

PLANNING APPLICATION REPORT

Case Officer: Tom French

Parish: Tavistock **Ward:** Tavistock North

Application No: 2022/16/OPA

Agent/Applicant:

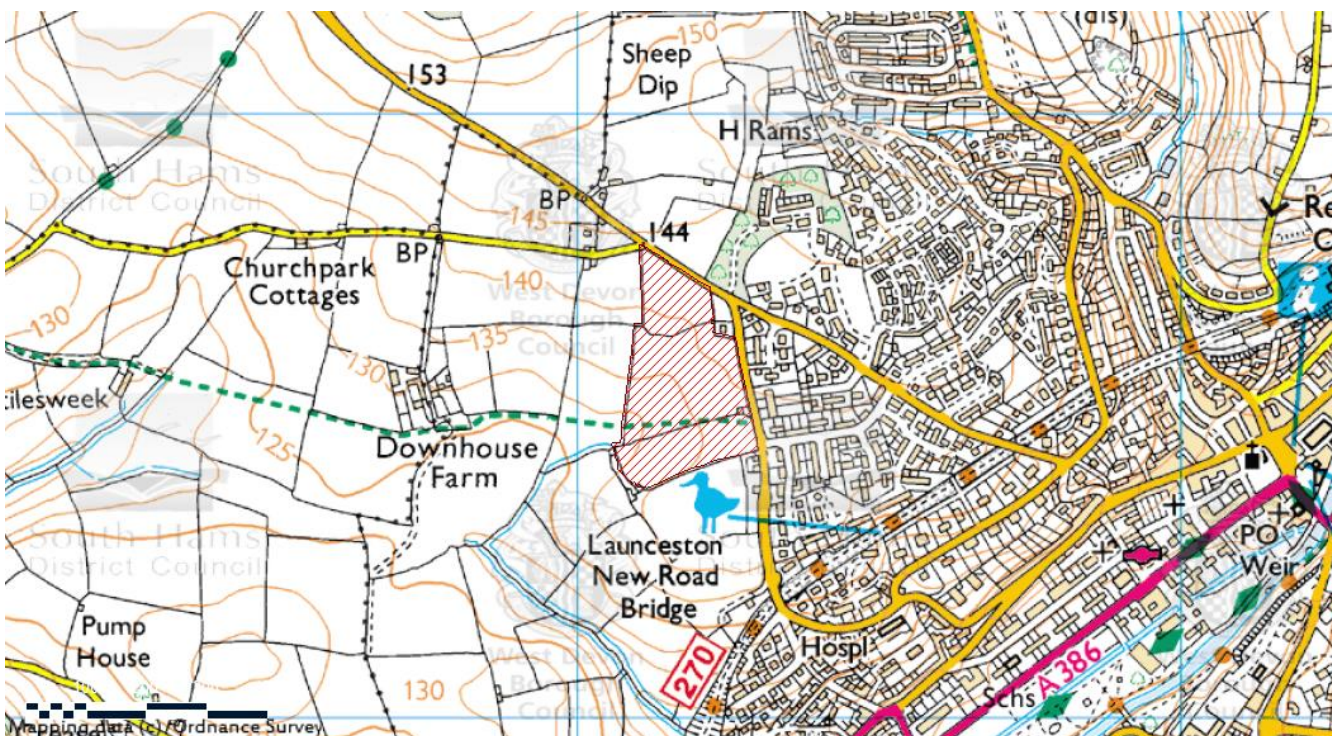
Boyer
Elliot Jones
1B Oak Tree Court
Mulberry Drive
Cardiff Gate Business Park
Cardiff
CF23 8RS

Applicant:

Cavanna Homes (South West) Ltd
Cavanna House
Riviera Park
Torquay
TQ2 7TD

Site Address: Land at SX 4722 7457, adjacent to New Launceston Road, Tavistock, Devon

Development: Outline application (with some matters reserved) construction of up to 148 dwellings, including affordable and market housing, areas of open space and landscaping, a new vehicular access and associated site infrastructure



Reason item is being put before Committee: Given the scale of the development and the issues raised it is appropriate that this application is considered by the Planning and Licensing Committee.

Recommendation: Delegate to CoP Lead in consultation with Chairman of Planning and Licensing Committee to approve subject to completion of Section 106 legal agreement and to review with Chairman of the Planning & Licensing Committee if not completed within 3 months of the committee date.

Conditions:

1. Standard time limit for outline permission
2. Reserved matters
3. Adherence to plans
4. Phasing Plan prior to commencement
5. Construction of highways infrastructure prior to commencement
6. Construction of highways infrastructure prior to occupation of dwelling
7. Maintenance of highways infrastructure
8. Construction Environment Management Plan
9. Groundwater Monitoring Programme prior to commencement
10. Percolation testing/results and subsequent SuDS detail prior to commencement
11. Surface Water Drainage Management Plan prior to commencement
12. Foul disposal details prior to commencement
13. Tree protection
14. Landscape and Ecological Management Plan prior to commencement
15. Unsuspected contamination
16. Archaeology

Key issues for consideration:

Adherence to the Development Plan and all material planning considerations and whether the proposal constitutes sustainable development as set out within the National Planning Policy Framework. Details of S106 agreements relating to affordable housing, transport, education and open space.

Financial Implications

It is estimated that this development has the potential to attract New Homes Bonus (NHB) totalling £1.295m.

Committee is advised that this is provided for information only and is not a material planning consideration in the determination of this application. Committee is also advised that the NHB system is under review.

