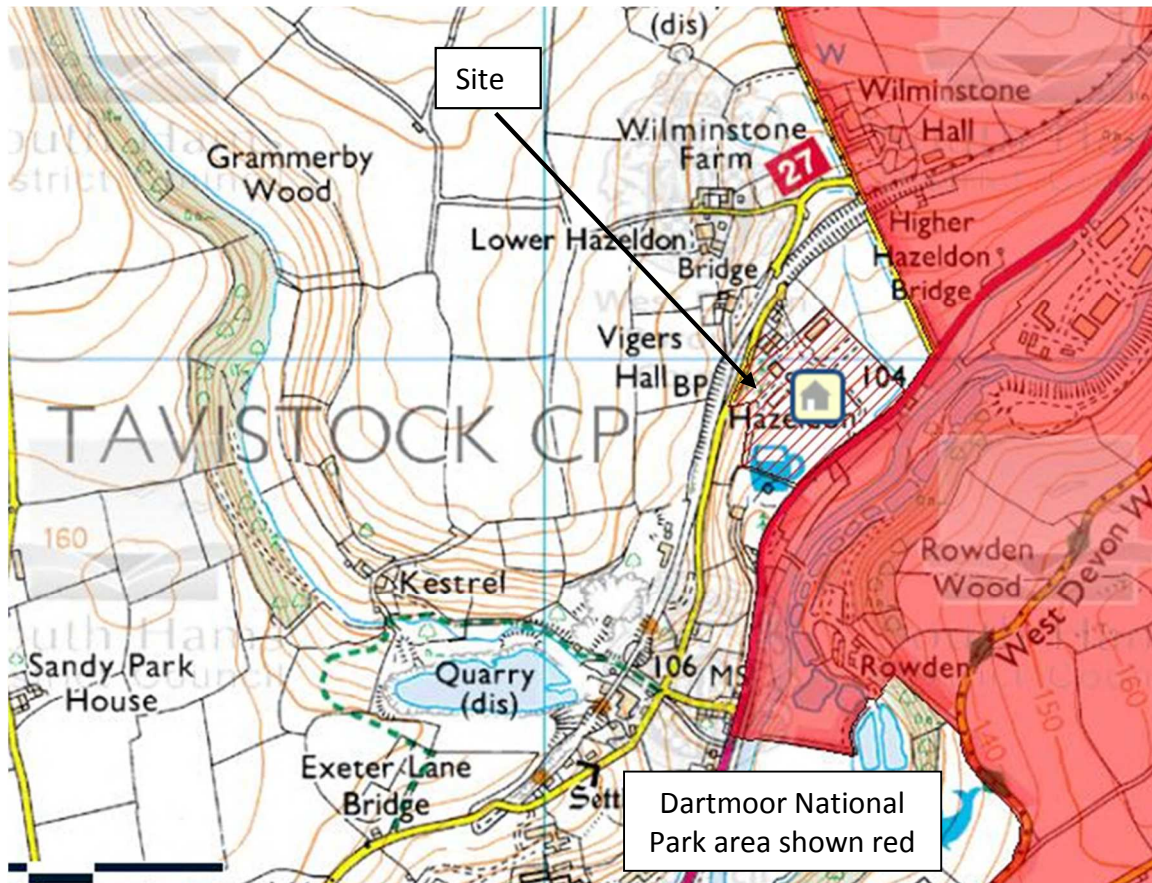
Site Description:

The site is located north of the A368 between Tavistock and Wallabrook. The site is the currently disused former Hazeldon Preparatory School and currently accommodates some buildings in the north western part of the site. The south and eastern parts of the site are grassed and were previously used as school playing fields.

The site is accessed directly from the A386 on the south eastern boundary. Along the north-western boundary are clusters and individual trees, with large, good-quality specimens at the northern end. The north-eastern boundary is an outgrown hedge, mostly beech with occasional oak, growing on top of a stone-faced hedge bank. The Old Exeter Road runs along this north-western part of the site and beyond that the National Cycle Network Route 27 (the Devon Coast to Coast cycle route). The southern boundary borders private residential properties which are served by their own direct access onto the A386. The north-eastern boundary is bordered by mature trees, hedging and fields, which appear to be improved grassland and used for animal grazing. It has a screen/shelter-belt of trees running along the south-eastern boundary to the adjacent road. The shorter south western boundary has no remaining tree cover and the land beyond is agricultural, with the National Park boundary one field to the north-east and adjoining the south eastern boundary.

Hazeldon House is located in the north western part of the site and sits on a raised plateau which slopes down to the former playing fields and further toward the A368 and site access. Tavy Cottage is Grade II listed and located 60m from the southern site boundary.

The site is adjacent to and adjoining the Dartmoor National Park (DNP) Authority boundary which runs along the A386 and then north east of the site. There are views of DNP from the site and views of the site from the DNP to the east.



The existing Hazeldon House sits in a parkland setting of 4.1 hectares. There are also significant tree constraints on the site which are examined in the submitted Arboriculture Report by Mitchell Architects.

The Proposal:

This is a revised application which seeks outline consent, with all matters reserved apart from access, for the development of up to 81 residential units (including 40% affordable housing), access, highways improvements, parking, open space, landscaping and supporting infrastructure on the site of the former Hazeldon Preparatory School, Tavistock. No works are proposed to the Grade II listed Hazeldon House.

The application states that the new dwellings are anticipated to be 2 storeys or 2-3 storeys where ground levels change – specifically 3 storey houses in the southern lower reaches of the site and 2 storeys in the higher northern part of the site.

Tenure mix for the affordable housing has yet to be confirmed.

The existing access to the site is proposed to be retained with improved visibility splays and replacement tree planting.

The initial application was for up to 125 residential units and included the conversion of Hazeldon House into 10 apartments. However, on 22nd January 2018 Heritage England advised the Council it had listed Hazeldon House and so the application was withdrawn from the 23rd January 2018 committee agenda in order to give the applicant the opportunity to respond to this.

In summary the revisions include:

- Reduced density to 27 dwellings per hectare
- Green space to provide a vista to Hazeldon house along access drive
- Existing trees grouping retained with additional planting to frame the drive to Hazeldon House

- East of the proposed main road through the site, density is reduced, larger spaces between dwellings and increased planting to soften impact of buildings
- North eastern boundary is incorporated into public realm and tree buffer doubled to 22m.
- Retaining woodland buffer around edge of site
- Updated indicative layout showing small terraces and semi-detached properties in lower plateau and more formal linear development on upper plateau.
- To the rear of Hazeldon House a short terrace is proposed to reflect ancillary style building to Hazeldon House.
- Additional amenity space, footpaths and cycle routes

Consultations:

- Highways England – no objection, stating that it is satisfied that the traffic impact of the proposed development on the strategic road network is unlikely to be severe as defined by the NPPF. Following the revised scheme, responded noting the application is now seeking a lower number of dwellings to the 125 previously considered: “On this basis, we are satisfied that our response of 9 August 2017 stating we had no objections to the proposals remains appropriate.”
- County Highways Authority – No objection subject to appropriate legal agreement the recommendation of conditions on any planning permission granted. Notes that the later submitted plans showing widening of footpath outside the site boundary represents a worthwhile improvement for pedestrian safety in the area and should be provided to accommodate the potential increase in pedestrians to and from the site.

Following a second consultation period in response to revised proposals, the Highways Authority added to these comments stating that “similar observations apply to the reduced number of proposed units from 125 to 81 (16th February 2018)”

- Lead Local Flood Authority – following submission of additional information relating to drainage and flood risk the initial objection was withdrawn and the LLFA responded with no in principle objection on the basis that recommended pre-commencement conditions are imposed on any permission.

NB: no revised comments received in response to revised scheme.

- South West Water – no objection. Maintained no objection following consultation on revised scheme.
- Dartmoor National Park Authority – no objection in principle to a sensitively designed scheme, but did object to the development as proposed, noting that the layout, design, density and isolated location does not reflect the present and historic pattern of development, that it is likely to result in an incongruous form of development with a significant impact on the ‘green corridor’ along Parkwood Road [the A386] and a fundamental change to the character of the local landscape to the detriment of the setting of the National Park.

In response to the revised scheme: Thank you for the opportunity to discuss the revisions to this planning application at Mount Kelly on the periphery of the National Park.

Having considered the revised application, plans and design and access statement I can confirm that the NPA continues to have reservations about a scheme to redevelop this site for residential purposes. While it is acknowledged that the density of proposed dwellings has been reduced there is still the potential for a harmful impact at this sensitive gateway to the National Park.

I would reiterate the points that were raised in the letter dated 19 October 2017 which remain pertinent to this outline application.

- WDBC Strategic Planning Section – recommendation of refusal, in summary noting that the proposal is contrary to the provisions of the adopted planning documents for the area and the submitted version of the JLP. It is also considered to be an inappropriate, unsustainable location for this form of development and that it would have a significant detrimental visual impact on the location.

Following the submission of the revised scheme the recommendation of refusal was maintained and additional points were made:

- Modifications to the proposal for this site in the JLP (Policy TTV24.5) have been proposed in recognition of the significance of the landscape setting of the site. These additional policy considerations, which seek to mitigate for any impact on the setting of Dartmoor National Park and to minimise local landscape impacts, are considered appropriate in relation to the scale of development proposed for the site in the JLP (Extra Care Housing on the brownfield part of the site). The form of development proposed by this application far exceeds this in terms of quantum and extent and will therefore potentially have much greater adverse impacts on the landscape.
 - The JLP identifies the minority part of the application site for Extra Care Housing. This is in recognition of the potential scope for re-use of the existing buildings and/or re-development on this brownfield part of the site. The extensive, open part of the site fronting onto the main road was previously laid-out as playing fields, but this use has been abandoned and this visually important part of the site has blended back into the open ‘green’ landscape which characterises this location. This allocation recognises the opportunity presented by the re-use of the existing buildings and the increasing need through the plan period for accommodation for the elderly age groups.
 - At the recent JLP Hearings this site was discussed in detail. The JLP Inspectors were advised by the Council that since the site had been proposed to be allocated for Extra Care housing the property had been Listed. The Inspectors questioned whether the listing affected the proposed allocation. The Council advised the Inspectors that the listing of the property was a significant change in circumstances and it was no longer clear whether the property and associated land could be developed without harming the heritage interest and that it may, therefore, be appropriate to remove the site as an allocation in the JLP. The Council further advised that as previously developed land it may be appropriate for development to come forward, but further consideration was needed with respect to heritage. The Inspectors have advised that they will consider the matter further, including undertaking a site visit, and it is anticipated that the Inspectors’ Interim Report on the JLP will include a commentary in this respect. The Interim Report will be issued in May or June 2018.
 - The site is not considered to be a sustainable location for additional general needs housing and this is why it is not allocated for such use in the JLP.
- WDBC Environmental Health Section – following submission of additional information relating to contamination assessment, the initial objection was withdrawn and conditions were recommended to require a Construction Environment Management Plan and the provision of electric vehicle charging points.

NB: no revised comments received in response to revised scheme.

- WDBC Affordable Housing Section – no objection on affordable housing policy reasons but noted that location could be considered unsustainable from an affordable housing perspective due to the fact that it is detached from the town centre, and noted the reliance on the private car to get to schools which could be considered an issue.

NB: comments remain the same as previous despite the reduction in numbers.

- WDBC Natural Environment Section (Landscape)

20/11/17

Objection on the basis of changes to local landscape character resulting in a fundamental and marked contrast to the existing character of the undeveloped, open, remote and green site, and the residual impacts of the development taking into account potential planting for screening.

6/4/18

The previous comments made by my colleague Katherine Jones have been fully reviewed and considered in the context of the revised layout and dwelling numbers (81 dwellings). The baseline position remains the same in terms of landscape character but it is noted that the Hazeldon school building has now been listed. The original LVIA and revised D&A statement are noted. The reduced density is acknowledged but the principle characteristic of open, undeveloped grassland will be substantially changed by the introduction of residential development, even with the reduced numbers and increased open space, and will clearly be perceived as a housing estate away from the main settlement of Tavistock, within a rural, isolated location.

