

West Devon Development Management and Licensing Committee



West Devon
Borough
Council

Title:	Agenda								
Date:	Tuesday, 15th May, 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

Development Management & Licensing Committee meeting held on 17 April 2018

1 - 10

Licensing Sub Committee meeting held on 30 January 2018

5. Planning Performance Indicators - To follow

6. 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>

4426/17/FUL Land adjacent to 24 Glanville Road, Tavistock, PL19 0EB to 24 Glanville Road, Tavistock – Application for demolition of western boundary wall (s) and erection of 4no. dwellings (two pairs of semi-detached dwellings)

4043/17/OPA 8 Drakes Park, Bere Alston, Devon, PL20 7DY – Outline planning application for the erection of one dwelling

7. Planning Appeals Update

33 - 34

[Members please note that this item will include PART TWO ITEMS WHICH MAY BE TAKEN IN THE ABSENCE OF THE PUBLIC AND PRESS ON THE GROUNDS THAT EXEMPT INFORMATION IS LIKELY TO BE DISCLOSED. The Committee is recommended to pass the following resolution:
"RESOLVED that under Section 100(A)(4) of the Local Government Act 1972, the public be excluded from the Meeting on the grounds that exempt information may be disclosed as defined in the paragraphs given in Schedule 12A to the Act."]

Use of televised and sound recordings at Council and committee meetings

- (1) Televised, vision and sound recordings or live broadcastings by members of the press or public at Council or committee debates are permitted and anyone wishing to do so is asked to inform the Chairman of the respective Committee of their intention to record proceedings.

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Agenda Item 4

At a Meeting of the **DEVELOPMENT MANAGEMENT & LICENSING COMMITTEE** held at the Council Chamber, Council Offices, Kilworthy Park, Drake Road, **TAVISTOCK** on **TUESDAY** the **17th** day of **APRIL 2018** at **10.00am**

Present: Cllr P R Sanders – Chairman

Cllr R E Baldwin	Cllr W G Cann OBE
Cllr J Evans	Cllr B Lamb
Cllr D E Moyse	Cllr T G Pearce
Cllr A Roberts	

COP Lead Development Management (PW)
COP Lead Strategic Planning (TJ)
Planning Senior Specialist (KC)
Planning Specialist (GL)
Planning Specialist (CS)
Highways Officer (PT)
Solicitor (SN)
Specialist Democratic Services (KT)

***DM&L 57 APOLOGIES FOR ABSENCE**

Apologies for absence were received from Cllr J Yelland for whom Cllr B Lamb substituted.

***DM&L 58 DECLARATION OF INTEREST**

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

Cllr G Parker declared a personal interest in application 2236/17/OPA: Outline application (all matters reserved apart from means of access) for demolition of existing structure (no works proposed to Hazeldon House) and site redevelopment to provide 81 dwellings, associated access, parking, circulation, open space, landscaping and supporting infrastructure (including retaining structures) – Former Hazeldon Preparatory School, Mount Kelly College, Tavistock, by virtue of being the president of Tavistock Rotary of which Mount Kelly was a corporate Member, and by virtue of having worked with Cotswold Archaeology who had submitted a heritage statement. He remained in the meeting and took part in the debate and vote thereon;

Cllr A Roberts declared a disclosable pecuniary interest in application 2236/17/OPA: Outline application (all matters reserved apart from means of access) for demolition of existing structure (no works proposed to Hazeldon House) and site redevelopment to provide 81 dwellings, associated access, parking, circulation, open space, landscaping and supporting infrastructure (including retaining structures) – Former Hazeldon Preparatory School, Mount Kelly College, Tavistock, by virtue of there being a family connection to Mount Kelly College, and she left the meeting for the duration of the debate and vote;

Cllr T G Pearce declared a personal interest in all applications, by virtue of being a Member of the Devon Building Control Partnership. He remained in the meeting and took part in the debate and vote on each item.

***DM&L 59 CONFIRMATION OF MINUTES**

The Minutes of the Development Management and Licensing Committee Meeting held on 20 March 2018 were confirmed and signed by the Chairman as a correct record.

***DM&L 60 PLANNING, LISTED BUILDING, TREE PRESERVATION ORDER AND ENFORCEMENT REPORTS**

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

(a) Application No: 2236/17/OPA Ward: Tavistock North

Site Address: Former Hazeldon 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 Hazeldon House) and site redevelopment to provide 81 dwellings, associated access, parking, circulation, open space, landscaping and supporting infrastructure (including retaining structures)

Case Officer Update: A late letter of representation had been received from Sport England, the contents of which were read to the Committee, and the letter confirmed that Sport England maintained their objection to the proposal; a further late letter had been received from Cllr Sellis supporting the proposal

Speakers included: Objector – Mrs Judith Davis; Supporter – Mr Keith Hollinshead; Ward Member – Cllr Jory; Other Tavistock Members – Cllrs Oxborough and Sellis

RECOMMENDATION: Refusal

COMMITTEE DECISION: Refusal

(b) Application No: 0848/18/POD Ward: Okehampton South

Site Address: 10 St James Street, Okehampton

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

Case officer Update: N/A

RECOMMENDATION: Prior Approval not required

COMMITTEE DECISION: Prior Approval not required

***DM&L 61 PLANNING APPEALS UPDATE**

The Committee received and noted the updated list of Planning Appeals including Enforcement Appeals. The COP Lead responded to questions of clarity on specific appeal decisions.

***DM&L 62 PLANNING PERFORMANCE INDICATORS**

Members were presented with a set of performance indicators, the format of which had been reviewed. Members agreed that the format was clear, but requested additional information be provided that included appeals lost following a Committee overturn of an officer recommendation. The COP Lead asked Members to note the workflow indicators.

(The Meeting terminated at 12.35pm)

Chairman

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**MINUTES OF A MEETING OF THE LICENSING SUB-COMMITTEE HELD
AT THE COUNCIL CHAMBER, COUNCIL OFFICES, KILWORTHY PARK,
DRAKE ROAD, TAVISTOCK ON TUESDAY 30 JANUARY 2018**

Present: Cllr P Sanders
Cllr A Roberts
Cllr B Baldwin
Sue Nightingale, Solicitor
Naomi Stacey, Specialist Licensing
Kathy Trant, Specialist Democratic Services
Kathy Hoare, Senior Case Manager, Democratic Services

Members also in attendance:

Cllr T Pearce
Cllr C Mott

Also in attendance and participating:

Mr Michael Parle on behalf of the applicant with Mrs K Luffingham and
Mr S Earp
Mr and Mrs Stribley with Cllr Diana Moyse - objecting
Ms Amanda Steers - objecting

***LSC9 APPOINTMENT OF CHAIRMAN RESOLVED**

That Cllr Sanders be appointed Chairman for the duration of the meeting.

***LSC10 DECLARATIONS OF INTEREST**

Members were invited to declare any interests in the items of business to be considered but none were made. In response to a challenge from a resident, Cllr Sanders confirmed that whilst he was a Member of Dartmoor National Park Authority, in his view this did not result in a conflict of interest and he was able to take part in this sub-committee. He also confirmed that he knew the residents in attendance, knew Mr Earp once he saw him, had previously visited the Royal Oak Public House, but did not know anyone well enough to warrant a declaration of interest.

***LSC10 TO DETERMINE AN APPLICATION FOR A NEW PREMISES
LICENCE AT MEAVY PARISH HALL, THE GREEN, MEAVY,
YELVERTON, PL20 6PJ**

The Sub Committee considered a report that sought to determine an application for a new premises licence at Meavy Parish Hall, The Green, Meavy, Yelverton. The Chairman read out the order of the process.