Site Description:

The proposed site lies on the north-west outskirts of Tavistock, approximately 1 km from the town centre. It comprises approximately 5.8Ha (14 acres) of agricultural land currently set out as three separate field enclosures.

It is bounded by New Launceston Road to the east and Launceston Road to the north. Existing residential development lies directly to the east, while it is surrounded by open countryside to the north, west and south. An existing detached dwelling occupies the north-east corner of the site, but this remains outside of the site area.

The Proposal:

Outline application (with some matters reserved) construction of up to 148 dwellings, including affordable and market housing, areas of open space and landscaping, a new vehicular access and associated site infrastructure.

The Section 106 terms that have been put forward are as follows;

- Affordable Housing: 25%. Tenure split to be 50% Affordable Rent & 50% Shared Ownership (this has been agreed with the Affordable Housing Officer)

- Primary School education contribution: £373,226 (DCC requested £493,190/ £13,329.50 per primary school place for 148 no. plots, District Council advised that only private homes contribute, hence actual sum is 28 places x £13,329.50 = £373,226).
- Public open space: £203,816 (Council figure)
- Bus contribution: £135,000 (Devon County Council figure)
- Railway contribution: £587.32 per plot – (in accordance with Butchers Park Appeal mechanism)

Consultations:

Representations from Internal Consultees

Ecology, Open Space and Trees

No objection subject to conditions and S106 contributions related to open space and recreation

Affordable Housing

The agents for this application have engaged with specialists for the council with regard to affordable housing at the pre – application stage. The agents are aware that SP9 of the Core Strategy states that affordable housing provision for this application should be 40%, subject to viability. If the agents believe that this application is not going to be policy compliant at 40% affordable housing then a viability assessment will be required for independent assessment to evidence this. The costs of the independent assessment will be met by the agent/developer as per the affordable housing code of practice.

The Core Strategy states that 80% of the affordable housing on the development should be rented accommodation and 20% intermediate home ownership ie shared ownership. The council may accept other forms of intermediate home ownership, subject to discussions with an affordable housing specialist.

This is only an outline application and therefore, should this application be granted consent, the number of bedrooms and the tenure can be discussed in more detail at a later date.

Heritage Specialist

This site was considered as part of the SHLAA process so I assessed the potential impact at that time and raised no objection to the principle of development on this site.

World Heritage Site – The distance from the WHS boundary and the lack of significant intervisibility means there is no threat to the OUV of the WHS or negative impact on setting. If the scale of development has no implications for future alterations to the road network within the WHS then I would not raise any concerns.

The Toll House (grade II) – There will be some impact on the setting of the toll house as a result of development here. The character of the building is typical of the building type and its location on a junction gives it considerable prominence. It is of some significance that the toll house is a building that marks the sense of arrival into the town and that impression is something it is desirable to protect. I note that the indicative plan layout does show retention of a strong natural boundary to the main road and avoids what would be a harmful main junction in this location. I also note that there is a quite substantial open public space which reduces the apparent scale of development in close proximity to the toll house. There is, however, a strongly urban terrace which could compete with the toll house as the entry point to Tavistock. It is fair to say that the setting has been somewhat compromised by past developments nearby. It is also a building of clear character which would remain evident even if there were development on the application site.

I assess the impact to be in the 'less than substantial' category if the development seeks to respect the setting as seems to be intended by the indicative layout. Applying para 134 of the NPPF requires us to weigh the minor harm against public benefit. If provision of necessary housing is judged to be a public benefit then that may be taken by Members to meet the test of para 134.

Representations from External Consultees:

Environment Agency

Site lies within Flood Zone 1, EA no longer a statutory consultee in relation to surface water drainage

Devon and Cornwall Police Architectural officer

Advised that Secure By Design be incorporated into detailed designs and layout.

Devon County Council Education

No existing surplus places in local primary school, proposal will generate the need for 37 places, therefore contribution of £493,190.00, which equates to £13,329.50 for each required primary school place.

Devon County Council Highways

Original Observations dated 10 August 2016 :

The planning application is supported by a Transport Assessment which has been prepared after discussion and site visits with the highway authority. Its content and conclusions are broadly agreed and accepted. The proposals are generally acceptable in principle from a highway perspective, especially having regard to the extant planning permission for a garden centre on the site.

Although the application is in outline, means of access have been asked to be considered in detail at the outline stage. For that reason, the highway authority would require a couple of issues to be addressed satisfactorily on the submitted plans before they were able to recommend the imposition of suitable conditions:-

1. The applicant is showing a bus stop adjoining the site access for northbound buses. There is no similar provision for southbound buses nor are there any shelters proposed or shown on the plans. It would appear that there is sufficient room to provide these and yet they have been omitted from the plans.
2. There is a crossing point from the site side of the road to the opposite side of the New Launceston Road shown on the plans. This needs to tie in with a similar facility on the opposite side of the road which has not been shown on the plans.

Following the provision of this requested additional information / amended plans, the highway authority would wish to be re-consulted so that further recommendations can be made.

Further observations following receipt of additional information from the applicant:
Clarification has now been received with respect to the points raised initially and the proposals are now acceptable to the highway authority and the following conditions are recommended,

subject to the prior contribution of a sum of £135,000 towards public transport in the vicinity, particularly route number 89, and a sum of £587.32 per residential unit towards the reinstatement of the Tavistock to Bere Alston railway line, in line with the figure determined by the Planning Inspector at a recently allowed appeal at Butcher Park Hill Tavistock.