The overall impacts are still considered to be harmful, and have not been overcome or sufficiently addressed by the revised scheme (principally triggered by the listing of Hazeldon). Sensitive visual receptors will still be adversely affected by the development in a location immediately adjacent to Dartmoor National Park (DNP), which affords the highest level of protection for important landscapes as identified within the NPPF para 115, and NCN27. On this basis an objection is maintained as a result of the adverse, harmful impact of the proposed development on the landscape character and setting of DNP; this is contrary to adopted policy CS policy SP17 (in particular b and c) and those as set out within the South Devon Joint Local Plan.

- WDBC Historic Conservation Service

3/1/18

Objection based on concerns over the scale, density and nature of the proposed development which will cause harm to the immediate and designed setting of a heritage asset of local importance. It may be that some form of development could be accommodated on the site, but the scale, form, density and layout would need to be derived from a sympathetic assessment and understanding of the locality. As it stands this is not the case and so objection is maintained on the grounds of harm to the non-designated heritage assets of Hazeldon House and its historic parkland setting. In addition, notes less than substantial harm to the setting of Tavy Cottage.

5/4/18

The revised proposal is still based on attempting to maximise numbers of dwellings rather than an assessment of the site leading to a logical conclusion and sympathetic proposal.

Hazeldon was designed to sit within a parkland setting and although that landscape design has been altered by the introduction of sports pitches and associated terracing the setting retains a sense of openness appropriate to the designated asset. It is reasonable for any LPA to expect a proposal to be developed based on an informed understanding of the setting and this is manifestly not the case here. The density and layout proposed will cause harm to setting and the fact that all details are to be agreed does not lessen or remove the risk of harm.

I cannot envisage a scenario in which a development of 'up to 81 dwellings' would not cause harm to setting, no matter how they are designed. This conclusion is based on the fact that such numbers require a density of development that is wholly at odds with the landscape character of a designed parkland in a rural location on the edge of the DNP. Such a density is inevitably urban/ suburban in character. I appreciate that there is a former mining site in the vicinity and that has partly become the industrial estate. This is, however, a legacy situation that is well screened from Hazeldon.

Consideration of S66 of the 1990 Act must conclude, having ‘*special regard to the desirability of preserving the building or its setting*’, that the setting will not be preserved. It is manifestly desirable that any development should achieve that statutory aim as well as meeting the NPPF para 134 test of public benefit.

There may be potential for the replacement of the modern school building as this is in itself somewhat harmful to setting. I would not rule out some very low density, very high quality detached dwellings if the location and layout was clearly achieving an enhancement of setting through imaginative landscaping. Any development should also require the sensitive repair of Hazeldon, undoing later poor alterations and ensuring its sustainable future in its optimum viable use – that of a single substantial dwelling. That should be a basic requirement prior to occupation of any new dwellings.

- WDBC Natural Environment Team

3/1/18

No objection subject to conditions:

- Environmental Mitigation and Enhancement Strategy (including construction impact avoidance/mitigation measures, and sensitive lighting strategy) to be submitted with Reserved Matters
- Prior to commencement Landscape and Ecological Management Plan
- Specifications for onsite open space and play areas with Reserved Matters
- Specifications for replacement pitches to be provided at Reserved Matters stage with completion of works prior to commencement of development

S106 clauses:

- Securing ongoing management and maintenance of public open spaces, boundary features, etc. in perpetuity and in accordance with the LEMP.
- Securing a Community Use Agreement for any replacement pitches.
- Securing sum in accordance with the table above towards minimise recreational pressures from new residents on the Plymouth Sound and Tamar Estuaries European Marine Site.
- On site provision of a LEAP with 400 sqm activity zone and 20m buffer from nearest dwelling.
- On site provision of minimum 1,146 sqm green space (not including play area)
- Securing appropriate commuted sums towards playing pitches (£111,544) and NEAP in Tavistock Meadows (£19,654).

9/4/18

Green space

- Policy standards would require onsite green space of c.1,150 sqm. The level of green space shown on the indicative layout has been substantially increased since the original application and this is welcomed. It is considered that sufficient space has been provided to accommodate kick-about, picnicking, and informal play. The space should be of more interest than simple amenity grassland, i.e. it might include landscaping, tree planting, seating, etc. Further details of the open space will be required at reserved matters stage.
- It is recommended that a LEAP, with 400 sqm activity zone and 20m buffer to nearest dwellings, is provided on site (which would cater for children of up to 12 years of age) as well as a commuted sum of £19,654 towards improvements of offsite facilities at the NEAP in Tavistock Meadows to meet the pressures of the new residents on that facility.

Playing pitches

- The development is upon a site previously comprising (in part) school playing fields although these have not been used of late (facilities at Mount Kelly Prep have met all requirements since 2014), and previous use was not by the wider community (e.g. formalised through a Community Use Agreement).

- Sport England has objected to the original proposals as they do not consider that the proposed artificial grass hockey warm up area (approved under application 1282/17/FUL) mitigates for the loss of large grass playing fields and sports facilities at the Hazeldon site in relation to quantity and quality. They believe that this is contrary to Exception 4 in their 'Playing Fields Policy and Guidance' document and contrary to paragraph 74 of the NPPF.
 - In addition to the artificial grass hockey warm up area approved under application 1282/17/FUL, the revised proposal includes the offer of an area of land to be used as a new pitch secured via a planning obligation to ensure full community use.
 - In order to meet the requirements of NPPF paragraph 74, the replacement provision would need to be of equivalent (or better) quantity and quality and in a suitable location. It is considered that the area of land suggested would be sufficient to provide a single mini football pitch whereas the application site appeared to provide space for at least two mini pitches and also included a hard court. At present no evidence regarding quality has been provided e.g. suitable ground conditions etc. With regard to location, the proposed pitch is considered to be isolated from other football facilities in the town. It is considered that further information regarding the quantity and quality of the pitches and sports facilities to be lost at the application site, compared to the quantity and quality of the proposed new provision is required before we would be able to support this application.
 - Regardless of whether new pitches, meeting the requirements of NPPF paragraph 74, are provided it is considered that an off-site contribution towards priority projects within the West Devon Playing Pitch Strategy would be required, namely: Drainage improvements at Sandy Lane RFC, and/or improvements to the Tavistock Cricket Club pavilion. Investment in these facilities will assist with making them sustainable and mitigate for the pressure on these facilities generated by the proposed development, and accordingly make the proposed development acceptable in planning terms. The contribution being sought is one required by policy to make the development sustainable and to mitigate the impact of the development (meeting the tests in paragraph 204 of the NPPF).
- Town/Parish Council – Support. Position maintained following consultation on revised scheme.
 - Environment Agency - no objections to this proposal provided that conditions are included on any permission granted in respect of contaminated land. Following revised scheme, responded to confirm that this position remains as set out in the earlier response (letter dated 9 November 2017).
 - Devon and Cornwall Police Liaison Officer - It is appreciated that the application is submitted in outline with access only to be determined at this stage. Advice is given regarding detailed elements of the scheme that are not for consideration at this time.
 - CPRE – objection on the basis that the proposal fails to demonstrate that the social and environmental benefits justify residential development of this scale, in the open countryside, that the site is not previously developed land.
 - DCC Historic Environment Service

2/1/18

Objection due to the level of impact on the historic landscape, including the setting of Hazeldon House which is an undesignated heritage asset of some merit, set within landscaped grounds. Supports the argument made by other consultees (e.g. Katherine Jones – Natural Environment; DNPA; CPRE) regarding unacceptable impact on the broader landscape. A smaller, less dense development, better respecting the setting of the house and character of the wider area, would be more acceptable.

Without prejudice to the above comments, should the LPA be minded to approve the application then I would agree with the recommendation in the Heritage Statement that there should be a condition requiring more detailed analysis of the historic building to inform design work to include

better enhancing the setting of the heritage asset in terms of the extent of open space/soft landscaping.

3/4/18

The revised masterplan and supporting information do go some way to addressing my concerns regarding the impact of the original proposal on Hazeldon House and its setting. The reduction in the proposed number of houses, the increased open-space in front of the key elevation, increased permeability and the increased planting around and within the scheme are to be welcomed.

However, I would suggest that this could be improved upon by, for example, removing the road that cuts across the open space/principal vistas, instead bringing the access down along the south-west side of the open space to join the main junction. This would involve a further, small, reduction in the number of dwellings. However, I defer to the local knowledge of West Devon Borough Council's Landscape and Conservation officers regarding the level of impact on the open space and designed views and how the road as proposed fits within the landscape.

As Hazeldon is now a Grade II designated heritage asset, sections 132-134 of NPPF particularly apply. Decisions should therefore be based on whether or not the revised proposal represents substantial or less than substantial harm to the asset, including consideration of its setting, and if that harm (substantial or less than substantial) is justifiable in terms of public benefit – including finding a viable use for the heritage asset. The Design & Access and heritage Statements do not appear to address public benefit and I disagree with the revised Heritage Statement's conclusion that all harm to the asset has been removed. I have suggested above one aspect of the design that could, in my opinion, be improved on to lessen harm. However, I again defer to your Landscape and Conservation officers regarding the design merits of the revised scheme versus the overall level of residual harm to Hazeldon and its setting.

- DCC Strategic Planning, Education Services (revised contribution requests in response to revised scheme)

A contribution of £324384.00 towards the proposed new primary school at Tavistock is requested (being 20.25 x £16,019.00).

There is sufficient forecasted capacity at the designated secondary school, Tavistock College, so there is no request for secondary education.

There is no requirement for a contribution towards primary or secondary school transport.

A contribution towards early years' provision at the new primary school in Tavistock is also sought. This is at a rate of £250 per dwelling. DCC is therefore requesting £20,250.00 towards early year's provision at the new school.

If approved this development will be deemed built and therefore affect the forecast pupil numbers for future developments in this area.

In addition to the contribution figures quoted above, the County Council would wish to recover legal costs incurred as a result of the preparation and completion of the Agreement. Legal costs are not expected to exceed £500.00 where the agreement relates solely to the education contribution. However, if the agreement involves other issues or if the matter becomes protracted, the legal costs are likely to be in excess of this sum.

- Sport England – Objects to the application because it is not considered to accord with any of the exceptions to Sport England's Playing Fields Policy or with Paragraph 74 of the NPPF. Should the local planning authority be minded to grant planning permission for the proposal, contrary to Sport England's objection then in accordance with The Town and Country Planning (Consultation)

(England) Direction 2009, the application should be referred to the Secretary of State, via the Planning Casework Unit (PCU).

NB: updated comments are awaited in response to additional information provided by the applicant and the revised scheme.

- Historic England – On the basis of the information available to date, we do not wish to offer any comments. Historic England were not previously consulted on the original application. Subsequently Hazeldon House has been listed at Grade II by the Secretary of State due to its special architectural interest following a recommendation by Historic England. We therefore suggest that you seek and are guided by the views of your specialist conservation and archaeological advisers in taking your decision on this application. It is not necessary for us to be consulted on this application again, unless there are material changes to the proposals.