The Licensing Officer presented to present the application and the contents of her report. She confirmed that the applicant had met with the

Police and agreed to additional conditions set out in presented appendix B. As a result, the Police had confirmed that they had no other objections. There were no objections from statutory consultees, however, four representations had been received objecting to the application. Further to additional information supplied by the applicant, one of those objections had been withdrawn. The Licensing Officer set out the key elements within the report, and reminded the sub-committee that the application must be judged against the four licensing objectives.

1. Address by Mr Michael Parle on behalf of the applicant

During his presentation, Mr Parle made the following points:

- He outlined the reason for the application being the need to protect the future of the Parish Hall
- The committee were looking to arrange fund raising events
- Traditional events such as whist drives were no longer popular
- The cost of applying for Temporary Event Notices, both financial cost and time for volunteers to complete the application process
- The wish to make the events more attractive
- Concerns about additional traffic generation not being valid as the events that were no longer popular such as whist drives and quizzes attracted people from outside the village.

2. Address by Miss Amanda Steers objecting to the application

During her presentation, Miss Steers made the following points:

- She reminded the sub-committee of the issues associated with an event that had taken place in 2016 that resulted in complaints, the Police did nothing and Environmental Health could not be contacted as apparently the computers were down
- Events have been held without the appropriate permission
- On a normal night there can be a parish council meeting in the hall and bell ringers practising in the church so it all gets a bit much
- There will be more traffic
- The buildings, roads and village green cannot be moved, there is not enough room
- It is one thing to have great ideas but limitations must be set
- If the DPS does not need to be on site who will supervise
- I live in the village and have been subjected to noise, nuisance and foul language when events have been taking place

3. Address by Mr Stribley – objecting to the application

During his presentation, Mr Stribley made the following points:

- the reason for his objection being that he lived in the centre of a quiet residential village which was being subjected to increased levels of traffic and noise
- he had experienced excessive noise and disturbing behaviour arising from people attending events
- other residents were also upset by the application and had said that Mr and Mrs Stribley were brave to 'stick their necks out' and object
- due to the popularity of the Royal Oak, people unaccustomed to sharing space with pedestrians were coming into the village along the narrow village lanes

- the landlord of the Royal Oak has made no secret that the pub is not big enough for his enterprising ideas and, if approved, the parish hall will become an extension to the pub
- The landlord of the pub already delegates supervision of the pub to others, who will he delegate supervision of the parish hall to

4. Address by Mrs Stribley objecting to the application

During her presentation, Mrs Stribley made the following points:

- Living in the village has been an enjoyable experience except for the last few years which has seen an increase in traffic and popularity of the Royal Oak which has had a detrimental effect
- I used to be in the parish hall committee and enjoyed it until Mr Earp became chairman and made changes
- When alcohol is served at events in the hall we are unable to open our windows at night because of the noise, bad language and urinating
- The village is not designed for these events. People love Meavy, I love Meavy, but people need to come to the village for other reasons
- The parish hall is now an extension of the Royal Oak. We used to have events such as lunches for the elderly and the hall was successful, so why not now
- Meavy is a small Dartmoor village and a pleasant place to come to, but not when people throw cans, create nuisance

5. Address by Cllr Moyse objecting to the application

During her presentation, Cllr Moyse made the following points:

- I don't live in the village and can view from afar, but I know the village as I was the Clerk for three years
- I do usually support parish halls but I have concerns in this case as there are flooding issues in the area and the proposal will cause an increase in traffic
- There are no pavements and there are walkers and horse riders in the village, and there have been several complaints about speeding vehicles
- Parking is difficult
- Meavy is a small hamlet that does not need anymore traffic
- I hope the sub committee will not pass the application.

The Members of the sub-committee were given the opportunity to ask questions of clarity of each of the speakers. The Chairman then allowed questions from each of the speakers.

(At 2.50pm, the Sub-Committee adjourned in the presence of the solicitor to consider the application. The Sub Committee reconvened at 3.30pm)

5 The Decision

The Chairman read out the following statement:

“We have considered the application for a new premises licence.

We have considered the Statement of Licensing Policy, the government guidance and our obligations that relate to the promotion of the licensing objectives.

We have read carefully the written representations from all parties and additional information given to us today. We have also considered the additional conditions proposed by the Police and accept by the Applicant.

It is our decision to grant this applications subject to the following changes being incorporated into the operating schedule and to include the additional conditions requested by the Policy. We have determined the changes to be APPROPRIATE to achieve the licensing objectives:

1. The sale of alcohol to be limited to a maximum of 30 events per year to prevent public nuisance
2. To maintain at all times a written record of each event where alcohol is for sale for inspection by the Licensing Authority to maintain compliance with the licensing objectives.

In addition to be APPROPRIATE the Committee also believe the amendment(s) to be necessary.

Thank you all”

Chairman

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PLANNING APPLICATION REPORT

Case Officer: Matthew Jones

Parish: Tavistock **Ward:** Tavistock North

Application No: 4426/17/FUL

Agent/Applicant:

Mr D Pearce
Plumer House
Tailyour Road
Crownhill
Plymouth
PL6 5DH

Applicant:

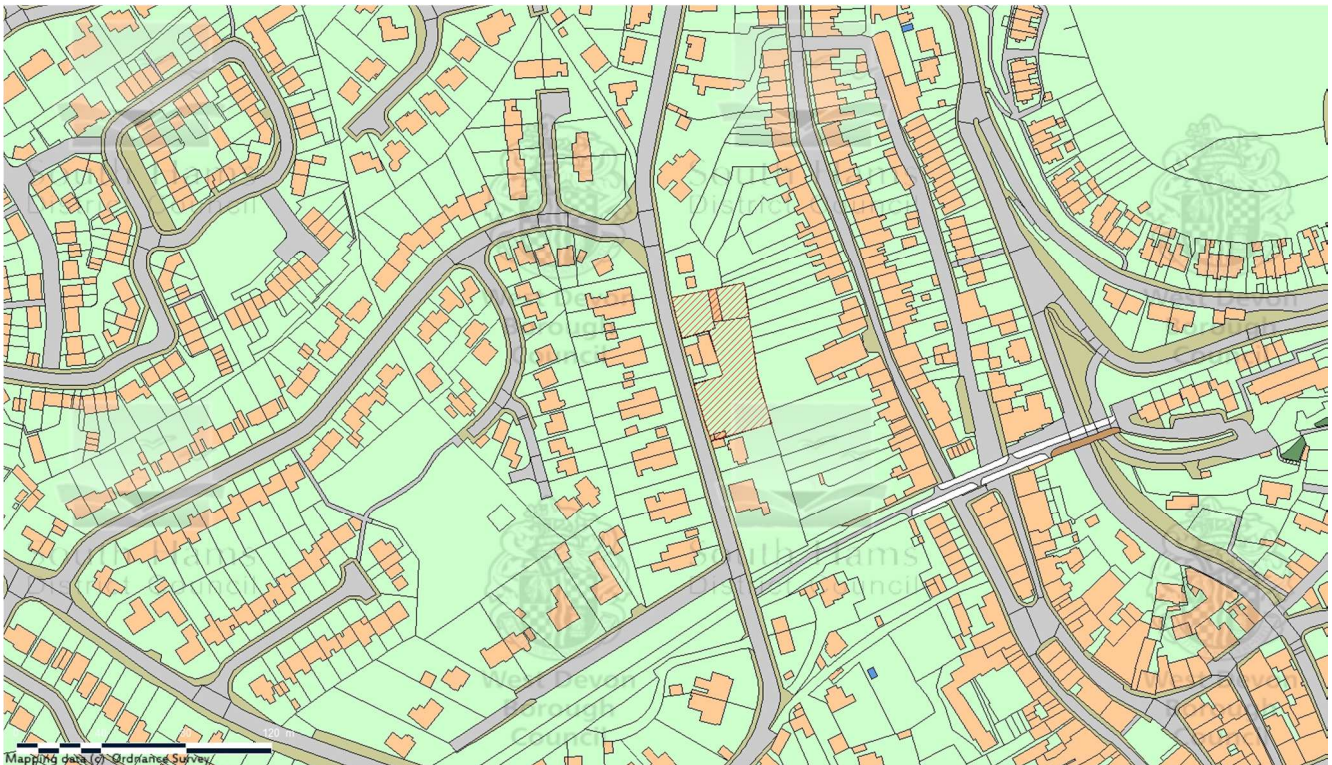
Mrs Ilmarie Rencken
Hallowell Farm
Hensbury Lane
Devon
PL20 7LB