Recommendation:

Subject to the applicant first entering into a suitable Agreement to secure the contribution of £135,000 towards local bus services, particularly route number 89, and the sum of £587.32 per residential unit towards the re-establishment of the Tavistock to Bere Alston railway line:-

THE HEAD OF PLANNING, TRANSPORTATION AND ENVIRONMENT, ON BEHALF OF DEVON COUNTY COUNCIL, AS LOCAL HIGHWAY AUTHORITY, RECOMMENDS THAT THE FOLLOWING CONDITIONS SHALL BE INCORPORATED IN ANY GRANT OF PERMISSION

1. The development hereby approved shall not be carried out otherwise than in accordance with a phasing programme, including construction vehicle access, which shall previously have been submitted to and approved by the Local Planning Authority in writing.

REASON: To ensure the proper development of the site.

2. No part of the development hereby approved shall be commenced until.

A) The access road (including any temporary construction access road) has been laid out, kerbed, drained and constructed up to base course level for the first 30 metres back from its junction with the public highway

B) The ironwork has been set to base course level and the visibility splays required by this permission laid out

C) The footway on the public highway frontage required by this permission has been constructed up to base course level

D) A site compound and car park have been constructed to the written satisfaction of the Local Planning Authority

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

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

A) The cul-de-sac carriageway including the vehicle turning head within that phase shall have been laid out, kerbed, drained and constructed up to and including base course level, the ironwork set to base course level and the sewers, manholes and service crossings completed;

B) The cul-de-sac footways and footpaths which provide that dwelling with direct pedestrian routes to an existing highway maintainable at public expense have been constructed up to and including base course level.

C) The cul-de-sac visibility splays have been laid out to their final level.

D) The street lighting for and cul-de-sac and footpaths has been erected and is operational;

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

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

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

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

4 When once constructed and provided in accordance with condition 3 above, the carriageway, vehicle turning head, footways and footpaths shall be maintained free of obstruction to the free movement of vehicular traffic and pedestrians and the street lighting and nameplates maintained to the satisfaction of the Local Planning Authority

REASON: To ensure that these highway provisions remain available

5. No development shall start until a Method of Construction Statement, to include details of:

(a) parking for vehicles of site personnel, operatives and visitors

(b) loading and unloading of plant and materials

(c) storage of plant and materials

(d) programme of works (including measures for traffic management)

(e) provision of boundary hoarding behind any visibility zones

(f) full details of any temporary site access for construction purposes

has been submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented during the construction period

REASON: In the interest of highway safety

Devon County Council Flood Risk Management Team

Recommendation:

Assuming that the documents referred to below are formally submitted to the Planning Case Officer and registered with the above planning application, our objection is withdrawn and we have no in-principle objections to the proposals at this stage, subject to the following pre-commencement planning conditions being imposed on any approved permission:

No part of the development hereby permitted shall be commenced until the full results of a groundwater monitoring programme, undertaken over a period Of 12 months, have been submitted to, and approved in writing by, the Local Planning Authority, in consultation with Devon County Council as the Lead Local Flood Authority. This monitoring should be conducted to provide adequate coverage of the site, with particular focus placed on the locations and depths of the proposed infiltration devices.

Reason: To ensure that the use of infiltration devices on this site is an appropriate means of surface water drainage management.

No part of the development hereby permitted shall be commenced until a programme of percolation tests has been carried out in accordance with BRE Digest 365 Soakaway Design (2016), and the results approved in writing by the Local Planning Authority, in consultation with Devon County Council as the Lead Local Flood Authority. A representative number of tests should be conducted to provide adequate coverage Of the site, with particular focus placed on the locations and depths Of the proposed infiltration devices.

Reason: To ensure that surface water from the development is discharged as high up the drainage hierarchy as is feasible.

No part of the development hereby permitted shall be commenced until a detailed permanent surface water drainage management plan has been submitted to, and approved in writing by, the Local Planning Authority, in consultation with Devon County Council as the Lead Local Flood Authority.

This detailed permanent surface water drainage management plan will be informed by the programme of approved BRE Digest 365 Soakaway Design (2016) percolation tests and in accordance with the principles set out in the Proposed Drainage Strategy (Drawing No. 14356-051, Rev. B, dated 29th November 2016) and the Consulting Drainage Engineers letter (Ref. jp/14.356, dated 14th November 2016).

Reason: To ensure that surface water from the development is discharged as high up the drainage hierarchy as is feasible, and is managed in accordance with the principles of sustainable drainage systems.

Advice: Refer to Devon County Council's Sustainable Drainage Guidance.

No part of the development hereby permitted shall be commenced until a detailed surface water drainage management plan for the full period of the development's construction, has been submitted to, and approved in writing by, the Local Planning Authority, in consultation with Devon County Council as the Lead Local Flood Authority. This temporary surface water drainage management system shall then be constructed in accordance with the approved details, unless otherwise agreed in writing by the Local Planning Authority, in consultation with Devon County Council as the Lead Local Flood Authority, and shall thereafter be so maintained.

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

Advice: Refer to Devon County Council's Sustainable Drainage Guidance.

Observations:

Following my previous consultation response (FRM/814/2016, dated 8th August 2016), the applicant has provided additional information in relation to the surface water drainage aspects of the above planning application, in e-mails dated 25th November 2016 and 29th November 2016, for which I am grateful.