Representations:

Representations from Residents

In response to the consultation on the initial proposal for up to 125 dwellings, 15 letters of representation have been received, all of which raise objection to the proposed development. The letters cover the following points:

- Outside settlement boundary for Tavistock
- Separate from Tavistock
- Loss of land which is 'outstanding parkland'
- The site is not brownfield
- 125 dwellings is too dense development for the site size
- Potential for noise and pollution
- Development is detrimental to rural beauty
- A386 is a busy road and the access has history of accidents
- Road is subject to flooding and development would cause more flooding
- Increase in traffic levels on A386
- Increase in traffic crossing town to reach community facilities and services
- The environmental significance of the green land
- Development will create a new village with no other local facilities on the site
- Development would result in the over development around Tavistock
- The development is premature as other developments have yet to be delivered on allocated sites
- Unclear if the houses meet a local need for open market housing
- Loss of amenity for users of the National Cycle Network Route 27
- Negative impacts on the town of dispersing development in the area surrounding Tavistock
- Loss of visual amenity
- Impacts on nature conservation interests – in particular bats
- Potential for the need to upgrade power lines which could result in loss of trees
- Highway improvement works that the development would require would impact on the character of the rural area
- Proximity to Dartmoor National Park
- Increasing pressure on surrounding countryside as a recreational resource

In response to the second consultation for the revised scheme of up to 81 dwellings an additional 4 letters of representation were received covering the following points:

- Houses being visible will be detrimental to rural beauty
- Proposes an outdated type of housing development
- Too much car parking proposed encourages car use
- Concern regarding potential pollutants from cars parked on site
- Drainage impacts on River Tavy

- No sense of place as site is disconnected from Tavistock and rural communities
- 81 dwelling still too many for the site size – uncharacteristically high density
- Development will diminish the impact of Hazeldon House may affect future purpose and reduce potential buyers
- Development will diminish impact of Hazeldon House by a distinguished architect and parkland setting. Setting should be retained.
- Nursing or retired people's home is much more suitable use.
- Planning permission for many other houses around Tavistock has been consented but are not built out yet.
- Not in accordance with Development Plan
- Near to and will have adverse impact on Dartmoor National Park boundary
- Light and noise pollution
- Road access will result in queuing
- Site is separated from Tavistock by fields
- Development will increase flood risk

Relevant Planning History

There have been no planning applications directly relevant to this site.

ANALYSIS

Principle of Development

This is an outline planning application for the development of the site for up to 81 dwellings. Although an indicative plan has been provided, which demonstrates how the site could be developed, it is illustrative only. However, it is assumed that what is illustrated is the applicant's 'best shot' at demonstrating how this quantity of development could be successfully provided on the site. The only matter of detail to be considered is access. The key issue in the determination of the application is therefore whether the development of the site for the proposed quantity of housing is acceptable in principle.

The application site is not allocated for development in the Council's adopted development plan. It is located outside the Tavistock settlement boundary and is separated from the town by open countryside. The emerging Plymouth and South West Devon Joint Local Plan (JLP) allocates a minority part of the application site for an unspecified amount of extra care housing. The evidence base for the JLP shows that the allocation is based on the proposition that the extent of the re-development should be limited to the main house and the conversion or replacement of existing outbuildings and areas of hard landscape only. This allocation recognised the opportunity presented by the re-use of the existing buildings and the increasing need through the plan period for accommodation for the elderly age groups.

Section 38(6) of the Planning and Compulsory Purchase Act 2004, and more recently paragraph 11 of the NPPF, states that regard is to be had to the development plan for the purpose of any determination to be made under the Planning Act, and the determination must be made in accordance with the plan unless material considerations indicate otherwise. In the case of residential development paragraph 49 of the NPPF states that "*relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.*" The first matter for consideration therefore is whether the Council can demonstrate a five-year housing supply.

The Council's updated Objectively Assessed Need (OAN), which is used for the basis to establish whether the Council can demonstrate a five year housing land supply (5YLS), is currently untested. Definitive testing of the OAN took place during the JLP Examination, oral hearings for which have now been completed. The figure for OAN was also the subject of evidence and argument in a recent planning appeal reference: APP/Q1153/W/17/3177360. At this appeal the Council's case was that it could demonstrate a 4.3 year supply; the appellant's case was that there was a 2.5 year

supply. In the determination of this application the committee should assume that the Council cannot demonstrate a 5YLS and that the Council's housing land supply is somewhere between 2.5 and 4.3 years.

To address this situation the Council has engaged in the preparation of a Joint Local Plan (JLP) with South Hams and Plymouth Councils. In co-operation with its neighbours the JLP will see the OAN for the housing market area delivered across administrative boundaries, with a housing target attributed to West Devon. On adoption of the JLP there will be a 5YLS. If all goes to plan following examination of the JLP, then it is expected that the JLP will be adopted in about September this year. If, however, the independent examination discloses the need for further work to be done on the JLP, adoption might not be until about August 2019. Having regard to the shortfall in supply, and the length of time it might take to rectify it, it is considered that the benefit of releasing this site for housing is something that should be given moderate weight in the planning balance.

The Local Development Framework for West Devon Borough Council includes:

- 2011 Core Strategy
- Proposals Map
- Settlement Maps
- 2005 Local Plan Review (as amended 2011)

These documents remain in place until they are superseded by the adoption of the Plymouth and South West Devon Joint Local Plan. The most recent development plan documents are the West Devon Local Plan Review (2005) and the West Devon Core Strategy (2011). The Core Strategy made housing provisions based on the South West RSS for the period up to 2026. The Core Strategy policies and provisions retain a degree of 'weight' in relation to planning decisions, although it is recognised that both of these plan documents were based on previous strategic planning time periods and both pre-date the NPPF.

The NPPF states that for the purposes of decision taking, the policies in the Local Plan should not be considered out of date simply because they were adopted prior to the Framework. Due weight should be given to relevant policies in existing plan according to their degree of consistency with the Framework. Caselaw (*Barwood Strategic Land II LLP v East Staffordshire District Council & Anor* [2017] EWCA Civ 893, June 2017) confirms that, even where a Council's policies are considered out of date and paragraph 14 of the Framework is engaged, the existing development policies are not disregarded, rather their weight must be carefully considered depending on their conformity with the Framework. The Framework maintains a distinction between rural and urban areas as location for the provision of new housing and recognises that housing can help with the vitality of rural communities, and that market housing can facilitate the provision of affordable housing. The Inspector's decision in the Crapstone appeal concluded that while the proposed development would conflict with various policies in the Council's development plan in respect of location, the weight to be given to that conflict is 'very limited' due to a number of factors including the age of the development plan and the Council's lack of a five year housing supply. Therefore, in this report very little weight is applied to the relevant housing policies in the planning balance in this case. However, the mere fact that the application site is outside an existing settlement boundary is not a matter that counts against the proposal significantly. What is important is to focus on the sustainability of the development proposal in this location.

As noted above, paragraph 14 of the NPPF is very pertinent to the decision taken in respect of this application. Paragraph 14 states:

*"At the heart of the National Planning Policy Framework is a **presumption in favour of sustainable development**, which should be seen as a golden thread running through both plan-making and decision-taking For **decision-taking** this means ¹⁰:*

- *approving development proposals that accord with the development plan without delay; and*

● where the development plan is absent, silent or relevant policies are out of date, granting permission unless:

- any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or
- specific policies in this Framework indicate development should be restricted.”

Footnote 10 reads: “Unless material considerations indicate otherwise.”

Sustainable Development

Paragraph 7 of the NPPF identifies the three dimensions of sustainable development. Therefore it is appropriate to consider the sustainability of the proposed development, in terms of the social, economic and environmental benefits and adverse impacts that might result if it were to be permitted to proceed.

The Economic Role

Housing development is recognised as an important driver of economic growth and there would be economic benefits to the construction industry from the proposed development. Once the dwellings were occupied there would be an increase in the level of disposable income from the occupants which would be likely to be spent in the local area with some increase in the demand for local goods and services.

Economic Dimension Balance

On balance it is considered that the economic impact of the development is positive and there is no evidence that the development would result in significant adverse harm in economic terms. As such, this aspect of sustainable development is considered to be in favour of the development.

The Social Role

Provision of housing including affordable housing

The principle social benefit of the proposed development would be the provision of additional housing, including 40% of the homes being affordable and meeting a need in the immediate area. The mix in terms of tenure and size of units was not set out.

The Council’s Affordable Housing officer has confirmed that the proposed 40% affordable housing provision complies with policy SP9 and the affordable housing code of practice and does not object to the application on affordable housing policy reasons. However, the Affordable Housing Officer does go on to note that the site is allocated in the JLP for extra care housing and “*could be considered unsustainable from an affordable housing perspective due to the fact that this is detached from the town centre, this is detailed in TTV24 of the JLP*” in particular noting the distance from amenities in the town centre, in particular the reliance on the private car to get to schools.

It is noted that the Joint Local Plan process considered part of the application site as potentially suitable for development. However, further assessment through the iterative local plan process discounted the site for housing development and the allocation which is included in the Regulation 19 draft version of the JLP considered the site suitable only for ‘extra care housing’. As the Strategic Planning consultation response explains, “*this is in recognition of the potential scope for re-use of the existing buildings and/or re-development on this brownfield part of the site ... This allocation recognises the opportunity presented by the re-use of the existing buildings and the increasing need through the plan period for accommodation for the elderly age groups.*”

The needs of residents of extra care housing are also distinct and different from general residential occupants. Extra care residents are less likely to walk or cycle the 2km to town centre services in Tavistock, and less likely to have access to personal motor vehicles. Extra care residents would be more likely to use the public bus service or some kind of community transport solution. Taking this into account, while the Council is considering the site for extra care housing (at the Examination In

Public of the JLP now completed), this is distinct from a consideration of market accommodation where proximity to and accessibility of town services, and the attractiveness of pedestrian and cycle routes as transport options are relevant and material planning considerations. Those matters are considered in more detail below.

Impact on Existing Infrastructure

Community infrastructure

The County Council has requested:

- A contribution of £324,384.00 towards the proposed new primary school at Tavistock is requested (being 20.25 x £16,019.00).
- A contribution towards early years' provision at the new primary school in Tavistock is also sought. This is at a rate of £250 per dwelling. DCC is therefore requesting £20,250.00 towards early year's provision at the new school.
- Approximately £500 toward legal costs

This reflects updated comments reflecting the reduced number of dwellings in the scheme. The submitted draft Heads of Terms provided with the application reported that the developer would pay the standard education contribution payment per eligible residential unit toward the improvement of existing educational facilities. This would adequately deal with the increased demand on education in the local area resulting from the occupants of the proposed development.

Transport infrastructure

The highways impacts are considered elsewhere in the report and it is concluded that the development will not result in any significant impact upon the traffic levels using the A386. The application includes alterations by way of pavement widening to improve pedestrian safety on the route into Tavistock along the A386.

Although the site is some 2km from the town centre, it is situated on an existing bus route that has a service to the town. The nearest bus stop to the site is located approximately 1km to the east, near the main Mount Kelly School entrance. As part of the development the application proposed to deliver new bus stops near the site entrance. The application suggests that the proposed new bus stops in this location might also benefit people working at the nearby Pitts Cleave Industrial Estate and encourage people to shift to bus from car journeys. While the pavement on the northern side of the A386 does extend from the application site to Pitts Cleave Industrial estate, this kind of modal shift of established travel patterns is unlikely and would be limited in scope by the size of this industrial estate and its employees. It is not considered to be a particularly significant benefit in the planning balance.

The application also notes that north of the site is the National Cycle Network Route 27 (NCN 27) which runs from Ilfracombe to Plymouth. While it provides an attractive leisure cycle route, it is not considered to be a suitable commuter route for future occupants of the site because of the secluded character of the path which would be likely to deter users in darker winter months and make it unsuitable for children to use alone. It is also noted that the secondary school is remote from the site which would deter pupils from using the NCN 27 as a viable route to school. While Local Plan policy T1 suggests that where appropriate, provision should be made for NCN routes within developments, the application does not include any proposal for a connection with the cycle route to take advantage of the (somewhat limited) scope for occupants to use it.

Natural environment / green and blue infrastructure

The Council's Assets and Place Making Officer provided comments on the proposal and raised no objection. Recommendations of conditions and S106 clauses were made as set out below to secure support for environmental infrastructure where relevant.