Site Address: Land adjacent to 24 Glanville Road, Tavistock, PL19 0EB

Development: Application for demolition of western boundary wall(s) and erection of 4no. dwellings (two pairs of semi-detached dwellings)

Reason taken to Development Management Committee:

Cllr Jory has asked that this proposal be taken before Development Management Committee due to the heritage implications of the development



Recommendation: Conditional Approval

Conditions

Time

Accord with Plans

Joinery details prior to installation

Stone walling detailing prior to installation

Eaves, cornice, string course and sill details prior to installation

Render details prior to application

Rainwater good details prior to installation

Roof specification prior to commencement

Land stability specification prior to commencement

Drainage details prior to commencement

Construction Drainage details prior to commencement

Landscape plan prior to commencement

Accord with arboricultural mitigation and Tree Protection Plan

Universal land contamination condition

Verification Report

Unsuspected contamination

Construction Environment Management Plan

Accord with recommendations of ecological report

Removal of Permitted Development Rights

Key issues for consideration:

The main issues are the impact of the proposal upon the World Heritage Site and Tavistock Conservation Area, access and parking, land contamination and land stability, design and massing, drainage, landscape impact, arboricultural and ecological impact and any impact upon the amenity of neighbouring dwellings

Site Description:

The application site is an area of redundant land with a previous, historic association with the now subdivided dwelling '24/26 Glanville Road' as curtilage. Access is from Glanville Road to the west, from where the site drops down steeply from west to east, where it meets a historic retaining wall forming the east boundary. That wall retains the land above the steep rear gardens of the properties off Bannawell Street, which themselves are significantly below the application site, at the valley floor.

The highway is to the west with residential dwellings and their curtilages to the north, east and south. The site surrounds 24/26 Glanville Road to its north, east and south sides.

The site is within the Tavistock Settlement Boundary, a Critical Drainage Area, the World Heritage Site and the Tavistock Conservation Area. The nearest listed buildings are grade II miner's housing below the site on Bannawell Street, and the grade II listed Tavistock Viaduct which is the dominant structure within this part of Tavistock. There are trees within the site and within its influence which, due to the site's location within the Conservation Area, are protected from felling.

This part of Glanville Road is formed predominately of Victorian villas, with the villas to the west of the highway set within a clear building line with frontages towards the highway. To the east are two Victorian dwellings, one of which has now been subdivided, which are perpendicular to the road and abut it. These have been joined by two modern in fill dwellings of limited architectural interest. All historic villas here are identified as positive buildings by the Council's Conservation Area policy documentation.

The Proposal:

Planning permission is sought for the demolition of western boundary wall(s) and the erection of 4no. dwellings. The dwellings are semidetached in a pair of buildings, one to the south of 24/26 Glanville Road and one to its north. The buildings seek to replicate the Victorian architecture of the dwellings to the west of the road, but the frontage of the proposed dwellings will face eastwards toward the valley, not towards Glanville Road.

The front boundary is formed of remodelled natural stone walls enclosing individual parking areas and a single storey kitchen element, which effectively extends from the roadside elevation and joins it to the boundary wall. Due to the fall in the land the accommodation is over three floors with use of mezzanines. Finish materials are render and slate, with the single storey elements having a low profile zinc roof.

The scheme is well supported by a variety of supplementary documents, which reflects the number of planning constraints which affect the site.

Consultations:

- County Highways Authority

No objection subject to conditions – *‘Although the visibility splays shown from the private accesses on the application drawings has not been drawn correctly (they should be drawn to the same side of the road, not the centre line) the available visibility splays over the land forming the footway and carriageway is acceptable to serve the vehicular accesses and are commensurate with other private accesses in the vicinity of the application site.*

There are therefore no objections to the proposed development from a highway safety point of view and suitable conditions are recommended to be imposed on any planning permission granted.’

- Environmental Health Section

No objection subject to conditions

- Conservation Section

No objection subject to conditions – *‘The application follows pre-application discussion which gave a positive response to the principle of development along the lines submitted. The Heritage Assessment provides an accurate description of the site. The fact that the land was once landscaped garden is significant but the subdivision of ownership has resulted in neglect.*

Development of the site will not harm the OUV of the World Heritage Site – the villas here are peripheral to OUV with no direct mining related connections. The site is overlooking the workers housing of Bannawell St and there are views across the valley to Trelawney Road. The site is a distant part of the setting to the former workhouse (GII) and more closely the working area of Lakeside, including the grade II listed foundry building. The setting of the listed buildings will not be harmed by development and most may be said to be potentially enhanced. The main affected LB is the viaduct which is a monumental structure which will remain the dominant feature of the locality. Some views of the viaduct will be altered or even lost but there are so many vantage points from which to appreciate the structure that this is not a reason for refusal. The site will change when viewed from the viaduct, but again it is a matter of the buildings being delivered as promised and supplemented by a very high standard of landscaping.

The character and appearance of the CA can be positively enhanced by a well-executed development of this kind.

The proposed architectural response is of a pastiche type, but that is an appropriate response here so long as the architectural details and materials are of a suitably high order. I suggest conditions to control materials, window and door details and all architectural details (eaves, string courses, sills etc).

Landscaping is of almost equal importance here and I recall this being stressed at pre-app. The information supplied is lacking in detail and it is most important that existing stone walls are retained and repaired. These contribute positively to the character and appearance of the CA and their repair should be seen as an essential element of any approved scheme. All new enclosures should be achieved either by stone walls or hedges - fences must be avoided. It is also very desirable that good landscaping involving specimen planting, with some high quality trees, is delivered on the site to complement the general character of the polite suburban parts of the town. Robust conditions are needed to secure these aspects of design as the land is so prominent in views of and within the CA.

With conditions to cover the issues I have identified I would support approval of this application.'

- Landscape and trees

Objection due to tree loss, suggest conditions *'The Tree Survey (Penpont Ecology Services Ltd; 2018.02) is noted. The ash has been assessed as a Category A tree: Trees which are significant and which must be retained wherever possible, within the layout. This position is confirmed by the Council's view that the ash has high amenity value and would warrant protection by a Tree Preservation Order. Disappointingly, the submitted scheme cites the ash tree for removal. This approach is not supported by the Council's tree specialist and significant weight should be given to the retention of important trees in the planning balance.*

- Drainage Section

Objection resolved to no objection subject to conditions

- Tavistock Town Council

Support – *'However concerns were raised regarding; Drainage issues and potential effect on Bannawell Street, Appearance of elevation facing Glanville Road which is potentially unsympathetic to surrounding properties'*

- South West Water

No objection

Representations:

12 letters of objection have been received at the time of writing this report. Concerns raised are summarised as follows:

- Design and proposed materials is not in keeping, particularly the flat zinc roof element and hardstanding
- Will lead to loss of public views
- Will harm Conservation Area and World Heritage Site
- Conflicts with the Council's Conservation policies
- Will harm setting of non-designated heritage assets
- Doesn't maintain building line
- The most appropriate elevation faces away from the street, with the rear to the highway
- Will lead to loss of space
- Is overdevelopment of the plot
- Will lead to highways safety issues
- Will lead to loss of on street parking

- Could lead to introduction of parking permit system
- Will lead to loss of amenity of neighbouring dwellings through dominance, overlooking and loss of light, noise and smells
- There are errors within the proposed plans
- Could prejudice integrity of retaining walls
- There are land contamination issues
- The site is a wildlife corridor
- The site provides drainage for the area

Relevant Planning History

11940/2008/TAV - Erection of four dwellings – Refusal

Analysis

Principle of Development/Sustainability:

The site is within a sustainable location within the Tavistock Settlement Boundary, where new residential development is accepted in principle, subject to all material planning considerations.