The applicant's Consulting Drainage Engineer has provided a letter (Ref. jp/14.356, dated 14th November 2016) which clarifies that groundwater monitoring has been undertaken over the past ten months, at the locations shown on the Exploratory Hole Location Plan (Drawing No. Figure 2, Rev. 0, dated 19th November 2016), with another two months of testing remaining, which is acceptable Furthermore, the applicant has provided a revised proposed Drainage Strategy (Drawing No. 14356-051

Rev. B, dated 29th November 2016) which now shows the indicative locations of the proposed surface water drainage management features across the site, including source control features such as underdrained permeable paving and rain gardens, which is acceptable.

The applicant has also committed to designing the proposed surface water drainage management system to the 1 in 100 year (+40% allowance for climate change) rainfall event, as well as incorporating long term storage, at the detailed design stage, which is acceptable.

Devon County Council Archaeologist

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

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

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

Historic England

The application should be determined in accordance with national and local policy guidance, and on the basis of your specialist conservation advice.

Natural England

In considering the European site interest, Natural England advises that you, as a competent authority under the provisions of the Habitats Regulations, should have regard for any potential impacts that a plan or project may have.

South West Water

No objection subject to condition:

No development shall commence until:-

The owner has submitted an application to the relevant Sewerage Undertaker for a public foul sewer requisition under 598 of the water Industry Act 1991 (which shall include the provision of public sewerage improvement works identified as necessary). No dwelling hereby approved shall be occupied or brought into use and there shall be no discharge to the public foul sewerage network, unless approved in writing by the Local Planning Authority (as in accordance with the scheme of improvement works identified by the sewerage Undertaker as necessary to accommodate the discharge of foul sewage from the development)

- **Tavistock Town Council:** Object on following grounds;

- Site does not fall wholly within the area designated for development in the local plan
- Represents an undesirable extension of built development into the open countryside
- It is served by an unsatisfactory access onto the highway in a location where the highway is inadequate to accommodate the volume and flows on projected consequential traffic movements.

Representations:

Objections have been received and cover the following points:

- Highway and traffic issues
- Site is not currently allocated
- Unnecessary extension of town and intrusion into open countryside
- Density of dwellings too high
- Two access roads required and prohibition of construction traffic via Spring Hill
- New Launceston Road has been narrowed by recent footpath construction
- Potential pollution to Lumburn and Tavy rivers
- Impact on gateway to town and World Heritage Site
- Adjacent site not included in plan
- Development of the Tavistock sites should be considered together
- Extant permission on site is to give owner financial options
- Existing footpath well used

Relevant Planning History

Extant consent for a garden nursery on the site

Analysis

Paragraph 14 of the NPPF states that:

*‘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:*

- *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’*

Principle of Development and presumption in favour of sustainable development

This application relates to an area of land that is not allocated within the current plan. As the site is not allocated and is outside of any Development Boundary, the proposal is in conflict with the Borough’s policies which relate to the location of residential development. However, it is currently proposed to allocate this site for residential development of up to 150 dwellings within the emerging Joint Local Plan, under reference WD_45_01/08/13.

Whilst the proposed allocation has very limited weight, it is indicative that this site has been considered carefully in respect of access, visual impact and its suitability for residential development at the strategic level, as is the case within the officer assessment of this current planning application.

Residential development of this land, in the scale proposed, is considered by officers to lead to a development which will relate well to the existing built environment and will not impinge harmfully upon affected land designations. The site is appropriately connected to the wealth of facilities within Tavistock whilst the site is relatively remote from the town centre it is on existing bus routes and has reasonably good vehicular access towards the A386. The topography may make walking and cycling to the site difficult but there is potential to link to the route along the former railway line (viaduct walk). A footway has recently been introduced along New Launceston Road which provides safe pedestrian access for the most direct route to the community hospital, Tavistock Community Primary School and Tavistock College. It is therefore considered to be a sustainable location with regard to access to services. The proposal seeks to achieve sustainable growth for the town by combining residential development with open space and recreational areas.

Although a degree of policy conflict at the local level is acknowledged, overall the social and economic benefits of the proposal significantly and demonstrably outweigh adverse impacts, and the scheme represents sustainable development and is compliant with the principles of the National Planning Policy Framework.

Housing Mix

Strategic Policy 8 of the Core Strategy requires development to provide a mix of affordable housing sizes and types to meet the needs of the Borough's communities. The latest evidence of housing need collected in the 2013 Strategic Housing Market Needs Assessment identifies a need for mainly one, two and three bedroom properties across both market and affordable tenures.

An appropriate dwelling mix will be secured by the section 106 agreement.

Neighbour Amenity

As an outline application there is limited scope for consideration with respect to neighbourhood amenity since proximity, overlooking and heights are reserved matters. The site's allocation is proposed and consideration has previously been given to the acceptable in general with regards to amenity and loss of views, although the latter is not a material planning consideration.

Of importance to this application is the location of housing and access. In this respect the proposed layout and form is considered unlikely to have an unacceptable impact upon any neighbouring use or property.

The provision of accessible open space is considered to be a benefit.

Landscape

The Landscape and Visual Impact Assessment (LVIA) which accompanies this application considers the potential impact of development on the site on the immediate and surrounding landscape by identifying potentially sensitive landscape and visual receptors. The assessment process highlighted where mitigation could be drawn into the layout proposals, and these have been incorporated into the design development process.