Suggested conditions:

- Environmental Mitigation and Enhancement Strategy (including construction impact avoidance/mitigation measures, and sensitive lighting strategy) to be submitted with Reserved Matters
- Prior to commencement Landscape and Ecological Management Plan
- Specifications for onsite open space and children's play area, including on-going management and maintenance, to be provided at Reserved Matters stage
- Specifications for any replacement pitches to be provided at Reserved Matters stage with completion of works prior to commencement of development

Suggested S106 clauses:

- Securing ongoing management and maintenance of public open spaces, boundary features, etc in perpetuity and in accordance with the LEMP.
- Securing a Community Use Agreement for any replacement pitches.
- Securing sum in accordance with the table above towards minimise recreational pressures from new residents on the Plymouth Sound and Tamar Estuaries European Marine Site.
- On site provision of a LEAP with 400 sqm activity zone and 20m buffer from nearest dwelling.
- On site provision of minimum 1,146 sqm green space (not including play area)
- Securing appropriate commuted sums towards playing pitches (£111,544) and NEAP in Tavistock Meadows (£19,654).

The suggested conditions are common requirements to require necessary detail in reserved matters applications, and the suggested legal requirements would help to mitigate anticipated impacts of the development on the wider natural environment (known as 'green and blue infrastructure'). However the application does not propose any notable real terms environmental infrastructure gains as a result of the development. Accordingly this element is considered to be neutral in the planning balance.

It is recognised that the subject site previously comprised (in part) school playing fields, and while these do not appear to have been used since the prep school closed, and the previous use was not by the wider community (e.g. formalised through a Community Use Agreement) they are still considered an important potential resource and their loss is critical to the consideration of this application by Sport England and result in its objection to the proposal. The pitches were not included within considerations of the West Devon Playing Pitch Strategy (2015) but even taking them into account, there remains an under provision of playing pitches in the town.

The revised masterplan indicative layout does not include playing pitches, but in response to the initial comments from Sport England, the applicant has advised that it is prepared to offer an area of land in its ownership, south of Parkwood Road and adjacent to the existing hockey pitch (separate from the application site), to be used as a new pitch secured via a planning obligation to ensure full community use. The applicant would accept a Grampian condition to require completion of a pitch to the required standard in advance of the first occupation of any dwelling on the application site.

NPPF paragraph 74 states:

Existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless:

- *an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or*
- *the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or*
- *the development is for alternative sports and recreational provision, the needs for which clearly outweigh the loss.*

The West Devon Playing Pitch Strategy identifies gaps in the provision of sporting facilities in the town. The proposed off site pitch put forward by the applicant in response to initial Sport England

comments is smaller than the pitch space currently on the application site. It is assumed it could be developed up to a suitable standard to meet or exceed the quality of what is existing. However, the location is separated from the existing football sports facilities available for public use which are located on the other side of town. Therefore, the current proposal would still result in a loss of open space and sports facilities including playing fields, and the replacement provision would not be in a suitable location as required by the NPPF. In view of this assessment, the proposal also fails to meet the test in the West Devon Local Plan policy TLS7 which requires that 'satisfactory alternative provision' is made unless the land is surplus to requirements.

The West Devon Playing Pitch Strategy (2015, and annual updates thereafter) is an up to date assessment and identification of need for playing pitches, and priority projects to meet future pressures from new development. Notwithstanding the objection from Sport England, if the application were to be approved, a sum secured through a legal agreement would be required to support priority projects within the Playing Pitch Strategy, mitigating the pressure generated by the additional occupants arising from the proposed development.

Impact on Neighbours

Residential neighbours to the site are limited by the rural character of the site. To the south of the site is Tavy Cottage which is Grade II listed. Detailed consideration of impact on this Heritage Asset is provided in the section below. In terms of neighbour amenity, the proposed site immediately borders this property and so the outlook from it would change from a rural character with absence of buildings, to a dense urban form and active use. While it is accepted that views are not protected in planning terms, the character of the location and sense of place, as noted in the WDBC Strategic Planning consultation comments, would unequivocally change, even with the scheme revised proposing 44 fewer dwellings. While the indicative layout provided by the application shows rear gardens bordering this boundary and tree planting, the presence of buildings and activity on the site would still be evident.

There is another residential property located north of the site and on the far side of the railway track on the northern boundary of the site. Intervening mature vegetation provides some screening of the site which is located downslope from this location, however the extent of intervening views has not been established. Even with the reduced number of dwellings proposed and the increased vegetation around the boundaries, the character of the area and setting of this residential property would change from ostensibly a rural countryside location, to one bordering a suburban settlement.

There are no objections from WDBC Environmental Health Officers and no concerns in terms of noise or air pollution which might impact on neighbours.

Impact on Heritage

This part of Tavistock is characterised by a sequence of late 18th to late 19th century properties set in parkland and gardens, which includes Hazeldon House (mid 1800s), Kelly College (1870s), Parkwood (c.1830), Mount Tavy (c.1790), Rowden (by 1880), Tavy Cottage (early 1800s) and also Wilminstone Hall and Vigars Hall. Although these properties and their grounds have seen modification and development in the later 20th and early 21st centuries, the lawns, gardens, individual trees and woodland of these designed landscapes remain a characteristic feature of this approach to the town of Tavistock, including the Conservation Area and World Heritage Site.

In January 2018, Historic England listed Hazeldon House Grade II. Revised comments from DCC HES advised that while the revised scheme went some way to address its concerns it suggested that the scheme could be further improved upon which would involve a further reduction in housing numbers, and comments that the submission does not appear to address the public benefit offered by the scheme and disagrees with the revised Heritage Statement's conclusion that all harm to the asset has been removed. A suggestion is made in terms of the number of units and the site layout which could, in his opinion, be improved on to lessen the harm. However DCC HES clearly "defer[red] to the local knowledge of West Devon Borough Council's Landscape and Conservation officers

regarding the level of impact on the open space and designed views and how the road as proposed fits within the landscape.”

WDBC Conservation Officer has also reviewed the revised scheme and supporting information and clearly maintains an objection to the scheme stating:

“I cannot envisage a scenario in which a development of ‘up to 81 dwellings’ would not cause harm to setting, no matter how they are designed. This conclusion is based on the fact that such numbers require a density of development that is wholly at odds with the landscape character of a designed parkland in a rural location on the edge of the DNP. Such a density is inevitably urban/ suburban in character ...

There may be potential for the replacement of the modern school building as this is in itself somewhat harmful to setting. I would not rule out some very low density, very high quality detached dwellings if the location and layout was clearly achieving an enhancement of setting through imaginative landscaping. Any development should also require the sensitive repair of Hazeldon, undoing later poor alterations and ensuring its sustainable future in its optimum viable use – that of a single substantial dwelling. That should be a basic requirement prior to occupation of any new dwellings.”

In summary then, WDBC Conservation Specialist and DCC County Archaeologist have reviewed the revised scheme and still raise concerns regarding the scale, density and nature of the proposed development and potential for adverse impact on the setting of a designated heritage asset and historic landscape setting.

Paragraph 134 of the NPPF states:

“Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including its optimum viable use.”

This requires that the extent of harm must be known in order to make the assessment required before considering alongside any public benefits (which are assumed to be the provision of market housing). Without the necessary detail this assessment cannot be made and both DCC HES and WDBC Conservation Specialist agree that *“the setting of Hazeldon House is integral to its significance.”* It is one of a number of local properties set in parklands and gardens, and the proposed development would irrevocably alter the setting, to the detriment of the significance of the heritage asset, by introducing a suburban form of development in its immediate surroundings. While there has already been some loss of the original setting and landscape of the original house from the developments associated with the Preparatory School use, the proposed development would undoubtedly result in further and more significant loss which will give rise to significant harm to be weighed in the planning balance.

In summary, effects on the significance of the Grade II listed Hazeldon House caused by the further substantial loss of its historic setting, together with the small amount of harm caused to the significance of the listed Tavy Cottage, is contrary to WDBC policies relating to heritage – SP18, BE3 and NE10 and NPPF paragraphs 132 – 135.

Community cohesion

The site location, being remote from Tavistock also has implications for the formation of community amongst the residents of the development. There is no visual link between the site and the town which would create a perception of remoteness and separation for the occupants which is not conducive to development community cohesion with the town. Access to community organisations, shops and activities in the town may be reduced because residents are likely to make more planned and infrequent visits, and may be deterred from making extra trips to attend classes, clubs and events in town.

The WDBC Strategic Planning consultation response describes the sense of location of the site as outside the town of Tavistock, beyond and separate to edge of settlement development and providing a transitional area to the National Park beyond. This site is technically (in planning terms), and perceptually a countryside location with the closest form of development being individual houses and small hamlets. Planning Officers agree with Strategic Planning argument that *“this ‘sense of [countryside] location’ is supported by the established planning policy designations for the site. It has always been shown as being outside the Tavistock Settlement Boundary and has never been proposed for any form of development in an adopted plan document.”*

However, given that the JLP allocated the site for the creation of an extra-care ‘community’, this is not a matter that attracts significant adverse weight in the planning balance.

Social Dimension Balance

In respect of the social aspect of sustainability a number of objections have been raised including noise, the busy A386 which makes the footpath link into Tavistock less attractive and safe for pedestrians to use (particularly for young children). Concern was also raised in relation to increase in traffic in Tavistock from the additional residents, and conversely the potential for negative impacts on the town of dispersing development outside of Tavistock. It was also suggested that this development would essentially create a ‘new village’ in the countryside but without any local community facilities on site to serve the occupants.

While there would be social benefits in terms of the provision of improved local bus service and the development would secure contributions toward local environmental improvements and community facilities, these are to mitigate for the effects of the development rather than deliver real terms improvements and so the benefit in this respect is limited.

There are significant adverse social impacts in terms of indirect damage to a Grade II listed Hazeldon House, and potential adverse impacts on Grade II listed Tavy Cottage adjoining the site, both of which are part of local cultural heritage.

With reference to NPPF paragraph 134, the public benefit of housing delivery including affordable housing provision weighs in favour of the development and by itself would outweigh the harm to the listed heritage asset Tavy Cottage. However, taking into account the adverse effect on significance of Hazeldon House, with reference to NPPF paragraph 135, the scale of harm which will certainly result indirectly in terms of development within its setting, is not considered to be outweighed by the boost to supply of housing which carries moderate weight.

The physical and perceptual remoteness of the development weighs against the proposal as it would establish a distinct and detached settlement with no community facilities in an unplanned location.

Overall, and allowing for the benefit of boosting housing supply at this time, it is considered that the proposed development does not amount to socially sustainable development.

Environmental Considerations

Background

As part of the iterative JLP drafting process, LPA Natural Environment staff were consulted, and, in particular, the recommendation of the landscape assessment carried out by that team was to restrict development to the existing building footprints on the site, or their conversion. This assessment informed the final Regulation 19 version of the JLP which has now been subject to public Examination. Specifically, the landscape assessment recognised the value of the character of the site and highlighted overdevelopment as a concern. The illustrated 81 houses on the site is still a relatively dense form of development though it is less than the 100 dwellings across the same site which the JLP considered, and dismissed, in its earlier stages. The Regulation 19 draft JLP proposes only extra care housing on this site but does not specify the number of units. As noted above, the intention was for the existing buildings only to be re-developed.

Visual Impact and Protected Landscapes

The application site is not in an AONB or within the boundary of the Dartmoor National Park (DNP) but it should be noted that the site is immediately adjacent to the DNP boundary.

DNP responded to the consultation for the initial scheme for up to 125 dwellings to advise that it does *“not have an objection in principle to a sensitively designed scheme in this location”* but it *“do[es] object to the development as proposed in this application.”* At the time of writing updated comments on the revised scheme for up to 81 dwellings has not been received. Revised comments following consideration of the revised scheme have not yet been received.

Paragraph 7 of the NPPF identifies the environmental role of the planning system as *“contributing to protecting and enhancing our natural, built and historic environment ...”*. As such the impact of the proposed development on the natural environment – particularly landscape – is of fundamental importance in the consideration of this application.