The Council cannot currently demonstrate a five year land supply of residential sites, and the presumption in favour of sustainable development applies pursuant to paragraph 14 of the Framework, subject to the caveat provided by footnote 9.

Design/Massing/Heritage:

The legibility of this area as a large garden serving what is now 24/26 has been significantly eroded by previous residential infill and the degraded state of the site and boundary walling. The principle of its development from a heritage perspective is therefore accepted.

The existing site including its walls, the herring fencing, contaminated land and unkempt state presents a negative contribution to the street scene and its heritage designations. The proposal includes the consolidation and rebuilding of historic boundary walling, which officers consider to be a significant enhancement of the site.

Turning to the proposed layout, officers acknowledge the comments made by third parties with regard to the building lines in Glanville Road. The dwellings on the west side of the highway are set within a clearly identifiable building line and any infill on that side of the street would be expected to comply with both the existing building line and grain of development. However, the east side of this part of Glanville Road, where the application site is, is formed of two historic dwellings perpendicular to the road and tight to it, and with their flank walls facing the highway. They have been joined by two modern infill dwellings which do not respect the original location or orientation of their older neighbours.

As such, there is no longer a clearly identifiable grain of development or building line on this side of Glanville Road, and officers support the location and orientation of the buildings as proposed. Setting the buildings back allows for parking and turning areas to be provided.

Similarly, the existing buildings turn their sides to the highway, and do not represent a uniform frontage. Indeed, one of the dwellings has a simple porch canopy which extends and connects the dwelling to the boundary wall, and it appears that the applicant has taken reference from this with regard to the single storey forward elements of the proposed dwellings and the form of the proposed boundary walling. Zinc is not a material common to the vernacular, but this element is considered by officers to add a degree of interest to the proposal.

Officers note that the four units are large family homes and the scheme has an absence of housing mix. However, it is of fundamental importance that the proposal protects heritage designations and

compliments the street scene, which itself is formed of high status, generally large dwellings. In addition, officers view it as unlikely, owing to the significant constraints of the site, that it would provide a suitable opportunity to secure smaller, more affordable units for the community. Officers are therefore satisfied, in the circumstances, that the housing mix, or lack of, is acceptable.

Officers are also satisfied that the plot, building and garden ratios are acceptable, and in conformance with other sites in Glanville Road. Officers note that the scheme will provide a more appropriate relationship between properties than that achieved through the subdivision to create 24/26 Glanville Road.

Overall, and with the quality of detailing and finish materials secured through condition, officers are satisfied that the proposed buildings will provide a positive contribution to the street scene and a social benefit to the community through the housing provision.

Other Heritage Impacts

The openness of the site currently provides public views of the Conservation Area and World Heritage Site to the east, for example, views of the listed viaduct and the Bedford style housing on Trelawney Road. However, these are not intention or strategic views, and they only occur as a consequence of the unsightly alteration and removal of original boundary walling. In addition, there are numerous other views and glimpsed views will be retained between buildings.

The public benefit of the views that the site provides are considered to be offset by its own negative contribution through its incongruous appearance. As such, officers do not consider the loss of the public views through the site as a consequence of its development to be harmful to the character and appearance of the Conservation Area, the setting of any heritage asset nor the Outstanding Universal Value of the World Heritage Site.

The specialist Heritage Officer has stated that *'The main affected LB is the viaduct which is a monumental structure which will remain the dominant feature of the locality. Some views of the viaduct will be altered or even lost but there are so many vantage points from which to appreciate the structure that this is not a reason for refusal. The site will change when viewed from the viaduct, but again it is a matter of the buildings being delivered as promised and supplemented by a very high standard of landscaping.'*

Trees and Landscape

The Council's landscape team are not objecting on landscape grounds, but have identified harm through the loss of a specific tree which, by nature of its impact within the Conservation Area, is protected. The tree officer has stated that *'The Tree Survey (Penpont Ecology Services Ltd; 2018.02) is noted. The ash has been assessed as a Category A tree: Trees which are significant and which must be retained wherever possible, within the layout. This position is confirmed by the Council's view that the ash has high amenity value and would warrant protection by a Tree Preservation Order. Disappointingly, the submitted scheme cites the ash tree for removal. This approach is not supported by the Council's tree specialist and significant weight should be given to the retention of important trees in the planning balance.'*

Although the comments of the tree specialist are noted, officers are also aware that the tree cannot be retained within the proposed layout due to the location of the north unit. Although the lack of a discernible, uniform building line does allow for a degree of flexibility, officers would not support dwellings to the complete rear of this site and, as such, it is logical to conclude that any dwelling that can be supported in heritage terms at the north of the site would lead to loss of the tree.

That leaves officers in the position of protecting the tree and effectively causing the probable sterilisation of the north part of the site, or accepting its loss in an otherwise acceptable development. As such, officers accept that the Ash cannot be retained within this layout or any which provides residential

development in this location, and the social benefit of the housing provision is considered to outweigh the environmental harm associated with the felling of this high specimen ash tree.

Neighbour Amenity:

With regard to no.26a, the impacts upon the property are commensurate to the neighbour relationships between other properties within the street. Although the property will be to the south, its lower height will reduce dominance and loss of direct sunlight. Similarly, the dwelling 'Seven Tors' maintains an acceptable distance and relationship from the south units; although the setback will provide a small degree of dominance, the distance between the two buildings reduces this significantly. Any overlooking towards these properties will be oblique and not of such significance as to warrant refusal of the scheme.

Views toward the properties on the west of the highway will be commensurate to existing neighbour relationships and views from the highway, and the properties off Bannawell Street are set significantly down below the site, to the extent that they will not be negatively affected by this proposal.

Number 24/26, by nature of its location within the centre of the site, will be more affected than other properties. The units to the south of 24/26 are considered to be at a sufficient distance and orientation as to provide an acceptable neighbour relationship. Although these properties are to the south, the distance between the two buildings and location due south will prevent any significant loss of sunlight or dominance. Loss of views of the viaduct and other heritage designations from private spaces is not material to the outcome of this application.

The units to the north are closer to 24/26 and, coupled with the set back of the building, this will lead to a degree of dominance towards these neighbours, particularly to the rear garden serving no.24. However, the proposed units here will be due north and, as such, there will be not loss of direct sunlight to neighbouring areas. Overall, although officers do acknowledge that the close proximity and set back will lead to a degree of dominance, within this urban context, this impact is, on balance, considered to be acceptable. The outlook of no.24/26 and its garden is overwhelmingly to the east, and the proposed development will not lead to the loss of aspect from these areas.

No.24/26 does have windows to the north elevation which will be affected by a degree of loss of daylight and passing overlooking from the external stairs and hallway window, but these windows serve a hallway, not primary accommodation, or are obscure glazed and the overlooking towards them will be limited in any case. Similarly, any overlooking from the external staircase towards the rear garden of no.24 and the side passage will be limited to transient movements, and is an acceptable impact given the urban context, and degree of mutual overlooking between properties that already exists throughout this area.

Overall, although officers accept that there will be a degree of impact, the proposed development is considered to render an acceptable impact upon the amenity of neighbouring properties.