The site lies to the north-west of Tavistock, abutting the urban edge. It comprises three fields, divided and bound by Devon hedgebanks. It is located on a gently sloping, west-facing valley side of the

River Lumburn. Immediate views are possible from the adjacent properties, roads and public footpaths. However, due to the site's location, neighbouring built form, surrounding vegetation and topography; generally it is visually well contained in both immediate and longer distance views. Some, limited views are possible, although these tend to experience the site in the context of Tavistock and through intervening vegetation.

The assessment highlighted sensitive areas and views which were more susceptible to development, including the open uplands landscape to the east and views from the adjacent properties. Mitigation measures therefore aim to reduce the effect of change the proposed development will have on both landscape character and visual amenity, whilst helping to integrate the proposals into the surroundings in line with relevant local planning policy and designations.

The principal measures are layout, and density of the development to be sympathetic with that of the surrounding built form. Careful design of the new buildings which are oriented parallel to the existing residences. Aiming to relate to the scale of the surrounding properties and to create a balanced streetscape. The use of white, smooth rendering with slate roofs and stone features to mirror that of the local vernacular. The proposed retained and enhanced line of Horse Chestnut trees along New Launceston Road will enhance the amenity value and help to filter views of the development, whilst also softening the streetscape.

Biodiversity

The submitted ecology report notes suitable neighbouring (but offsite) habitats with potential for roosting bats, and there are habitats in the wider neighbourhood with similar potential. Whilst acknowledged that the site itself has no suitable habitats for roosting bats, the hedgerow habitats are likely to be used by bats for commuting and foraging purposes. Further, it is noted that the existing hedgerow habitats are to be retained, which appears to be the basis for not recommending additional bat activity surveys.

There is some reasonable basis to this approach, however officers did initially have concerns that no bat activity surveys were undertaken to establish bat species using the site/hedgerows for commuting – it is not uncommon for greater horseshoe bat use of the western side of Tavistock (a particularly light sensitive species).

Whilst hedgerows are to be retained, the site plan shows the hedgerows within/bounding residential gardens – accordingly there is likely to be a level of physical resident interference with the hedgerows (as they will not be managed holistically, e.g. by a company) and also light spillage from the residences both of which could impact on the bat use of the site. Only by understanding bat use of the site, and the relative importance of various hedgerows can detailed layout/mitigation be drawn up.

The inclusion of 'wildlife-friendly' lighting principles detailed in the report is welcomed, this realistically would only apply to public realm lighting and does not take into account impact from light spillage from the residences.

Further information was submitted in respect of Bat surveys on 7th October, which addressed the Ecologist's concerns regarding a lack of bat survey and no further comments or objections were offered on the basis of this information.

There was no detailed dormouse survey undertaken. This is reasonable given the lack of proposed hedgerow removal, and the lack of local records of the species. Nonetheless, the search method used should not be considered as evidence of dormouse absence from the site, and it is expected therefore that the presence of dormice must be considered within a LEMP and the LEMP should, if necessary, include appropriate mitigation measures.

The proposed habitats within the masterplan are welcomed, and considered to offer the potential to increase the wildlife value of this site particularly in association with the drainage features (if well designed) and associated planting. The proposed scheme makes references to rejuvenating some of

the poor quality hedgerows through coppicing, hedgelaying, replanting, which is beneficial, however the success of this will depend on the ongoing management of hedgerows. In this respect it is noted that very few hedgerows are likely to be retained in active management by a company (or similar), instead they will fall within residential gardens and are likely to be negatively impacted. Further thought should be given at Reserved Matters and through the LEMP with respect to ensuring ongoing positive management of hedgerows (e.g. post and rail fence set 1m back from hedgebank/hedgerow base to allow hedge growth/minimise interference, information leaflets, etc).

Standard s106 clauses will be required with respect to the management and maintenance of public open space in perpetuity and adherence to the LEMP, and also a condition will be required for submission of a LEMP prior to commencement of development.

Open Space, Sport and Recreation

Provision for OSSR is required in accordance with retained policy H26 of Local Plan and as per SP4 of the Core Strategy (2011). These are shown in the table below.

	West Devon standard (hectares per 100 residents) as set out in H26 of Local Plan	Expected open space for development of 148 dwellings*	Commuted sum** (Capital + 20 year maintenance)
Playing pitches (and associated facilities)	0.16 (1,600 sqm)	0.5548 (5,548 sqm)	£187,413 + £16,403 Total sum of £203,816
Children play areas	0.04 (400 sqm)	0.1396 (1,396 sqm)	N/A
Green space	0.06 (600 sqm)	0.2094 (2,094 sqm)	N/A

* Calculation based on the West Devon average household size of 2.36 occupiers (2011 census data accessible at http://www.devon.gov.uk/2011_census_first_release.pdf) – 349 residents in this case

** Based upon OSSR establishment and maintenance figures within Atkins, West Devon OSSR Study (2007)

In terms of place space, The West Devon OSSR Study advises that a Neighbourhood Equipped Area for Play should be triggered at 150 dwellings - a NEAP typically being requiring a 1,000sqm active area with a 30m buffer to the nearest habitable room of a dwelling. The play area is not yet shown on the submitted layout – the proposed public open space likely to have sufficient space to accommodate the play area is likely to be that at the northern boundary.

There is a significant amount of open/green space provided within the proposed layout which officers conclude to meet the policy requirement – there is an opportunity at Reserved Matters to add interest to much of this green space.