Design/Landscape:

The WDBC Landscape Officer comments clearly describe the landscape of the site area as:

“one influenced by human development and previous land uses rather than agricultural countryside, however it is nonetheless predominantly undeveloped, open and green; providing a pleasant approach to Tavistock from the National Park, with these “green” and “open” elements providing a positive character to the transition between the settlement and the National Park.”

The site lies partly within Landscape Character Type 3F Settled Valley Floors, and 3G River Valley Slopes and Combes, the relevant characteristics and attributes of the area include:

- A mixture of broadleaved and plantation/mixed woodland clothes the steep valley sides, some of which is ancient. Mature trees are also a feature along roads and footpaths. Woodland is sparse closer to the settlements.
- Retains some naturalistic qualities, particularly in the woodland areas and the areas further away from the settlements.
- Valued semi-natural habitats, including rivers, wet grassland and broadleaved woodland which may be ancient in origin.
- The setting the river valleys provide to adjacent historic settlements and landscapes, including Conservation Areas and Registered Parks and Gardens.
- Extensive use for both formal and informal recreation with sports facilities and numerous rights of way including long distance trails.
- Field boundaries are generally species-rich hedge banks with low hedges and mature hedgerow trees on lower slopes with stone gateposts and facings to banks at field entrances.

Initial comments from the Landscape Officer observed that the introduction of residential development of the density proposed (at that stage up to 125 dwellings) would fundamentally conflict with the above characteristics and result in *“a marked contrast to the existing character of the site, with no visible or perceptual context of the town edge available.”* The Landscape Officer went on to conclude that, *“given the remoteness of the site, and the sensitivity of the location on the boundary of the National Park, I would consider the change to result in significant and adverse effects on local landscape character.”*

In response to the revised scheme, comments were made as follows:

“The original LVIA and revised D&A statement are noted. The reduced density is acknowledged but the principle characteristic of open, undeveloped grassland will be substantially changed by the introduction of residential development, even with the reduced numbers and increased open space, and will clearly be perceived as a housing estate away from the main settlement of Tavistock, within a rural, isolated location.”

The overall impacts are still considered to be harmful, and have not been overcome or sufficiently addressed by the revised scheme (principally triggered by the listing of Hazeldon). Sensitive visual receptors will still be adversely affected by the development in a location immediately adjacent to Dartmoor National Park (DNP), which affords the highest level of protection for important landscapes as identified within the NPPF para 115, and NCN27.”

It is noted that the revised scheme does propose additional mitigation planting vegetation which would contribute to the vegetated valley character and screen the development in some views. However, as the Landscape Officer originally commented, there would still be a *“fundamental and adverse change in character in this remote location”* and the development and the presence of buildings would remain plainly evident to users of the adjoining and approaching roads. Even glimpsed views and views from a distance would convey the change in character from a green open space to a dense urban form and this this remote countryside location would be harmful to the landscape character described above.

The Strategic Planning response noted that *“these grounds present a transition from the urban area to the open countryside and national park beyond.”* The site is separate from Tavistock town, it is distinct from other ‘edge of settlement’ sites, and its visual and physical detachment reflects the countryside location and following years without use, the extensive, open part of the site fronting onto the main road which was previously laid-out as playing fields, has become a visually important part of the site blending the land back into the open ‘green’ and natural landscape which surrounds it.

While it is recognised that there are mature trees and hedging along sections of the site boundary, the WDBC Landscape Officer comments that:

“Whilst the argument is made that mitigation planting would both screen the proposals and contribute to the well-vegetated valley character, this would not alter the fundamental and adverse change in character in this remote location. Even with additional vegetation, the volume of new development being proposed would be plainly evident to users of the adjoining and approaching roads, including the route of the NCN27. There are also likely to be other views from the surrounding area which, whilst not gaining full views of the site in its entirety, would pick up a cluster of roof ridges in an isolated location. Such perception of the density and volume of the development currently proposed in an isolated, rural location would also be harmful to character.”

While paragraph 115 of the NPPF advises that *“great weight should be given to conserving landscape and scenic beauty in National Parks”*, the application site is not “in” the DNP, so this advice is not applicable. However, paragraph 109 of the NPPF advises that *“The planning system should contribute to and enhance the natural and local environment by ... protecting and enhancing valued landscapes”* Given the importance of this piece of landscape adjacent to the DNP, and as an *“important gateway”* to it, and given the effect of the proposed development on views out of the DNP, it is considered that the application site is a landscape that should be protected in accordance with paragraph 109 of the NPPF.

It is not considered possible to adequately mitigate the adverse visual impact of the proposed density upon the character of the site and the setting of Dartmoor National Park with landscaping as might otherwise be required by WDBC policy BE13.

In summary, the site is a valued landscape in the countryside which the NPPF advises should be protected, it is largely open green space with an existing small cluster of buildings. The proposed development would adversely change the character of the site to a dense one of suburban development which does not accord with the landscape character types which apply to it. Mitigation in the form of planting to screen the site would not entirely conceal the development. The change would be significant and adverse. This is a matter that attracts very significant weight in the planning balance.

West Devon Local Plan Review (2005) policy NE10 requires that *“development in the countryside outside settlements or not otherwise in accordance with policies or allocations in the Plan will not be*

permitted unless ... it does not cause unacceptable harm to the distinctive landscape character of the areas and the important natural and made features that contribute to that character including view.” Taking this into account the proposed development also fails to support the relevant local Plan policy because, and leaving aside the issue of the settlement boundary for the moment, the development would cause unacceptable harm.

Biodiversity

An Ecological Impact Assessment (EPS Ecology, May 2017) has been submitted with the application. It notes that the site comprises predominantly poor semi-improved grassland (former school grounds), school buildings, hard surfacing, flower/shrub beds, and is surrounded by species-rich hedgerows with trees. WDBC Assets and Place Making Specialist responded to the consultation noting that *“the poor semi-improved grassland has limited wildlife value, however there is significant value in the species-rich hedgerows with trees and the EclA notes that these qualify as a NERC s41 Habitat of Principle Importance.”*

Bat activity surveys confirmed use of the hedgerow features for foraging and commuting bats, although it should be noted that the surrounding poor semi-improved grassland is not of significant value to bats. Potential for impacts upon light sensitive bat species can be mitigated through sensitive lighting design and appropriate layout at Reserved Matters Stage (to be included in an Ecological Mitigation and Enhancement Strategy as recommended by the specialist via condition if consent were granted). Reserved matters could also use layout to provide greenspace buffers to avoid residential light spillage into boundary features.

Offsite, the proposed development site falls within the Zone of Influence for new residents having a recreational impact on the Plymouth Sound and Tamar Estuaries European Marine Site (comprising the Plymouth Sound and Estuaries SAC, and Tamar Estuaries Complex SPA). As such the WDBC Specialist has recommended a sum to be secured via s106 to contribute toward the Marine Site management.

Taking these matters into account, it is considered that there is no significant demonstrable adverse biodiversity impact of the proposed development and in this respect the development therefore conforms to the Framework’s environmental protections and relevant WDBC Core Strategy policy SP19.

Heritage

This has been considered in detail in earlier sections relating to the social/cultural impacts of the development.

Environmental considerations balance

While no adverse biodiversity impacts have been identified, there is no materially demonstrable biodiversity benefit either. There are significant adverse effects in terms of landscape character and visual impact. Overall, the proposal is not judged to be environmentally sustainable.

Other matters

Highways/Access:

Site access is detailed in the outline planning application. However in view of DNPs comments regarding the form of development and layout, were consent to be granted, the route of the access within the site should be determined at a later date when the overall density and layout is considered.

Additional information provided by the applicant set out proposals to widen the footpath east of the site between the site access and the Trout and Tipple public house. While this would provide a footpath that meets highways standards and improve the connection between the site and the town, the road is an increasingly busy key route into Tavistock and is used by HGVs. The appeal of using even a widened footway to access town from the site then is reduced by the nature of the road and surroundings – particularly for families with young children.

The application has been supported by a full Transport Statement (TS), the content and scope of which is broadly accepted by the Highway Authority. Highway comments note that, although the proposed development will result in additional vehicle movements throughout the day, morning peak movements to and from the site will be fewer than the existing authorised use. The design of the site access complies with contemporary design guidance and there are no recorded personal injury accidents on the County's database within the proximity of the site.

The Highways Authority does not object in principle to the development. It notes that it would be beneficial to provide a link to the adjacent NCN route (which has been discussed earlier in this report). The Highways Authority make a recommendation regarding specific provision of the additional bus stops and timings of the service which would benefit the proposal as well as the necessary financial contribution – if consent were granted.

WDBC Strategic Planning comments highlight Core Strategy policy SP14: Accessibility Planning which states that *“Development should be located so as to reduce the need to travel...” These planning principles expressed in these policies are long established at local and national level and continue to be enshrined in the NPPF – put simply that housing development in the open countryside should be strictly controlled, and that housing development should be located where its residents have a relatively short walk to basic services and facilities. This proposal contravenes both of these principles.”*

Furthermore, NPPF paragraph 17 identifies the role of planning to *“actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling, and focus significant development in location which are or can be made sustainable.”* While the application does include improvements to the footpath link to Tavistock, proposals for additional bus stops and a financial contribution to improved bus service, the development of up to 125 dwellings in this countryside location is a significant development in the local context. Its location does not make ‘fullest possible use’ of public transport and walking and cycle routes and is not located to encourage the use of non-car modes of travel.

Drainage

The geotechnical investigation of the site confirms that the proposed drainage infrastructure can be designed to restrict outflows from the site in line with Environment Agency requirements and including sustainable drainage systems. Foul drainage would be separated from surface water drainage and the proposal is to construct to South West Water adoptable standards.

South West Water raise no objection to the proposal. The Lead Local Flood Authority raised no in principle objections on the basis of the information submitted, but recommended a number of planning conditions to be applied if consent were to be granted. No further comment has been received from the Lead Local Flood Authority following the revised scheme, though the reduced impermeable surfacing resulting from the revised scheme means that a change in position regarding the suitability of the scheme is not expected.

Environmental Health Considerations

WDBC Environmental Health Officer raised no objection to the proposed development. There were no air quality, noise, odour or contamination concerns. The Officer recommended that if planning consent is granted, that planning conditions to secure a Construction Environment Management Plan and a scheme for implementation of electric vehicle charging points are attached.

The suggested status of the land as “previously developed”

The Planning Statement reports that the SHLAA in 2017 which informed the emerging JLP noted that part of the subject site is brownfield land. The applicant's Planning Statement considers the NPPF is *“clear that the entire site is previously developed land.”* However, given the NPPF glossary definition of previously developed land (Annex 2), this needs further consideration. The pertinent exemption to the definition of previously developed (brownfield) land and caveat have been highlighted below:

*“Previously developed land: Land which is or was occupied by a permanent structure, including the curtilage of the developed land (**although it should not be assumed that the whole of the curtilage should be developed**) and any associated fixed surface infrastructure. **This excludes:** land that is or has been occupied by agricultural or forestry buildings; land that has been developed for minerals extraction or waste disposal by landfill purposes where provision for restoration has been made through development control procedures; land in built-up areas such as private residential gardens, parks, recreation grounds and allotments; and **land that was previously-developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape in the process of time.**”*

It is acknowledged that the areas occupied by buildings on the site can be classed as previously developed / brownfield land. The establishment of other areas on the site as playing fields would constitute development (as an example of engineering works). However, the areas previously used as playing fields have not been used for a number of years and have since somewhat blended into the landscape. In this respect, only a small portion of the site, and much less than the applicant has assumed, is considered by the LPA to be brownfield land. Further, even if the whole of the site is technically to be regarded as being previously developed land, this is a classic case where the caveat applies: **it should not be assumed that the whole of the curtilage should be developed**. As such, the application proposal is not entitled to any significant weight on the basis that it is re-using previously developed land that ought to be re-used or re-developed.

Loss of playing fields / sports provision

This is considered in detail on pages 16-17 of this report under the section ‘Natural environment / green and blue infrastructure’.