Drainage

The applicants have demonstrated that soakaways are not viable for the site and are instead suggesting an attenuation system prior to discharge to the combined sewer. South West Water have issued no objection to that approach, and the Council's drainage engineer are satisfied that the specification of the attenuation system will satisfactorily slow down surface water runoff, protecting neighbouring land from any additional flooding risk.

There was an outstanding concern from the Council regarding future maintenance arrangements and the sharing of the attenuation system, but the applicant has produced a plan indicating means of access to prevent future disagreements which could prejudice the operation of the drainage management system, The Council's drainage engineers now have no objection to the proposal.

Officers acknowledge that the contamination of the site and its topography could potentially lead to discharge down to Bannawell Street during construction, and therefore have added a condition to this recommendation requiring details of the construction phase drainage strategy prior to the commencement of development.

Ecology

The applicant's ecology survey does not identify any use of the site as a 'wildlife corridor', and the Council agrees with its conclusions that the site is of limited ecological value. Nonetheless, ecological enhancements are recommended within the ecological appraisal, and these will be secured by way of planning condition.

Land contamination

The land, in particular the topsoil, is identified to be contaminated by the applicant's submitted phase 1 contaminated land survey. The survey also suggests a number of remediation measures, which are supported by Council's specialist Environmental Health Officer. The EHO has recommended three separate land contamination conditions to ensure delivery of the mitigation measures and provide a safe and usable site for future residential occupiers.

Land Stability

Third parties have identified potential harm through the loss of integrity of the long and high Victorian retaining wall separating the site from the Bannawell Street area below, and the associated land stability issues. Officers have visited sites off Bannawell Street, and have observed the degraded state of the wall in various sections. In many respects, the protection of third party wall and structures is a civil issue, which will remain the responsibility of the developer.

However, the Victorian retaining wall is visually attractive historic feature in its own right, which separates the lower status miner's cottages of Bannawell street with the more high end villas above and is as such, in itself, a non-designated heritage asset which contributes to the Conservation Area and World Heritage Site. The Framework also identifies that planning decisions should not prejudice land stability, with paragraph 109 stating that *'The planning system should contribute to and enhance the natural and local environment by... ..preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of soil, air, water or noise pollution or land instability;'*

The supplementary guidance identifies a flow chart to aid LPAs assessment of such issues. It provides the following:

'What steps should developers take if they suspect land stability is an issue for an individual application?'

Details of the steps that a planning authority should follow for applications where they expect land stability is an issue may be found in the flowchart below. If land stability could be an issue, developers should seek appropriate technical and environmental expert advice to assess the likely consequences of proposed developments on sites where subsidence, landslides and ground compression is known or suspected.

A preliminary assessment of ground instability should be carried out at the earliest possible stage before a detailed planning application is prepared. Developers should ensure that any necessary investigations are undertaken to ascertain that their sites are and will remain stable or can be made so as part of the development of the site. A site needs to be assessed in the context of surrounding areas where subsidence, landslides and land compression could threaten the development within its anticipated life or damage neighbouring land or property.

Such information could be provided to the planning authority in the form of a land stability or slope stability risk assessment report. Developers may choose to adopt phased reporting, eg desk study results followed by ground investigation results.'

Officers are satisfied that the third party comments, combined with the evidenced problems with the retaining wall observed at site visit, necessitates a preliminary assessment of ground instability. Such an assessment was included with the previous 2008 refusal on the site and the applicant originally intended to rely on its previous conclusions. However, the Council required this to be cross referenced and at least updated with reference to changes in the site's circumstances in the intervening period, and changes to neighbouring sites, such as through other residential development.

The applicant has now provided a supplementary report, with associated 'Slope Stability Assessment'. The applicant's specialist engineer has also stated that *'The Frederick Sherrell report carried out in 2005 is still considered applicable and relevant to the site, as the geology underlying the site hasn't been altered or the site developed since these investigations were undertaken. In any case, our analysis assumes a worst case 'Made Ground' soil overlying the bedrock, and still produces a result indicating no significant slope failure risk at the site in its current state.'*

Officers can now reasonably conclude that there is no existing land stability issues associated with the site in its current form. As such, the NPPG guidance flow chart indicates that the Council is now able to rely on a planning condition to maintain land stability during the construction phase.

The principal threat to land instability would come from the failure of the retaining wall. Officers are of the opinion that there will be a technical solution to stabilising the wall if necessary, the unknown is the details and the cost to the developer, but there will be a solution. As such it is considered that this matter can be dealt with as a pre-commencement condition and need not be required prior to the grant of planning permission. Ensuring that this retaining wall is stable will be very much in the interest of the applicant and future residents.

Highways/Access/Bin Store:

The proposal provides two parking spaces per unit which, in the absence of any policy basis to secure a minimum parking requirement, is considered to be acceptable. The scheme does not provide on site turning, and therefore requires entering or leaving the site in a reverse gear. However, this is common through this part of residential Tavistock, and is an issue identified by the specialist highways officer who is not objecting to this with regard to highways safety.

The highways officer has stated that: *'Although the visibility splays shown from the private accesses on the application drawings has not been drawn correctly (they should be drawn to the same side of the road, not the centre line) the available visibility splays over the land forming the footway and carriageway is acceptable to serve the vehicular accesses and are commensurate with other private accesses in the vicinity of the application site.'*

There are therefore no objections to the proposed development from a highway safety point of view and suitable conditions are recommended to be imposed on any planning permission granted.'

Any small scale loss of on street parking is not considered to lead to safety or congestion issues which would justify refusal and effective sterilisation of this Insightly infill site for future residential development.

There is adequate land within the front yard areas to provide on site bin storage.

Other Matters:

Officers agree that the Site Location Plan is incorrectly drafted, through the inclusion of third party land namely the rear garden of No.24 without the third party being prior notified. Officers have secured the

revision of this plan to omit the third party garden area, and this revised plan, reducing the size of the site, can be accepted without prejudicing the rights of any third party.

There is no evidence that this development in itself would lead directly to a permit parking system being introduced in the area.

Conclusion

The impacts of the development on the highway and upon neighbour amenity are considered to be acceptable within due regard to the use of parking and accesses and the existing neighbour relationships and level of amenity generally accepted within the locality.

The scheme provides an environmental benefit through the remediation of contaminated land, the provision of wildlife enhancements, the redevelopment of an incongruous and visually harmful site and a social benefit through the housing provision. These benefits outweigh the identified environmental harm through the felling of the high specimen ash tree. The scheme has been designed to have no harmful impact upon non-designated or designated heritage assets, and the character and appearance of the Tavistock Conservation Area is preserved

Other issues regarding drainage, land contamination and land stability have been addressed to the extent that they can now be resolved through the use of planning conditions. The scheme is subsequently recommended for approval.

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

Planning Policy

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

The relevant development plan policies are set out below:

West Devon Borough Council Core Strategy 2011

- SP1 – Sustainable Development
- SP5 – Spatial Strategy
- SP6 – Density of Housing Development
- SP7 – Strategic Distribution of Housing
- SP8 – Inclusive Communities
- SP17 – Landscape Character
- SP18 – The Heritage and Historical Character of West Devon
- SP19 – Biodiversity
- SP20 – Promoting High Quality Design
- SP21 – Flooding

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

- BE1 – Conservation Areas
- BE2 – Conservation Areas
- BE3 – Listed Buildings
- BE7 – Archaeology and Sites of Local Importance
- BE13 – Landscaping and Boundary Treatment

H28 – Settlements with Defined Limits
T8 – Car Parking
T9 – The Highway Network
PS2 – Sustainable Urban Drainage Systems
PS3 – Sewage Disposal

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
TTV1 Prioritising growth through a hierarchy of sustainable settlements
TTV2 Delivering sustainable development in the Thriving Towns and Villages Policy Area
.TTV30 Empowering local residents to create strong and sustainable communities
TTV31 Development in the Countryside
TTV32 Residential extensions and replacement dwellings in the countryside
DEV1 Protecting amenity and the environment
DEV10 Delivering high quality housing
DEV20 Place shaping and the quality of the built environment
DEV21 Conserving the historic environment
DEV22 Development affecting the historic environment
DEV23 Cornwall and West Devon Mining Landscape World Heritage Site
DEV24 Landscape character
DEV30 Trees, woodlands and hedgerows

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.