The submitted Draft Heads of Terms refers to offsite contribution to pitches and associated facilities. Based upon the calculations within the table above, the proposed development will generate 349 additional residents, and a requirement for an off-site contribution of £203,816 towards provision and maintenance of playing pitches and associated facilities. This figure has been proposed as part of the S106 terms.

Retained policy H26 of Local Plan and SP4 of the Core Strategy (2011) set out the rationale for seeking OSSR provisions as key infrastructure for securing the delivery of sustainable development and meeting the various needs of the community. Levels of reasonable contributions based upon existing deficiencies and future demand for various OSSR provisions are detailed within the West Devon OSSR Study (2007).

This proposed development will be unable to incorporate levels of playing pitches and associated facilities as required by policy on site at the proposed development, however an additional 349 anticipated residents will generate increased pressure on existing sports facilities off site within Tavistock.

The South Hams and West Devon Playing Pitch Strategy (Nov 2015) identifies and prioritises the sports facility improvement projects required in Tavistock to meet current and future needs of the residents in Tavistock. 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 the CIL Regs).

It is recommended that the contribution is sought within a s106 agreement towards the following priority 1 projects within the West Devon PPS:

- Provision of additional football pitch at Crowndale and/or;
- Improvement of club facilities at Crowndale and Langsford Park sites (2) and/or;
- Improvements to rugby facilities at Sandy Lane site (2) and/or;
- Improvements to Tavistock Cricket Club pavilion (2) and/or;
- Improvements to Tavistock Hockey Club facilities

In anticipation of the question with respect to pooled contributions – reference to them has been included in brackets to those projects for which there is a signed s106 securing a contribution to these projects. The requests made above are either the first or 3rd requests with respect to pooling for each project.

Public Right of Way diversion

An application from the developer to divert Tavistock Footpath No.3 has been received by WDBC. The LPA is in the process of commencing informal consultation with the DCC PROW team before widening out the informal consultation to statutory consultees and the public.

It is anticipated that informal consultations can be carried out in advance of any subsequent Reserved Matters planning application. At the time of the RM application, it is anticipated commencing the formal consultation with respect to a PROW diversion order.

Flood risk, drainage and ground conditions

The application has been submitted with detailed drainage information, this has been assessed by Devon County who are the lead flood authority for the development, Devon County Flood team have offered no objections subject to the inclusion of conditions.

Heritage and Archaeology

The findings of the Historic Environment Assessment have been reviewed and are found to be accurate. With respect to the test of paragraph 126 of the NPPF and of s66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 it is considered that there would be limited impact such that the impact on the setting of the Listed Buildings would be less than substantial. Sensitive landscape planting within the site will provide further assurance in this respect. The development is not considered by officers to generate harm towards the outstanding universal value of the World Heritage Site. Applying para 134 of the NPPF requires us to weigh the minor harm against public benefit. In this case the provision of up to 148 new homes is considered to be of considerable public benefit in helping to address the housing need as set out in the emerging Local Plan. It is considered that this benefit outweighs the limited harm to the setting of the listed building.

The desk-based assessment and results of the geophysical survey submitted with the application suggest that there is some potential for archaeological features to be identified in the application area, relating to Romano-British and medieval settlement and field systems. Therefore, if permission were to be granted by the Local Planning Authority, in accordance with paragraph 141 of the National Planning Policy Framework an archaeological recording condition would be attached (see end of Report for full details).

This would ensure that any archaeological deposits which are not conserved would be recorded and that the results of the fieldwork and any post-excavation analysis would be detailed in a suitably illustrated report. At this stage, it is envisaged a staged programme of archaeological work, with further evaluation trenching to establish if more detailed recording, is required. The Historic Environment Team at DCC would provide further advice on an appropriate level of recording.

Education Provision

Policy SP22 requires the wider development to make provision for appropriate education facilities. Contributions are being made on the open market dwellings, which is in accordance with WD policies.

Highways and access

The Highway Authority has provided a detailed response, which is displayed in the consultation sections at the top of the report. Detailed discussions have taken place.

Contributions to Tavistock railway line

The proposed S106 makes allowance for a contribution for the Tavistock to Bere Alston railway line, this is line with a recent appeal decision and is considered acceptable by both Devon County and the LPA.

High Speed Broadband

The provision of high speed broadband plays a vital role in enhancing communications, having positive benefits such as improving flexibility, productivity, reliability, work-life balance and personal empowerment. The laying of appropriate ducting for future fibres will be secured by condition during construction to enable connections for high speed broadband.

Decentralised renewable and/or low carbon energy provision

The site in its entirety will be built out in a phased manner over a number of years. The Council's Core Strategy includes policy SP2 which requires at least 10% of energy to be generated from decentralised and renewable or low carbon sources; alternatively to offer flexibility, properties may be built to a standard higher than Building Regulations which reduces their carbon footprint by 10%. These will be secured by condition.

Affordable Housing and viability

SP9 of the Core Strategy relates to the affordable housing policy requirements. Any site within West Devon's Planning area should deliver 40% affordable housing on site. An off-site contribution can be made in exceptional circumstances. The level of affordable housing provision is subject to the viability of the proposed scheme. The applicants have engaged in viability discussions as officers were previously advised that this scheme is not deemed to be viable to provide 40% affordable housing. Other contributions are required in order for this scheme to come forward for education, transport and highways.