In summary, there would be a loss of open space and playing pitch provision which is not adequately mitigated by offsite provision and resulted in an objection from Sport England. The proposal fails to meet the requirements of NPPF paragraph 74 and West Devon Local Plan policy TLS7.

The Overall Planning Balance and Conclusion

The application seeks outline planning permission to establish the principle of whether the development of the site for up to 81 dwellings is acceptable. The only detailed matter to be considered is the access to the site.

Whilst the indicative plan demonstrates how housing, open space, play areas and footpaths could be accommodated on the land, the details of the layout, scale and appearance of the buildings would be subject to a separate Reserved Matters application to be considered on its merits.

The proposed development would conflict with Development Plan policies and would result in residential development in the open countryside. It is considered that, in the absence of being able to demonstrate a 5 year housing land supply, the policies in the Development Plan with regards to housing are out of date. In such circumstances the NPPF sets out that the issue to consider is whether the proposal represents sustainable development and, if it does, there is a presumption in favour of the scheme.

For the reasons set out in this report, it is considered that the proposal does not satisfy the three dimensions of sustainable development with respect to its unsustainable location, significant adverse landscape impacts, adverse historic environment impacts and adverse impacts resulting from loss of community infrastructure through loss of open space and playing pitches. In these respects, the adverse impacts of the proposed development would significantly and demonstrably outweigh the social and economic benefits of the proposal when assessed against the NPPF as a whole. The proposal conflicts with Core Strategy policy SP1 – Sustainable Development. While the Town Council supports the scheme, there is significant local objection and objections have been received from statutory consultees and Council Specialists.

Paragraph 203 of the NPPF advises that LPA “*should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations*”. The application is for “*up to 81*” dwellings and that is the scheme that has been illustrated in the material submitted to the Council and sent on to consultees for consideration and assessment. Consideration has been given to whether a condition limiting the amount of development below, or even well below, a 81 dwellings ceiling could make this development proposal acceptable. In this case officers consider that it would not be possible to do so because it is just not possible to say, on the basis of the current information supplied by the applicant, what might be acceptable, and the Council does not have the views of statutory consultees on any other substantially revised scheme. If the applicant wishes to submit another revised scheme that would, of course, will be considered afresh.

Therefore, in conclusion, this application is recommended for refusal, for the reasons set out at the start of this report.

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

Planning Policy

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

The relevant development plan policies are set out below:

West Devon Borough Council Core Strategy 2011

- SP1 – Sustainable Development
- SP4 – Infrastructure Provision
- SP5 – Spatial Strategy
- SP6 – Density of Housing Development
- SP7 – Strategic Distribution of Housing
- SP8 – Inclusive Communities
- SP9 – Meeting Housing Needs
- SP10 – Supporting the Growth of the Economy
- 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
- SP23 – Tavistock
- SP24 – Sustainable Rural Communities

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

- NE10 – Protection of the Countryside and Other Open Spaces
- BE3 – Listed Buildings
- BE4 – Features and Artefacts of Local Importance
- BE13 – Landscaping and Boundary Treatment
- H26 – Open Space Provision in New Residential Developments
- H31 – Residential Development in the Countryside
- T1 – Walking and Cycling

T2 – Pedestrian and Cyclist Safety
T5 – Public Transport
T8 – Car Parking
T9 – The Highway Network
PS2 – Sustainable Urban Drainage Systems
PS3 – Sewage Disposal
PS4 – Private Water Supply

Open Space Sport and Recreation DPD

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)

SPT2 Sustainable linked neighbourhoods and sustainable rural communities
SPT3 Provision for new homes
SPT10 Balanced transport strategy for growth and healthy and sustainable communities
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
TTV3 Strategic infrastructure measures for the Main Towns
TTV20 Spatial priorities for development in Tavistock.
TTV24 Other sites allocations in Tavistock
TTV31 Development in the Countryside
DEV1 Protecting amenity and the environment
DEV2 Air, water, soil, noise and land
DEV3 Sport and recreation
DEV4 Playing pitches
DEV8 Meeting local housing need in the Thriving Towns and Villages Policy Area
DEV9 Accessible housing
DEV10 Delivering high quality housing
DEV15 Supporting the rural economy
DEV20 Place shaping and the quality of the built environment
DEV21 Conserving the historic environment
DEV22 Development affecting the historic environment
DEV24 Landscape character
DEV27 Nationally protected landscapes
DEV28 Protecting and enhancing biodiversity and geological conservation

DEV29 Green and play spaces (including Strategic Green Spaces, Local Green Spaces and undesignated green spaces)
DEV30 Trees, woodlands and hedgerows
DEV31 Specific provisions relating to transport
DEV32 Meeting the community infrastructure needs of new homes
DEV33 Waste management
DEV34 Delivering low carbon development
DEV35 Renewable and low carbon energy (including heat)
DEV36 Community energy
DEV37 Managing flood risk and Water Quality Impacts
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.

PLANNING APPLICATION REPORT

Case Officer: Clare Stewart

Parish: Okehampton **Ward:** Okehampton South

Application No: 0848/18/POD

Agent/Applicant:

West Devon Borough Council
Kilworthy Park
Drake Road
Tavistock
Devon
PL19 0BZ

Site Address: 10 St James Street, Okehampton, Devon, EX20 1DH

Development: Notification for prior approval for proposed change of use of building from Office use (Class B1(a)) to 2no. dwellinghouses (Class C3)(resubmission of 0226/18/POD)

Reason item is being put before Committee: WDBC is the owner of the application site.



Recommendation: Prior approval not required

Conditions

1. Accord with plans

Informative regarding time period for completion

Key issues for consideration:

This is an application for prior approval of the proposed change of use of an office building (Class B1(a)) and any land within its curtilage to a dwelling house (Class C3).

The application is made under the provisions of Schedule 2, Part 3, Class O of the Town and Country Planning (General Permitted Development) (England) Order 2015 (subsequently amended), which came into force on 15th April 2015. This amends the Town and Country (General Permitted Development) Order 1995 to allow new permitted development rights for the change of use office buildings to residential use.

The Local Planning Authority are tasked with considering the proposed development against the new Permitted Development Rights within Class O of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

Site Description:

The site is situated towards the edge of Okehampton town centre on the west side of St James Street. It comprises a two storey end of terrace period property, which is currently being used by WDBC as an office.

The site is located within the Okehampton Conservation Area and Flood Zone 1.

The Proposal:

Notification for prior approval for the change of use of the existing building from B1(a) (office) use to a dwelling (C3 use). External alterations to facilitate the proposed change of use are not covered under Class O.

The current submission states change of use is proposed to form two dwellings. A previous notification for conversion to three dwellings was withdrawn (0226/18/POD).

Consultations:

- County Highways Authority – No highways related issues
- Okehampton Town Council – No comments received in respect of current proposal. Response in respect of previous application can be noted as an objection:
 - *“There is no provision for parking and therefore the residents would have to rely on any, already congested, street provision and car parks.*
 - *Residents of the town and surrounding area would have to travel further afield to access the services provided by the office currently housed within the building.*
 - *The building is in a secondary shopping position at the top end of the arcade, located between a shop and café. There is concern that conversion to domestic dwelling, removing it from this*

function, will have an economic downturn effect on the town centre, destroying the economic viability of the town.”

Representations:

One letter has been received which considers that adequate parking should be put in place before approval of more buildings in Okehampton town centre, where they consider parking and traffic is already at capacity.

Relevant Planning History

- 0226/18/POD: Notification for prior approval for proposed change of use of building from Office use (Class B1(a)) to 3no. dwellinghouses (Class C3). 10 St James Street, Okehampton, Devon, EX20 1DH. Withdrawn.
- 8350/2005/OKE: Alterations to shop frontage reconstruction of porch and alteration to section of roof to rear of building. 10 St. James Street Okehampton Devon EX20 1DH. Consent: 12 Jan 06
- 7582/2005/OKE: Change of use of building to Council offices/information centre. 10 St James Street, Okehampton, Devon EX20 1DH. Consent: 06 Jul 05. No specific conditions regarding use included.

ANALYSIS

Class O of the above Order permits:

O. Development consisting of a change of use of a building and any land within its curtilage from a use falling within Class B1(a) (offices) of the Schedule to the Use Classes Order, to a use falling within Class C3 (dwellinghouses) of that Schedule.

Development not permitted

O.1 Development is not permitted by Class O if—

(a) the building is on article 2(5) land;

(b) the building was not used for a use falling within Class B1(a) (offices) of the Schedule to the Use Classes Order—

(i) on 29th May 2013, or

(ii) in the case of a building which was in use before that date but was not in use on that date, when it was last in use;

(c) the use of the building falling within Class C3 (dwellinghouses) of that Schedule was begun after 30th May 2016;

(d) the site is, or forms part of, a safety hazard area;

(e) the site is, or forms part of, a military explosives storage area;

(f) the building is a listed building or is within the curtilage of a listed building; or

(g) the site is, or contains, a scheduled monument.

From the Town and Country Planning (General Permitted Development) (England) (Amendment) Order 2016:

“(1) Development under Class O is permitted subject to the condition that before beginning the development, the developer must apply to the local planning authority for a determination as to whether the prior approval of the authority will be required as to—

(a) transport and highways impacts of the development,

(b) contamination risks on the site,

(c) flooding risks on the site, and

(d) impacts of noise from commercial premises on the intended occupiers of the development,

and the provisions of paragraph W (prior approval) apply in relation to that application.

(2) Development under Class O is permitted subject to the condition that it must be completed within a period of 3 years starting with the prior approval date.”

The proposed development has been considered against the provisions of Class O:

O.1(a) the building is not on article 2(5) land.

O.1(b) the building appears to have been in B1(a) office use on the 29th May 2013. Permission was granted for the Council's use of the building in 2005.

O.1(c) – this requirement has now been omitted by virtue of the Town and Country.

O.1(d) the site is not within a safety hazard area.

O.1(e) the site does not form part of a military explosives area

O.1(f) the building is not listed

O.1(g) the site does not contain a scheduled monument

Conditions:

O.2(a) the proposal is considered acceptable in highways terms, with the town centre location providing access to local public transport services. Notwithstanding the concern raised by third parties it is considered prior approval could not be refused on the grounds of lack of parking in this sustainable location.

O.2(b) no contamination objections are raised.

O.2(c) the site is located within Flood Zone 1 and no substantive flood risk issues are raised.

O.2(d) the site is located towards the edge of Okehampton town centre where some residential uses are already part of the character of the street scene. No substantive noise impact concerns are therefore raised.

Having regard to the current state and use of the building (the roof space already includes a dormer window) no ecology concerns are raised.

In relation to the other concerns previously raised by the Town Council:

Residents travelling further to access services – this matter cannot be considered as part of the prior approval process.

Impact on economic viability – the provisions of Class O do not allow this issue to be considered as part of the prior approval process.

In light of the above it is considered in this instance that the proposal accords with the conditions of Class O and Prior Approval is not required.

Planning Policy

Policy considerations are not applicable to this type of application.

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 in full:

1. The development hereby approved shall in all respects accord strictly with drawing number Site Location Plan received by the Local Planning Authority on 7th March 2018.

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.

Informative

1. Your attention is drawn to the Conditions contained within Class O, Part 3, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). In particular condition (2) which requires the development to be completed within a 3 year period from the date of prior approval being granted.