Schedule of Conditions

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

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

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

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

3. Prior to installation, full details of all new joinery shall have been first submitted to and approved in writing by the Local Planning Authority. Such details shall be at full or half scale and shall include cross sections, profiles, reveal, surrounds, materials, finish and colour in respect of new windows, doors and other glazed or timber panels. The work shall thereafter be carried out in accordance with the approved details and shall thereafter be permanently retained in that form unless otherwise agreed in writing with the Local Planning Authority.

Reason: In the interests of the appearance of the development and the surrounding area.

4. The stonework shall be constructed of natural stone which matches the colour and texture of that occurring locally, a sample panel of which shall be submitted to and agreed in writing by the Local Planning Authority, prior to installation. The work shall thereafter be carried out in accordance with the approved details and shall thereafter be permanently retained in that form unless otherwise agreed in writing with the Local Planning Authority. The new stonework shall be laid on its natural bed and pointed in a lime mortar recessed from the outer face of the stone. Machine cut or sawn faces shall not be used in the wall or for quoin stones.

Reason: To ensure that the development displays good design practice and to allow the Local Planning Authority to assess the details of the scheme to ensure that character is maintained.

5. Prior to installation, constructional details at a scale of 1:20 of all eaves, cornice detailing, string courses and sills shall be submitted to and approved in writing by the Local Planning Authority. The work shall thereafter be carried out in accordance with the approved details and shall thereafter be permanently retained in that form unless otherwise agreed in writing with the Local Planning Authority.

Reason: To ensure that the development displays good design practice in respect of the age and character of the development and to allow the Local Planning Authority to assess the details of the scheme to ensure that their character is maintained.

6. Prior to application, details of the proposed render type and colour(s) shall be agreed in writing with the Local Planning Authority. The work shall thereafter be carried out in accordance with the approved details and shall thereafter be permanently retained in that form unless otherwise agreed in writing with the Local Planning Authority.

Reason: To ensure that the finishes and colours are appropriate to the locality

7. No work shall commence on site until full details of all ducts, flues, rainwater goods, vents and other external attachments have been first submitted to and approved in writing by the Local Planning Authority. The work shall thereafter be carried out in accordance with the approved details and shall thereafter be retained in that form unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of the appearance of the development and the surrounding area.

8. The roofs of the buildings shall be clad in natural slates, fixed in the traditional manner with nails rather than slate hooks. Prior to installation, a full roofing specification including the types and sizes of natural slates to be used, together with the type, colour and profile of the ridge tiles, hip detailing, a section through the zinc roof, and chimney stack and pot detailing shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that the development displays good design practice in respect of the age

and character of the development and to allow the Local Planning Authority to assess the details of the scheme to ensure that character is maintained.

9. Prior to the commencement of development a structural survey of the retaining wall running along the eastern site boundary shall be undertaken. This information shall be used to inform a scheme that shall be prepared to ensure the ongoing stability of this retaining wall during the construction phase and residential use of the development. This scheme shall be submitted to and approved in writing by the Local Planning Authority. Development shall take place in accordance with the approved details and shall be maintained as such.

Reason: To ensure a safe form of development that does not cause land instability problems for adjoining residents.

10. No part of the development hereby permitted shall be commenced until the detailed design of the proposed permanent surface water drainage management system has been submitted to, and approved in writing by, the Local Planning Authority. The building(s) shall not be occupied until drainage works have been carried out in accordance with the approved details and the water management system shall be retained as approved unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that surface water runoff from the development is managed in accordance with the principles of sustainable drainage systems

11. No part of the development hereby permitted shall be commenced until the detailed design of the proposed surface water drainage management system which will serve the development site for the full period of its construction has been submitted to, and approved in writing by, the Local Planning Authority. This temporary surface water drainage management system must satisfactorily address both the rates and volumes, and quality, of the surface water runoff from the construction site and address means to prevent contaminated water entering third party land.

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

12. No development shall take place until there has been submitted to and approved by the Local Planning Authority a scheme of landscaping, which shall include indications of all existing trees and hedgerows on the site and details of any to be retained, together with measures for their protection in the course of development, details of the location and finish of all new areas of hardstanding, details of new terracing and the form and finish of retaining walls.

All planting, seeding, turfing or hardsurfacing comprised in the approved landscaping scheme shall be carried out by the end of the first planting and seeding seasons following the occupation of the buildings or completion of the development, whichever is the sooner. Any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species unless the Local Planning Authority gives written consent to any variation. The landscaping scheme shall be strictly adhered to during the course of the development and thereafter.

Reason: To ensure the provision of an appropriate landscaping scheme in the interests of the visual amenities of the locality and to assimilate the development into its surroundings.

13. No development shall take place, or any equipment, machinery or materials be brought onto the site for the purpose of development until the erection of fencing to delineate a Protection Zone to protect retained trees has been constructed in accordance with location and construction details shown on Tree Protection Plan and associated Tree Survey by Penpont Ecology

Services Ltd dated February 2018. Within the Protection Zone nothing shall be stored or placed, nor bonfires lit, nor any works take place, nor shall any change in ground levels or excavations take place unless they are agreed in writing in advance by the Local Planning Authority.

No development shall take place, or any equipment, machinery or materials be brought onto the site for the purpose of development until all tree felling or tree surgery works as agreed in writing by the Local Planning Authority have been completed. All tree works shall be undertaken in accordance with British Standard 3998 (Tree Work).

Reason: In order to protect trees of public amenity value.

14. Prior to the commencement of development, the following components of a scheme to deal with the risks associated with contamination of the site shall be submitted to and approved, in writing, by the Local Planning Authority. That scheme shall include all of the following elements unless specifically excluded, in writing, by the Local Planning Authority.

1. A preliminary risk assessment/desk study identifying:

- All previous uses
- Potential contaminants associated with those uses
- A conceptual model of the site indicating sources, pathways and receptors
- Potentially unacceptable risks arising from contamination at the site

2. A site investigation scheme, based on (1) to provide information for an assessment of the risk to all receptors that may be affected, including those off site.

3. The site investigation results and the detailed risk assessment (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

4. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action. Any changes to these agreed elements require the written consent of the Local Planning Authority. The scheme shall be implemented as approved

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

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

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

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

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

17. Prior to commencement of development the following components of a scheme to deal with the environmental impacts of the construction phase of the development shall be submitted and approved by the local planning authority in writing. That scheme shall include details of noise impacts and controls, hours of operation, and dust impact assessment and proposed control in accordance with the Institute of Air Quality Management guidance for dust assessment from construction sites.

Reason: In the interests of residential amenity

18. The recommendations, mitigation and enhancement measures of the Ecological Report, by Butler Ecology dated 21 August 2014, shall be strictly adhered to at all times. In the event that it is not possible to do so all work shall immediately cease and not recommence until such time as an alternative strategy has been agreed in writing with the local planning authority.

Reason: To safeguard the interests of protected species

19. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), there shall be no enlargement, improvement or other alteration to the dwelling or provision of buildings, structures or enclosures within its curtilage, that fall within the terms of Schedule 2, Part 1, Classes A, C, D, & E, Part 2 or Part 14 of that Order.