The scheme was tested and considered to be viable to deliver affordable housing at 18%. This was based on the affordable tenure mix as per the current policy of 80% rent and 20% shared ownership. Following discussions, and in agreement with the affordable housing officer, it has been agreed that the tenure split could be amended. Following the tenure amendment this marginally improves the viability of the scheme and therefore the provision of affordable housing which can now be delivered is 25%. Of the 25% this scheme will deliver 50% affordable rented properties and 50% shared ownership properties. This is deemed to meet the needs of local people who are registered with Devon Home Choice for rented properties and Homebuy South West for those seeking intermediate home ownership.

Members will note that this application remains below the adopted policy requirement in the Core Strategy but is considered acceptable by the affordable housing officer. The affordable housing officer agrees that amending the tenure split will not only make slight improvements to the viability, although not to the 25% level, but more importantly will provide choice for local people. Other schemes have recently been granted approval with different models of intermediate home ownership products. However, this proposal provides the opportunity to access a share of a home from initial purchase. In some cases there is an opportunity to staircase with further equity shares at a point when a resident can afford to do so. Some people will not have the financial capacity to staircase out right but they still retain part ownership of a home whilst paying a proportion of rent.

The proposed 25% is considered to be acceptable by officers, the size of the units will be discussed in further detail at the reserved matters stage. An indicative mix of 25% 1 beds, 50% 2 beds and 25% 3 beds has already been provided to the agents for future discussion.

Other matters raised by representations

The application is concerned with the site shown that has been applied for, which was considered as part of the sites allocation process in the formation of the Joint Local Plan and was found to be acceptable.

No concern has been expressed by consultees with respect to potential adverse impact on Air Quality breaching national standards / guidelines.

Planning Balance and Conclusion

Paragraph 14 of the NPPF requires a balanced judgement to be made on the basis of the various impacts relating to material considerations.

The proposed development seeks to deliver a significant contribution to meeting housing need and includes the negotiated package of s106 benefits that include delivery of affordable housing, funds for public transport, funds for education and for recreation.

Although a degree of policy conflict at the local level is acknowledged, the environmental impacts of the development are limited. Overall, the social and economic benefits of the proposal significantly and demonstrably outweigh adverse impacts and the scheme is compliant with the principles of the National Planning Policy Framework. The application is therefore considered to represent sustainable development.

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

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

Planning Policy

West Devon Borough Council Core Strategy 2011

SP1 – Sustainable Development
SP2 – Decentralised and Renewable Low Carbon energy to Supply New Developments
SP6 –Density of Housing Development
SP7 – Strategic Distribution of Housing
SP9 – Meeting Housing Needs
SP15 – Traffic Management
SP16 – Safer Communities
SP17 – Landscape Character
SP18 – The Heritage and Historical Character of West Devon
SP20 – Promoting High Quality Design
SP23 – Tavistock

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

NE10 – Protection of the Countryside and Other Open Spaces
BE1 – Conservation Areas
BE3 – Listed Buildings
BE7 – Archaeology and Sites of Local Importance
BE13 – Landscaping and Boundary Treatment
H26 – Open Space Provision in New Residential Developments
T1 – Walking and Cycling
T2 – Pedestrian and Cyclist Safety
T7 – Railways
T8 – Car Parking
T9 – The Highway Network
PS2 – Sustainable Urban Drainage Systems
PS3 – Sewage Disposal

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

1. Application for approval of the reserved matters shall be made not later than the expiration of three years beginning with the date of grant of outline planning permission. The development to which this permission relates must be begun not later than whichever is the later of the following dates:
 - (I) the expiration of three years from the date of the grant of outline planning permission; or if later
 - (II) the expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.Reason: To comply with Section 92 of the Town and Country Planning Act, 1990 (as amended).
2. The development hereby authorised shall be carried out in accordance with detailed drawings which shall previously have been submitted to and approved by the Local Planning Authority. These detailed drawings shall show the following:

- i) the design and external appearance of the proposed buildings;
- ii) their siting;
- iii) existing and proposed (i) site levels together with proposed (ii) slab levels;
- iv) the materials for their construction;
- v) The arrangements for the disposal of foul water;
- vi) the areas for (i) parking (ii) and turning of vehicles in accordance with Devon County Council's parking standards;
- vii) all other works including walls, fences means of enclosure and screening;
- viii) the location, extent and layout of open spaces and play spaces; and
- ix) the design, layout, levels, gradients, materials, drainage, lighting and method of construction of all new roads and connection with existing roads.
- x) Full detail of all play areas
- xi) Provision of ducting for high speed broadband

Reason: To ensure that adequate information is available for the proper consideration of the detailed proposals and to protect the appearance and character of the area

3. The development hereby approved shall in all respects accord with (the drawings associated with this application). The reserved matters details required for approval in respect of condition 3 shall be in general accordance with Drawing Numbers (associated with this application)

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.

4. The development hereby approved shall not be carried out otherwise than in accordance with a phasing programme, including construction vehicle access, which shall previously have been submitted to and approved by the Local Planning Authority in writing.

Reason: To ensure the proper development of the site.

5. No other part of the development hereby approved shall be commenced until.

A) The access road (including any temporary construction access road) has been laid out, kerbed, drained and constructed up to base course level for the first 30 metres back from its junction with the public highway

B) The ironwork has been set to base course level and the visibility splays required by this permission laid out

C) The footway on the public highway frontage required by this permission has been constructed up to base course level

D) A site compound and car park have been constructed to the written satisfaction of the Local Planning Authority

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

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

A) The cul-de-sac carriageway including the vehicle turning head within that phase shall have been laid out, kerbed, drained and constructed up to and including base course level, the

ironwork set to base course level and the sewers, manholes and service crossings completed;

B) The cul-de-sac footways and footpaths which provide that dwelling with direct pedestrian routes to an existing highway maintainable at public expense have been constructed up to and including base course level.