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West Devon Borough Council **Agenda Item 6**
PLANNING AND LICENSING COMMITTEE 17-Apr-18
Appeal Hearings/Public Inquiry from 6-Mar-18

Ward Buckland Monachorum

APPLICATION NUMBER : **4005/16/FUL** APP/Q1153/W/17/3180733
APPELLANT NAME: Sol Komfort, Lubricants SW, Valves Online
PROPOSAL : 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.
LOCATION : Land Adjacent To Yelverton Business Park Yelverton Business Park Crapstone PL207LS
APPEAL STATUS : Appeal Lodged
APPEAL START DATE: 31-October-2017
TYPE OF APPEAL **Informal hearing**
DATE OF APPEAL HEARING OR INQUIRY: 25-April-2018
LOCATION OF HEARING/INQ: Council Chamber, Kilworthy Park, Tavistock

APPEAL DECISION:

APPEAL DECISION DATE:

APPLICATION NUMBER : **4006/16/FUL** APP/Q1153/W/17/3180732
APPELLANT NAME: The Trustees of the Compton meeting Hall
PROPOSAL : Meeting hall (152sqm – for Plymouth Brethren Christian Church) and associated access parking and landscaping.
LOCATION : Land Adjacent To Yelverton Business Park Yelverton Business Park Crapstone PL207LS
APPEAL STATUS : Appeal Lodged
APPEAL START DATE: 31-October-2017
TYPE OF APPEAL **Informal hearing**
DATE OF APPEAL HEARING OR INQUIRY: 25-April-2018
LOCATION OF HEARING/INQ: Council Chamber, Kilworthy Park, Tavistock

APPEAL DECISION:

APPEAL DECISION DATE:

Ward Exbourne

APPLICATION NUMBER : **3836/16/FUL** APP/Q1153/W/17/3189494
APPELLANT NAME: Wainhomes (South West) Holdings Ltd
PROPOSAL : Full planning application for 100 residential dwellings with associated roads, footways, parking, landscaping and drainage
LOCATION : Land West Of High Street Known as Batheway Fields, North Tawton, EX20 2FN
APPEAL STATUS : Appeal Lodged
APPEAL START DATE: 19-December-2017
TYPE OF APPEAL **Public inquiry**
DATE OF APPEAL HEARING OR INQUIRY: 10-July-2018
LOCATION OF HEARING/INQ:

APPEAL DECISION:

APPEAL DECISION DATE:

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West Devon Borough Council
DEVELOPMENT MANAGEMENT AND LICENSING COMMITTEE 17-APR-18
Appeals Update from 5-Jan-18 to 9-Apr-18

Ward Bere Ferrers

APPLICATION NUMBER : **1452/17/VAR** APP/Q1153/W/17/3185443
APPELLANT NAME: Mr D Lloyd
PROPOSAL : Removal of condition number 6 following grant of planning permission 00151/2013 to allow the development to be used as a permanent dwelling
LOCATION : Hewton House, Bere Alston, PL20 7BW
APPEAL STATUS : Appeal decided
APPEAL START DATE: 31-October-2017
APPEAL DECISION: Dismissed (Refusal)
APPEAL DECISION DATE: 01-February-2018

Ward Bridestowe

APPLICATION NUMBER : **0185/17/FUL** APP/Q1153/W/17/3181837
APPELLANT NAME: Mr & Mrs C Middler
PROPOSAL : Erection of 4no dwellings including 3no starter homes and 1no self-build dwelling
LOCATION : Tor Brae, Land North Of Bolts House, Okehampton, EX20 4BE
APPEAL STATUS : Appeal Lodged
APPEAL START DATE: 07-February-2018
APPEAL DECISION:
APPEAL DECISION DATE:

Ward Buckland Monachorum

APPLICATION NUMBER : **0147/17/OPA** APP/Q1153/W/17/3177360
APPELLANT NAME: Mr M Scoot
PROPOSAL : Outline application with some matters reserved for development of up to 22no. dwellings (including 40% affordable housing), access, parking, landscaping / open space and associated infrastructure
LOCATION : Development site at SX 501 676, Abbey Meadows, Crapstone, PL20 7FG
APPEAL STATUS : Appeal decided
APPEAL START DATE: 12-July-2017
APPEAL DECISION: Upheld (Conditional approval)
APPEAL DECISION DATE: 06-February-2018

Ward Drewsteignton

APPLICATION NUMBER : **2092/17/PDM** APP/Q1153/W/17/3190868
APPELLANT NAME: Mr F Hawkins
PROPOSAL : Prior Approval for a proposed change of use of Agricultural Building to a Dwellinghouse (Class C3) and for associated operational development.
LOCATION : The Barn, Downhayes Farm, Spreyton, EX17 5AR
APPEAL STATUS : Appeal Lodged
APPEAL START DATE: 07-February-2018
APPEAL DECISION:
APPEAL DECISION DATE:

Ward Exbourne

APPLICATION NUMBER : **Enforcement Appeal - 013030** APP/Q1153/C/17/3193888
APPELLANT NAME: Mrs C Venn
PROPOSAL : Without planning permission, the material change of use of the land from mixed use of forestry, smallholding for growing small amounts of fruit and flower, vegetable patch and grazing for mixture of livestock including hens, sheep and pigs, to a mixed use comprising those uses stated above, together with the use of the Land for the siting of a caravan for residential purposes
LOCATION : Land opposite Higher Park (now Barwick Downs), Iddesleigh, EX19 8BP
APPEAL STATUS : Appeal Lodged
APPEAL START DATE: 07-March-2018
APPEAL DECISION:
APPEAL DECISION DATE:

Ward Okehampton South

APPLICATION NUMBER : **2573/16/OPA** APP/Q1153/W/17/3189983
APPELLANT NAME: Paul Hunt Developments (Devon) Ltd
PROPOSAL : Outline application with some matters reserved for 50no. dwellings with mixture of dwelling size and tenure (affordable housing provided will be 40% of total) including details of access
LOCATION : Land at SX 603 952, South of Exeter Road, Okehampton
APPEAL STATUS : Appeal withdrawn
APPEAL START DATE: 31-January-2018
APPEAL DECISION: Appeal Withdrawn
APPEAL DECISION DATE: 23-March-2018

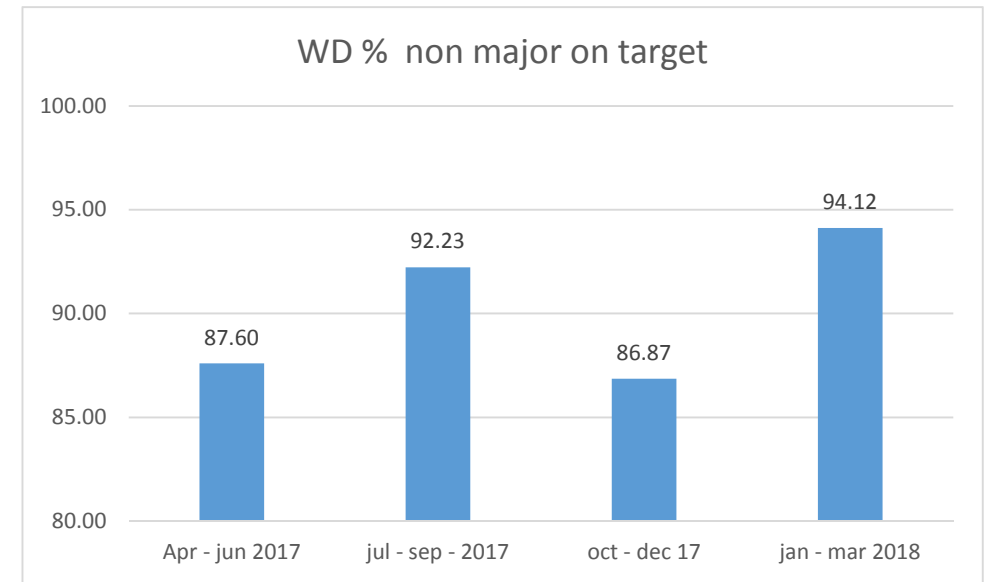
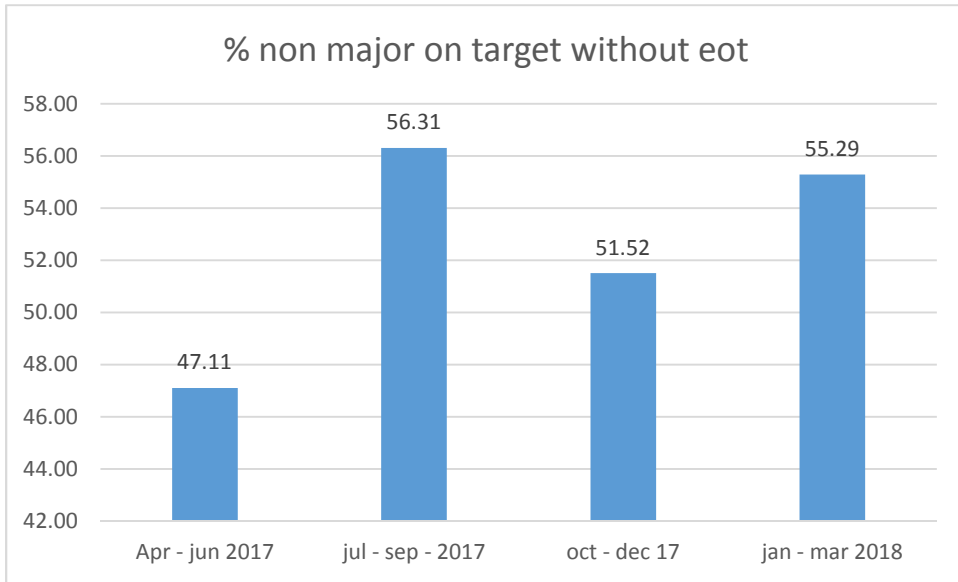
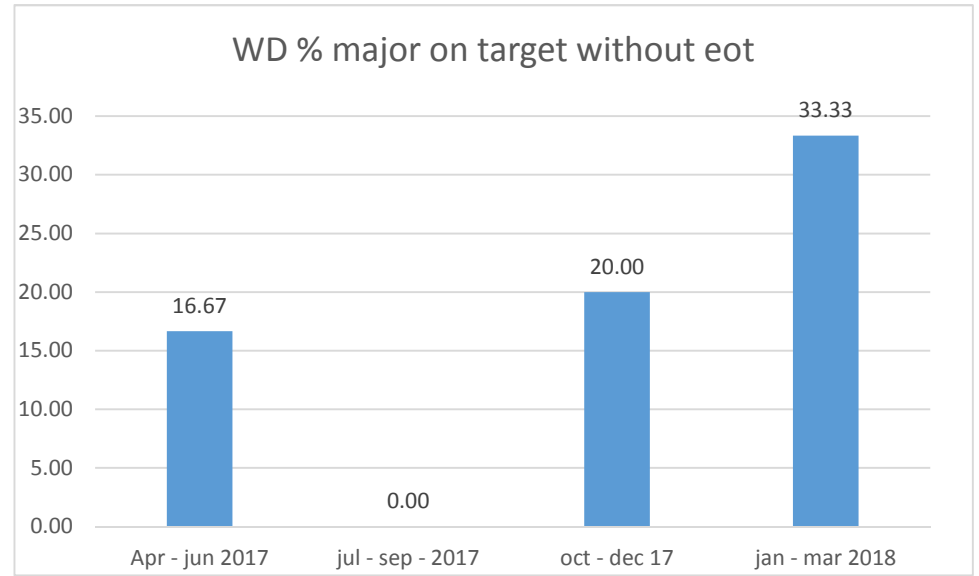
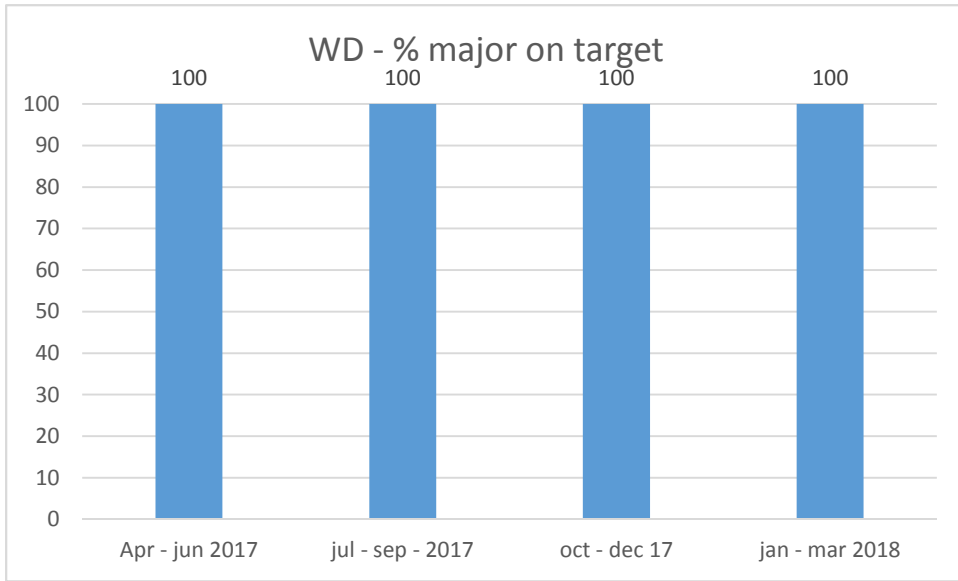
Ward Tavistock North