Reason: To enable the Local Planning Authority to exercise control over development which would materially harm the character and visual amenities of the locality.

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PLANNING APPLICATION REPORT

Case Officer: Clare Stewart

Parish: Bere Ferrers **Ward:** Bere Ferrers

Application No: 4043/17/OPA

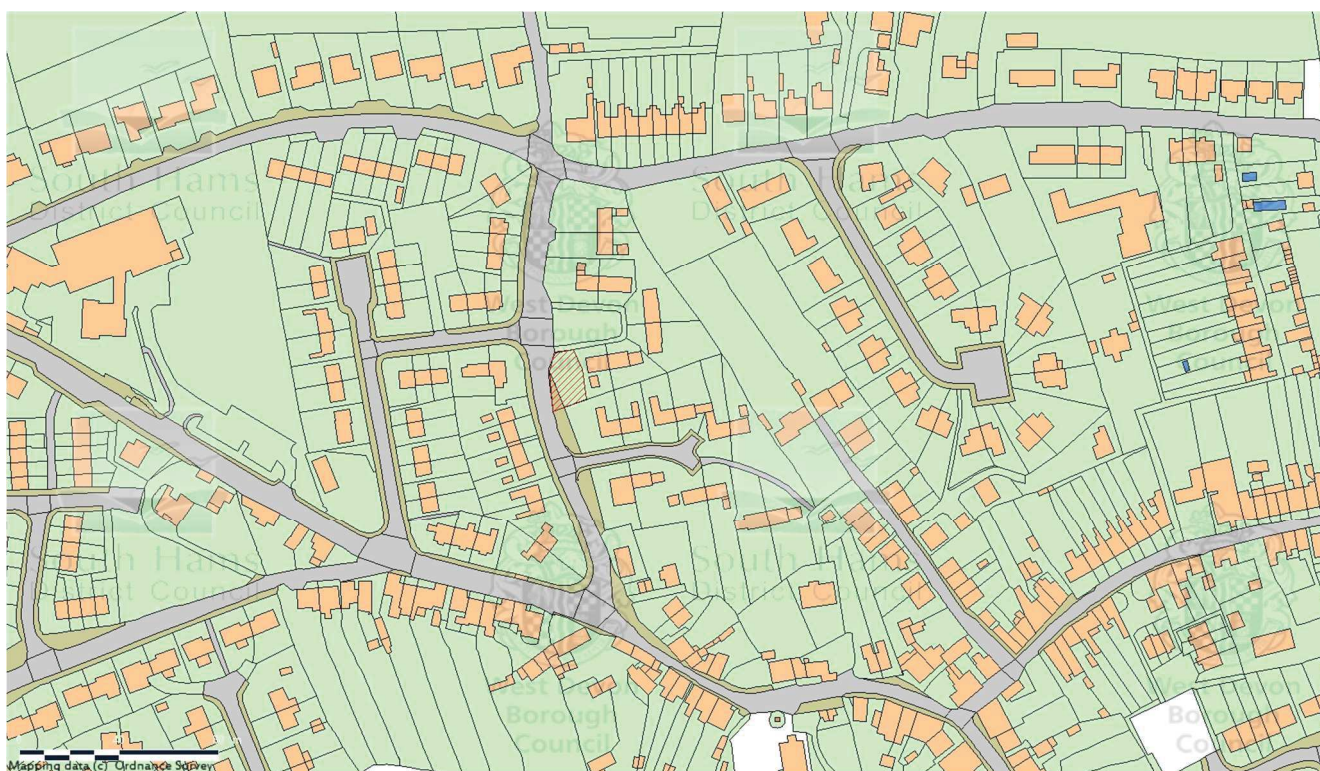
Agent/Applicant:
Rowan Edwards Ltd
21 Plymouth Road
Tavistock
Devon
PL19 8AU

Applicant:
Mrs P Bird
8 Drakes Park
Devon
PL20 7DY

Site Address: 8 Drakes Park, Bere Alston, Devon, PL20 7DY

Development: Outline planning application for the erection of one dwelling

Reason item is being put before Committee: It has become apparent since the submission of the application that WDBC has an interest in the land which has since been formally registered with HM Land Registry.



Recommendation: Conditional approval

Conditions

Time limit for Reserved Matters submission and implementation

Accord with plans

Reserved Matters including reference to visibility splays

Foul drainage

Surface water drainage

Unsuspected contamination

Key issues for consideration:

Principle of development.

Site Description:

The site is situated within the village of Bere Alston, on the eastern side Drakes Park and currently forms part of the garden area of No.8.

The site lies within the Bere Alston Settlement Boundary.

The Proposal:

Permission is sought in Outline with all matters reserved for the construction of a single dwelling. The application initially proposed two dwellings, and after discussions with Officers revised details were received and the additional publicity carried out with an amended description of development.

Consultations:

- County Highways Authority – Standing Advice
- South West Water – Applicant/Agent advised to contact South West Water if they are unable to comply with their requirements (public sewer and mains water in the vicinity, no development will be permitted within 3m of sewer or main water and ground cover should not be substantially altered). Condition regarding foul drainage. Proposed method to discharge surface water into ground is acceptable.
- Bere Ferrers Parish Council – Object – *“Committee object to this application on the grounds of the adverse effect it will have on neighbours, over development of this area and highway safety. There are major traffic issues in Drakes Park, parking being the primary problem. Also we note that South West Water’s reply states ‘there is a public sewer and water mains in the vicinity and that no development will be permitted within 3 metres of the sewer or water main, and ground cover should not be substantially altered. Should the development encroach on the 3 metre easement, the sewer and water main will need to be diverted at the expense of the applicant’. A vote was taken on committee’s objection to this application, 4 for and 2 abstentions, motion carried.”*

Representations:

9 letters of objection have been received following two rounds of consultation with concerns raised summarised as follows:

- Car parking is already a problem in this area, plans do not state provision for parking and there is no space for more cars on the road

- Highways safety – additional traffic, visibility
- Insufficient space for three bedroom properties on this site
- Verge included on plans appears to be Council property (grass cut by Council)
- Local residents should be given opportunity to purchase verge area for preservation as open space
- Overlooking of neighbouring property (29 Drakes Park)
- Impact on slowworms
- Historic refusal for single dwelling at 8 Drakes Park (OA/3/19/1339/1990/)
- Plans do not have sufficient details

Relevant Planning History

- OA/3/29/1339/1990/: Erection of a dwelling in garden. 8 Drakes Park Bere Alston Refusal: 28 Aug 90

Also of interest on a nearby site:

- 01994/2011: Erection of 2 dwellings and associated works. 9 Drakes Park Bere Alston Yelverton Devon PL20 7DY. Conditional Consent: 04 Jan 13

ANALYSIS

Principle of Development/Sustainability:

The site is located within the Bere Alston Settlement Boundary, where new residential development is acceptable in principle. There is nothing within the emerging policies of the JLP that would alter this position.

Reference has been made by third party objectors to a historic refusal of planning permission for a dwelling on the site (LPA ref. OA/3.29/1339/90/10861, decision date 28/08/90). This application was refused on the grounds the development would have been out of keeping with the spacious character of the area, over-dominant in relation to the highway, residential amenity and lack of on-street parking. Having regard to the age of the decision, changes in planning policy since that time and a more recent approval for two dwellings on a nearby site, it is considered that the Council could reasonably come to a different conclusion on the current proposal. In view of current adopted and emerging planning policies, the National Planning Policy Framework, and the more recent nearby approval on a site with similar characteristics it is considered that the principle of a single dwelling on the site can be supported.