C) The cul-de-sac visibility splays have been laid out to their final level.

D) The street lighting for and cul-de-sac and footpaths has been erected and is operational;

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

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

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

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

7. When once constructed and provided in accordance with condition X above, the carriageway, vehicle turning head, footways and footpaths shall be maintained free of obstruction to the free movement of vehicular traffic and pedestrians and the street lighting and nameplates maintained to the satisfaction of the Local Planning Authority

Reason: To ensure that these highway provisions remain available

8. No development shall start until a Method of Construction Statement, to include details of:

(a) parking for vehicles of site personnel, operatives and visitors

(b) loading and unloading of plant and materials

(c) storage of plant and materials

(d) programme of works (including measures for traffic management)

(e) provision of boundary hoarding behind any visibility zones

(f) full details of any temporary site access for construction purposes

Has been submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented during the construction period

Reason: In the interest of highway safety

9. No part of the development hereby permitted shall be commenced until the full results of a groundwater monitoring programme, undertaken over a period Of 12 months, have been submitted to, and approved in writing by, the Local Planning Authority, in consultation with Devon County Council as the Lead Local Flood Authority. This monitoring should be conducted to provide adequate coverage of the site, with particular focus placed on the locations and depths of the proposed infiltration devices.

Reason: To ensure that the use of infiltration devices on this site is an appropriate means of surface water drainage management.

10. No part of the development hereby permitted shall be commenced until a programme of percolation tests has been carried out in accordance with BRE Digest 365 Soakaway Design (2016), and the results approved in writing by the Local Planning Authority, in consultation with Devon County Council as the Lead Local Flood Authority. A representative number of tests should be conducted to provide adequate coverage Of the site, with particular focus placed on the locations and depths Of the proposed infiltration devices.

Reason: To ensure that surface water from the development is discharged as high up the drainage hierarchy as is feasible.

11. No part of the development hereby permitted shall be commenced until a detailed permanent surface water drainage management plan has been submitted to, and approved in writing by, the Local Planning Authority, in consultation with Devon County Council as the Lead Local Flood Authority.

This detailed permanent surface water drainage management plan will be informed by the programme of approved BRE Digest 365 Soakaway Design (2016) percolation tests and in accordance with the principles set out in the Proposed Drainage Strategy (Drawing No. 14356-051, Rev. B, dated 29th November 2016) and the Consulting Drainage Engineers letter (Ref. jp/14.356, dated 14th November 2016).

Reason: To ensure that surface water from the development is discharged as high up the drainage hierarchy as is feasible, and is managed in accordance with the principles of sustainable drainage systems.

12. No development shall commence until:

The owner has submitted an application to the relevant Sewerage Undertaker for a public foul sewer requisition under 598 of the water Industry Act 1991 (which shall include the provision of public sewerage improvement works identified as necessary). No dwelling hereby approved shall be occupied or brought into use and there shall be no discharge to the public foul sewerage network, unless approved in writing by the Local Planning Authority (as in accordance with the scheme of improvement works identified by the sewerage Undertaker as necessary to accommodate the discharge of foul sewage from the development)

Reason: To ensure adequate foul water infrastructure will serve the development

13. The development hereby approved shall be carried out in such a manner as to avoid damage to the existing trees and hedgerows as shown on the plans, including their root systems, or other planting to be retained as part of the landscaping scheme, by adopting the following:

- (i) All trees to be preserved should be marked on site and protected during any operations on site by a fence;
- (ii) No fires shall be lit within the spread of the branches of the trees;
- (iii) No materials or equipment shall be stored within the spread of the branches of the trees;
- (iv) Any damage to the trees shall be treated with an appropriate preservative;
- (v) Ground levels within the spread of the branches of the trees shall not be raised or lowered in relation to the existing ground level, or trenches excavated, except in accordance with details shown on the approved plans.

Reason: In order to identify, and protect, trees of public amenity value

14. No works or development shall take place until a Landscape and Ecology Management Plan (LEMP) has been submitted to and approved in writing by the local planning authority. The LEMP shall provide for the management and maintenance of public open space and green infrastructure for biodiversity, landscape and informal recreation purposes. The LEMP shall include:

- (i) All existing boundary hedgerows, trees and tree belts;
- (ii) Details of the proposed new play area and equipment;
- (iii) Submission of a lighting strategy for during and post construction (to show avoidance of light spill onto boundary and internal hedgerows, to be informed by bat survey results);
- (iv) Details of inbuilt provision for birds and bats;
- (v) A concept statement explaining how the proposed landscape treatment, both hard and soft, conserves and enhances the landscape character of the area;
- (vi) Arrangements for stripping, storage and re-use of topsoil;
- (vii) Materials, heights and details of fencing and other boundary treatments;
- (viii) The location, number, species, density, form and size of proposed tree, hedge and shrub planting;
- (ix) The method of planting, establishment and protection of tree, hedge and shrub planting;
- (x) A timetable for the implementation of all hard and soft landscape treatment.

All elements of the LEMP shall be implemented and maintained in accordance with the approved details unless otherwise agreed in writing by the local planning authority. All work shall be completed in accordance with the timetable agreed.

Reason: In the interests of ecological and visual amenity

15. 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 investigation and risk assessment and, where necessary, a 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.

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

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

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