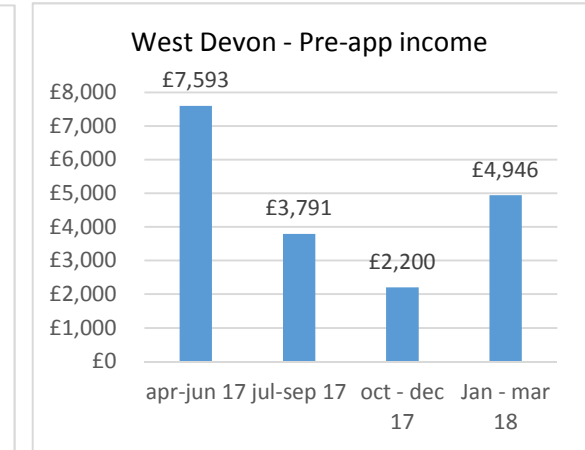
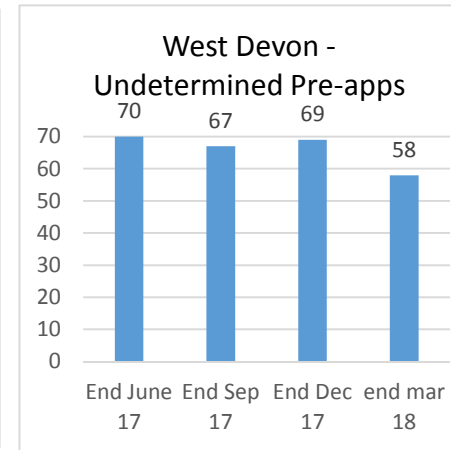
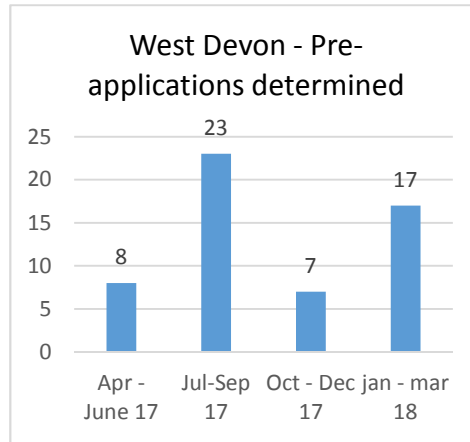
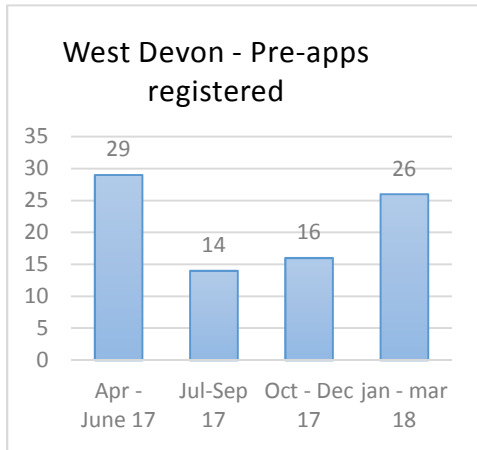
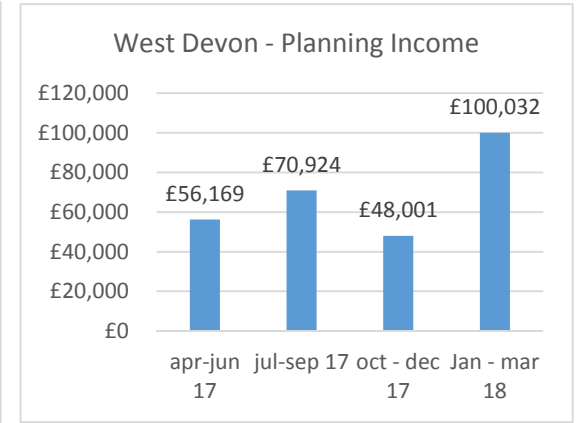
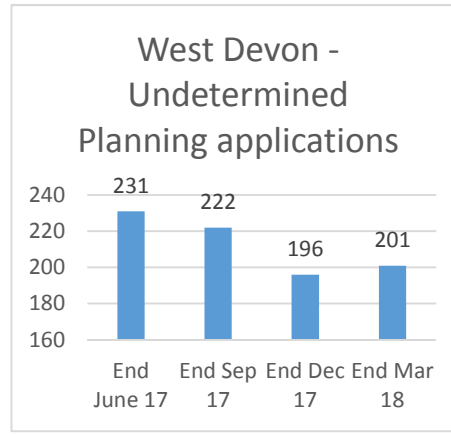
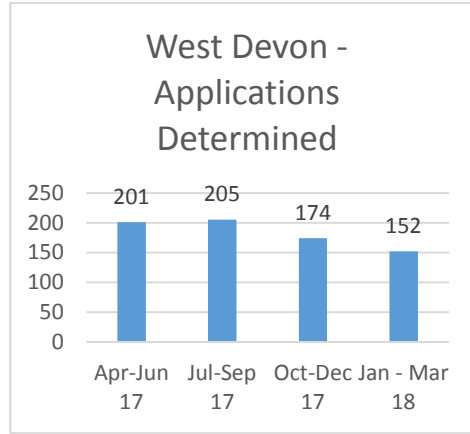
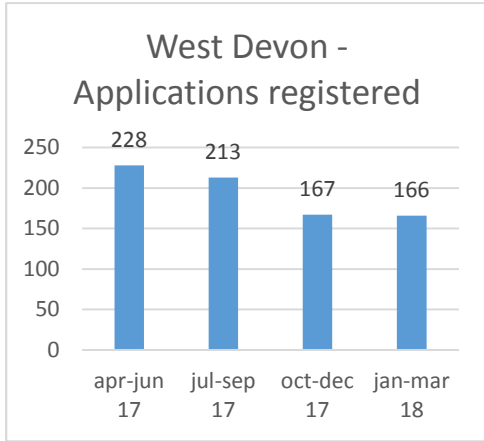
APPLICATION NUMBER : **0170/16/FUL** APP/Q1153/W/17/3186973
APPELLANT NAME: Mr K Willmott
PROPOSAL : Erection of 3 bedroom detached dwelling.
LOCATION : Land adjacent to 2 Roland Bailey Gardens, Tavistock, PL19 0RB
APPEAL STATUS : Appeal Lodged
APPEAL START DATE: 07-February-2018
APPEAL DECISION:
APPEAL DECISION DATE:

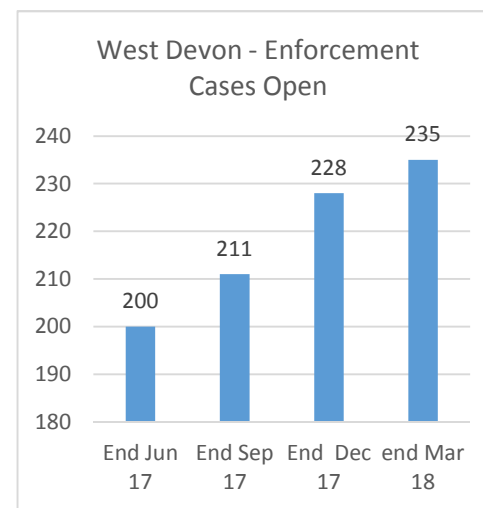
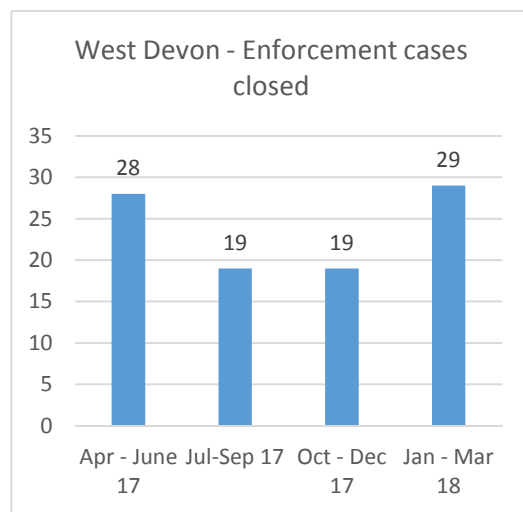
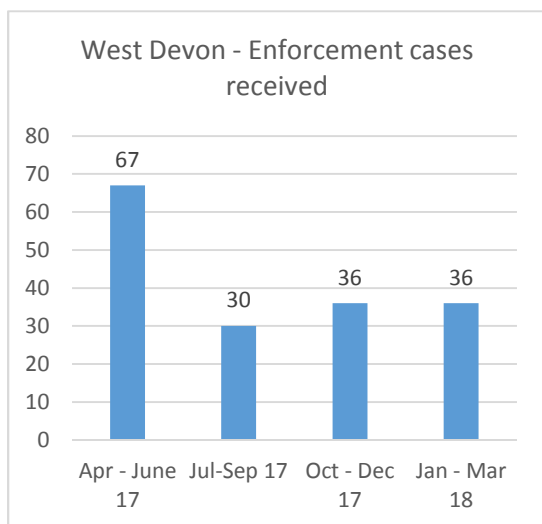
APPLICATION NUMBER : **1214/17/CLE** APP/Q1153/X/18/3194759
APPELLANT NAME: Mr D Brittan
PROPOSAL : Certificate of lawful development for existing use of land for storage and distribution of motor vehicles and agricultural purposes
LOCATION : Land At Higher Wilminstone, Wilminstone, PL19 0JT
APPEAL STATUS : Appeal Lodged
APPEAL START DATE: 26-February-2018
APPEAL DECISION:
APPEAL DECISION DATE:

APPLICATION NUMBER : **2686/16/FUL** APP/Q1153/W/17/3180266
APPELLANT NAME: Mr G Caldwell
PROPOSAL : READVERTISEMENT (Amended address and additional plans) Residential development for 4no. detached dwellings with integral garages, external parking and new access off Crease Lane
LOCATION : Land adjacent to Fernside, Crease Lane, Tavistock, PL19 8EW
APPEAL STATUS : Appeal decided
APPEAL START DATE: 23-August-2017
APPEAL DECISION: Dismissed (Refusal)
APPEAL DECISION DATE: 19-January-2018

APPLICATION NUMBER : **4085/16/LBC** APP/Q1153/Y/17/3183504
APPELLANT NAME: Mrs Louise Clements
PROPOSAL : Retrospective listed building consent for internal alterations with associated works
LOCATION : 48 Parkwood Road, Tavistock, PL19 0HH
APPEAL STATUS : Appeal decided
APPEAL START DATE: 27-November-2017
APPEAL DECISION: Dismissed (Refusal)
APPEAL DECISION DATE: 23-January-2018







West Devon	Number of decisions from 1 April 2016 – 31 March 2018	No of decisions that have been allowed at appeal	Percentage of decisions that have been allowed at appeal
Major Applications	24	2	8.33
Non-Major Applications	789	3	0.38

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