Design/Street Scene:

The application has been submitted in outline for with all matters of detail reserved for subsequent approval. Indicative details have been provided showing how a single dwelling could be achieved on the site with some allowance for outside amenity space and parking. Officers consider that two dwellings on the site as originally proposed would not be an appropriate scale of development (taking account of how the recent development to the south now sits in the street scene). Whilst concern has been raised about the level of detail shown on the drawings, it is considered sufficient for consideration of an Outline application.

Neighbour Amenity:

Neighbour relationships would need to be considered further at the Reserved Matters stage but no in principle objection is raised – it is considered a single dwelling could be achieved on the site having regard to current standards for amenity.

Highways/Access:

The submitted indicative layout shows provision for on-site parking. Further assessment would be made at the Reserved Matters stage in terms of visibility splays and turning, but it is considered there is no substantive grounds for objection at Outline stage.

A number of third party objectors have raised concern about the impact of the development in relation to on-street parking, which they consider is already a problem in the locality. There are no minimum parking standards for residential development with the Development Plan, and as such refusal on this basis would be difficult to justify. Devon County Highways have advised that they could only consider objection on the grounds of 'parking shortfall' if there would be a clear hazard to highway safety, having referred to the Standing Advice in their formal response. It is considered that refusal on such grounds for a single dwelling at Outline stage could not be substantiated on the basis of current adopted policies and guidance. Paragraph 32 of the NPPF states: "*Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.*"

Drainage:

Objection has been raised by the Parish Council having regard to the consultation response from South West Water regarding the public sewer and water main. Consent would need to be sought directly from South West Water regarding their requirements, and the result financial cost to the Applicant is not a material planning consideration. Bearing in mind the site is in a low risk area it is considered from a planning perspective the final drainage solution can be appropriately agreed at the Reserved Matters stage.

Other Matters:

Land ownership – it has been suggested that part of application site immediately adjacent to the public highway is on the ownership of the Council. The Agent provided a completed Certificate C prior to determination of the application, and on this basis it is considered the correct procedure has been followed. Further investigation of the Council's historic records revealed WDBC does have an interest in the land.

Concern has been raised regarding impact on slow worms – the proposal did not trigger any of the thresholds for an ecology survey to be a validation requirement.

The Planning Balance:

The site is considered to be a sustainable location for a new dwelling. Detailed matters can be appropriately dealt with at the Reserved Matters stage. Notwithstanding concerns raised by third parties particularly in relation to highways matters it is considered these do not justify refusal at Outline stage. The application is recommended for approval subject to conditions as detailed above.

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
SP9 – Meeting Housing Needs
SP19 – Biodiversity
SP20 – Promoting High Quality Design

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

H28 – Settlements with Defined Limits
T9 – The Highway Network
PS2 – Sustainable Urban Drainage Systems
PS3 – Sewage Disposal
PS4 – Private Water Supply

National Planning Policy Framework

Emerging Joint Local Plan

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

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

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

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

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

SPT1 Delivering sustainable development
SPT2 Sustainable linked neighbourhoods and sustainable rural communities
TTV1 Prioritising growth through a hierarchy of sustainable settlements
TTV2 Delivering sustainable development in the Thriving Towns and Villages Policy Area
DEV1 Protecting amenity and the environment
DEV2 Air, water, soil, noise and land
DEV10 Delivering high quality housing
DEV20 Place shaping and the quality of the built environment
DEV28 Protecting and enhancing biodiversity and geological conservation
DEV31 Specific provisions relating to transport
DEV37 Managing flood risk and Water Quality Impacts

Considerations under Human Rights Act 1998 and Equalities Act 2010

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

West Devon Borough Council **Agenda Item 7**
DEVELOPMENT MANAGEMENT AND LICENSING COMMITTEE 15-May-18

Appeals Update from 9-Apr-18 to 27-Apr-18

Ward Bere Ferrers

APPLICATION NUMBER : **0788/16/OPA** APP/Q1153/W/17/3177693
APPELLANT NAME: Mr & Mrs T Dawe
PROPOSAL : Outline application for erection of 7 dwellings
LOCATION : Land adj. to Station Road, Bere Ferrers
APPEAL STATUS : Appeal decided
APPEAL START DATE: 23-August-2017
APPEAL DECISION: Dismissed (Refusal)
APPEAL DECISION DATE: 10-April-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 decided
APPEAL START DATE: 07-February-2018
APPEAL DECISION: Dismissed (Refusal)
APPEAL DECISION DATE: 12-April-2018

Ward Buckland Monachorum

APPLICATION NUMBER : **2844/17/FUL** APP/Q1153/W/18/3194430
APPELLANT NAME: Mr & Mrs M Liesching
PROPOSAL : Erection of single residential dwelling with associated parking and residential amenity area.
LOCATION : Land at SX 510 668, South of Green Lane, Yelverton
APPEAL STATUS : Appeal Lodged
APPEAL START DATE: 24-April-2018
APPEAL DECISION:

APPEAL DECISION DATE:
APPLICATION NUMBER : **3390/17/OPA** APP/Q1153/W/18/3194516
APPELLANT NAME: Dr & Mrs S Lloyd
PROPOSAL : Outline application (with some matters reserved) for erection of single detached detached dormer style bungalow with integral garage
LOCATION : Tamar, 11 Moorland Court, Yelverton
APPEAL STATUS : Appeal Lodged
APPEAL START DATE: 25-April-2018
APPEAL DECISION:
APPEAL DECISION DATE:

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 decided
APPEAL START DATE: 07-February-2018
APPEAL DECISION: Dismissed (Refusal)
APPEAL DECISION DATE: 11-April-2018

Ward Milton Ford

APPLICATION NUMBER : **2439/17/HHO** APP/Q1153/W/17/3188910
APPELLANT NAME: Mr Richard White
PROPOSAL : Householder application to widen the original gate entrance opposite Woodbine Cottage to allow vehicular access
LOCATION : Woodbine Cottage, Sydenham Damerel, PL19 8PU

APPEAL STATUS : Appeal Lodged
APPEAL START DATE: 17-April-2018

APPEAL DECISION:

APPEAL DECISION DATE:

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 2 Roland Bailey Gardens, Tavistock, PL19 0RB

APPEAL STATUS : Appeal decided
APPEAL START DATE: 07-February-2018
APPEAL DECISION: Dismissed (Refusal)
APPEAL DECISION DATE: 11-April-2018

APPLICATION NUMBER : **1770/17/PDM** APP/Q1153/W/18/3194203

APPELLANT NAME: Mr T Faircloth
PROPOSAL : Prior approval for proposed change of use of agricultural building to 2no. dwellinghouses (Class C3) and for associated operational development (Class Q(a+b))
LOCATION : Higher Wilminstone Farm, Wilminstone, PL19 0JT

APPEAL STATUS : Appeal Lodged
APPEAL START DATE: 23-April-2018

APPEAL DECISION:

APPEAL DECISION DATE:

APPLICATION NUMBER : **1950/17/FUL** APP/Q1153/W/17/3192016

APPELLANT NAME: Mr & Mrs L Roddy
PROPOSAL : Demolition of existing garage and outbuilding and erection of dwelling
LOCATION : 118 Old Exeter Road, Tavistock, PL19 0JB

APPEAL STATUS : Appeal Lodged
APPEAL START DATE: 23-April-2018

APPEAL DECISION:

APPEAL DECISION DATE:

APPLICATION NUMBER : **3896/16/FUL** APP/Q1153/W/18/3198937

APPELLANT NAME: Mr & Mrs M Cole
PROPOSAL : READVERTISEMENT (Revised Site Address) Change of use from agriculture to residential, construction of 2 4-bedroom houses with associated installations
LOCATION : Land adjoining 123 Old Exeter Road, Tavistock

APPEAL STATUS : Appeal Lodged
APPEAL START DATE: 25-April-2018

APPEAL DECISION:

APPEAL DECISION DATE: