PLANNING APPLICATION REPORT

Case Officer: Matt Jones **Parish:** Tavistock **Ward:** Tavistock North

Application No: 2686/16/FUL

Agent/Applicant:
Rogers & Jones Architects
3 The Crescent
Plymouth
PL1 3AB

Applicant:
Mr G Caldwell
Cadover
1 Willowby Park
PL20 6AN

Site Address: Land adjacent to Fernside, Crease Lane, Tavistock, PL19 8EW

Development: Residential development for 4No. detached dwellings with integral garages, external parking and new access off Crease Lane

Reason taken to Planning Committee: The ward members have requested that the application be determined by planning committee due to concerns regarding drainage, location and access

Recommendation: Conditional approval subject to completion of s106 agreement

Conditions

Time
Accord with Plans
Materials samples prior to installation
Landscaping plan prior to commencement
Drainage specification prior to commencement
Laying out and completion of vehicle infrastructure prior to commencement of other development
Removal of Permitted Development Rights
Adherence to recommendations of ecological report
Universal condition for land affected by contamination
Verification Report
Unsuspected contamination

Key issues for consideration:

The main issue are the principle of residential development within this location, access to services, design, visual impact, any impact on ecology or the amenity of neighbouring properties, land contamination, access and parking and drainage

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Site Description:

The application site is formed of two separate parcels of land to the east and west of the third party dwelling Fernside.

The application site is outside of the Tavistock Development Boundary which is on the other side of Crease Lane. The Tavistock Viaduct Walk, to the east, is a Local Nature Reserve and a cycle way. The site is also within the Critical Drainage Area.

Officers understand that there was previously a SHLAA assessment of the site but this considered a far greater quantum of residential development encompassing the field in its entirety.

The Proposal:

Planning consent is sought for the residential development of 4.no detached dwellings with integral garages, external parking and a new vehicular access off Crease Lane. The two detached dwellings to the east are accessed from a new opening using the existing splay serving Fernside and an agricultural access. A new separate access and splay is proposed to serve the two units to the west of Fernside, which will involve either moving and/or replacing the existing hedgebanks.

The houses are detached and two storeys, although the upper storey is housed within the large roofs and with dormers. The dwellings are set into the hillside under dual pitched roofs. The scheme takes reference from Fernside in the design. The materials palette is natural slate, render with plastic joinery and rainwater goods. The two larger houses to the west have detached garages with the two other units having integral garaging.

Consultations:

- County Highways Authority

No objection subject to condition – 04/10/2016 - '*The application site is served by Crease Lane, a classified road, C704. Its junction with A390 Callington Road is seriously substandard with respect to alignment, Width and gradient, forming an acute angle at the point of intersection. This access option*

to the site is not the only alternative, however, as it is quite possible to access the site using Uplands, which is certainly adequate to accommodate the additional traffic from the four proposed houses. There are therefore no objections in principle to the proposed development from a highway point of view.

The plans that have been provided in support of the application show no visibility splays at the access points onto Crease Lane, in spite of the statement in the Design and Access Statement (Section 4.01) which states that the accesses will maximise the visibility afforded whilst entering / leaving the proposed parking spaces', As the application is a full application, the highway authority would expect to see visibility splays shown on the plans. Visibility splays of 2.4 metres by 33 metres in both directions at the access to plots 1 and 2 and in the trailing traffic direction to the access to plots 3 and 4 should be provided. The visibility splay across the frontage of Fernside from the eastern Site is acceptable at present.

The highway authority reserve the right to be re-consulted once the amended / additional plans have been provided so that appropriate conditions may be recommended on any permission granted, if appropriate'

06/12/2016 - The proposed accesses to Crease Lane have now been provided with visibility splays commensurate with the prevailing speed of vehicles in Crease Lane as requested in the highway authority's previous response and the plans are acceptable to the highway authority.

- County Education Authority

No objection – request £13,329.50 in obligations towards primary school infrastructure

- Environmental Health Section

No objection subject to condition

- WDBC Ecology

No objection subject to conditions – *'I have reviewed the Preliminary Ecological Appraisal and am largely in support of the conclusions of the report. I also note the further email from the consultant ecologist (the ecologist being incorrect within this email – the Tavistock Viaduct Walk is a designated Local Nature Reserve – this highlighting a weakness in the submitted report – a records search should have been made via the DBRC which would have informed the ecologist of this designation and the various other protected species records from the adjacent LNR – this ecologist has previously been advised that he should be undertaking such records searches to support planning applications for exactly this type of reason – I will reiterate this separately to the ecologist – notwithstanding this, I am satisfied that in this case this omission does not undermine the conclusions of the report).*

The key requirement will be to retain the north-south hedgerow/tree line which divides the two fields and the eastern boundary of the site (the Tavistock Viaduct Walk LNR), and ensure that new residents do not interfere with the effectiveness of these as habitat corridors and landscape features.

This section of Crease Lane is already subject to streetlighting however it is well-established that bats use the adjacent Viaduct Walk LNR for commuting and foraging, and I strongly suspect that this extends to the edge of the tree line which forms the eastern boundary of this proposed development site.

It is important that the proposal does not lead to significant additional illumination of the tree line to the east (i.e. the edge of the Viaduct Walk LNR). To this end you may wish to introduce controls on external lighting for units 02 and 04 – i.e. prior to installation of any external lighting requiring approval of the LPA.

I also would like to see some method of ensuring the new residents of Unit 4 were prevented from interfering (i.e. cutting) the tree line forming the eastern boundary of the site. This boundary (at least for

the last 10 years) has not been subject to any significant cutting. Whilst I acknowledge that the landowner is entitled to cut any overhanging branches, to do so would detract from the value of this boundary, and it would be regrettable to see this change by virtue of the proposed dwellings. I can think of 3 possible options:

A post and wire fence set back 1m from the existing fence line which would discourage the new residents from seeking to cut this boundary.

Extending the new planting proposed in the southeastern corner along the entirety of the eastern boundary – providing some strengthening/buffering of the tree line to the east.
Apply a restrictive condition/include in particulars for this unit?

I note the inclusion of new Devon hedge on the northern boundaries of the proposed dwellings which are welcome – these would be even more beneficial if the Devon hedge was extended along the back of Fernside (!).

Recommendation: No objection subject to conditions securing:
No external lighting on Units 2 and 4 unless agreed prior to installation by the LPA
Protection of the tree line (forming part of the Tavistock Viaduct Walk LNR) which forms the eastern boundary of the site using one of the three suggested options above.
Adherence to measure within section 7 of the ecology report.'

- Tavistock Town Council

Objection – '*Outside settlement boundary, concerns regarding additional traffic on a very narrow road, on a greenfield site'*

Representations:

30 letters of representation have been received at the time of writing this report. Concerns raised within the submitted letters are summarised as follows:

- The development will have a detrimental impact upon highways safety
- Should be considered within context of other development within Tavistock
- The development will adversely impact ecology
- The loss of hedgerows and banks is unacceptable
- The site is outside of the Development Boundary
- Will erode rural character and tranquillity
- Will prejudice integrity of walking and cycling routes
- The design is out of keeping
- Will dominate the streetscene and adjacent properties
- Will lead to overlooking of adjacent properties
- Could lead to flooding issues at neighbouring sites
- Could lead to further development
- Housing has already been approved at alternative sites
- Could affect tourism within the town
- Will not meet housing needs
- Will not provide affordable housing
- There are inaccuracies within the submission

Relevant Planning History

00283/2015 - Pre-application enquiry for erection of two detached dwellings – Officer support forthcoming (covering west element of site)

Analysis

Principle of development

The application site is outside of, but adjacent to, the Tavistock Development Boundary, leading to conflict with the relevant housing policies which seek to direct housing within such boundaries.

However, national government policy does not necessarily follow the same agenda and requires authorities to instead avoid homes which are in 'isolated' countryside locations. In addition, paragraph 14 of the National Planning Policy Framework seeks the presumption in favour of sustainable development which for decision taking 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.

The site relates well to the existing settlement of Tavistock and could not be considered isolated. It is, in the opinion of officers, within walking distance to bus stops, the town centre, the wealth of facilities within it, and the site is not unsustainable with regard to access to services. In any case, officers also acknowledge that the site is within close proximity to hundreds of households within this part of Tavistock, and the proposed dwellings will maintain the same degree of access to services.

Officers therefore accept the principle of residential development of the site.

Impact on rural character

The street scene has a suburban character. Officers note the presence of the two detached dwellings on the northern side of Crease Lane, and also note that the scheme represents, in effect, the infilling of the existing spaces between these properties and the residential development further to the east. For this reason, the proposal is not considered by officers to represent the harmful and inappropriate incursion of the built environment into the countryside, but the consolidation of residential development on this part of the northern side of Crease Lane.

Officers acknowledge that, due to the topography of the land, the open character of the two sites allows some views across Tavistock and the surrounding countryside, but these views are only seen fleetingly from the public realm as one travels up and down this part of Crease Lane.

Breaks in the screening when walking along the old railway line do allow views towards the field but to the lower half, and the proposed development will not be readily seen from this important public footpath. If glimpsed the proposal will be seen in conjunction with the existing development on Crease Lane. Future development further down the hillside would be seen from the railway walk and would have different implications regarding the impact on rural character.

Officers understand that there was previously a SHLAA assessment of the site but this considered a far greater quantum of residential development encompassing the field in its entirety. The outcome of the SHLAA, which did register some potential issues regarding character, access and drainage, is therefore attributed less weight, as the strategic residential development of the entire field has significantly different planning implications than the scheme for four dwellings contained along the roadside, as is now before the Council.

Overall, for these reasons, the residential development of the sites, in the density and specific locations proposed, is considered to lead to a small scale and limited loss of rural character which is outweighed

by the social and economic benefit provided by the houses. The suburban character of Crease Lane is broadly conserved.

Officers also note that hedgebanks are retained or introduced along the roadside and other boundaries, and the landscaping scheme provides an opportunity to provide ecological benefits and further assimilate the development into this location. The ability to secure additional planting can be secured through a landscaping condition and will ensure that the development does not prejudice the nearby Nature Reserve at the old railway line. This is in line with the comments of the Council's ecological expert.

Access and parking

The proposal provides adequate levels of onsite parking to serve the dwellings and adequate onsite turning, preventing the need to enter or exit the site in reverse gear.

Officers are mindful of the level of third party representation which has been received which has expressed concerns regarding the impacts of the development on highways safety. However, the application has been carefully considered by the DCC specialist highways officer, who is not objecting to the proposal.

After careful consideration, the highways officer has stated that '*The application site is served by Crease Lane, a classified road, C704. Its junction with A390 Callington Road is seriously substandard with respect to alignment, Width and gradient, forming an acute angle at the point of intersection. This access option to the site is not the only alternative, however, as it is quite possible to access the site using Uplands, which is certainly adequate to accommodate the additional traffic from the four proposed houses. There are therefore no objections in principle to the proposed development from a highway point of view.'*

The highways officer also asked for further plans clarifying the access visibility splays and this has now been provided. The highways officer has now added that *'The proposed accesses to Crease Lane have now been provided with visibility splays commensurate with the prevailing speed of vehicles in Crease Lane as requested in the highway authority's previous response and the plans are acceptable to the highway authority.*

Officers subsequently consider the impact on highways safety to be acceptable, and certainly not 'severe' as is required by the National Planning Policy Framework.

Design and massing

The proposed dwellings clearly take some reference from surrounding development but particularly the roof profile of Fernside. The design is considered to be entirely appropriate within this suburban context.

Although slate is a divergence from the common roof finish in the area, natural slate is a high quality material and it would not be reasonable to insist upon a concrete tile or artificial slate. Overall, the design and massing of the proposed dwellings is considered to be acceptable.

Officer note the proximity of the development to the neighbouring bungalow to the west but, as the buildings will be set down the hill, and a good distance away from this neighbouring dwelling, officers do not believe that the scheme will lead to any dominance towards this property. Likewise, the proposal will sit comfortably in comparison to Fernside and other surrounding residential development.

Neighbour impact

The orientation of the proposed properties, the location of proposed openings, the distance between sites and the augmentation of boundary planting will ensure that the proposal will adequately protect

the amenity of neighbouring residential properties. There will be no materially harmful overlooking, loss of light or dominance towards these properties and an acceptable standard of amenity will be retained.

Drainage and Ecology

The site is within a Critical Drainage Area. However, the applicant has enough land within his control to allow officers to conclude that it will be physically possible to site appropriately specified soakaways, and this detail can be provided through planning condition. Officers can conclude, in principle, that soakaways can be sited which will adequately attenuate surface water runoff and prevent flooding of third party land.

Officers note the representations received regarding ecology. However, the application is submitted with an ecological appraisal which provides a professional and qualified overview of the ecological characteristics of the site and the impact of the development.

The conclusions and recommendations made within the report are verified by the Council's own ecological expert. The WDBC ecologist has requested conditions, which are reflected within the officer recommendation, with work to the eastern boundary captured within the landscaping condition. The WDBC ecologist has had regard to the latest set of plans and all remodelling and removal of hedgerows and banks when reaching this conclusion.

Other matters

The scheme makes a financial contribution to education but falls below the threshold for the requirement for affordable housing provision, in line with government planning guidance. Nonetheless, four houses will provide a degree of social and economic benefit to Tavistock. It will do so without challenging Tavistock's tourism offer.

Officers acknowledge comments made regarding future applications but this is not a material planning consideration, and any subsequent applications for further residential development will be subject of planning applications which will be judged on their own individual merits.

Officers note comments made regarding right to access and legal agreements for the transfer of sewage. However, these issues fall under civil law and the granting of planning permission would not prevent the landowner from needing various other permissions from third parties where necessary.

Conclusion

Building housing on greenfield land will invariably lead to a degree of loss of rural character. In this instance, the development as proposed does not represent the harmful incursion of development into the countryside but the consolidation of residential development on this side of Crease Lane, the suburban character of which will be broadly conserved.

Overall, the limited environmental harm associated with the development of the land is outweighed by the social and economic benefit of the housing provision. In line with the Framework, officers conclude that the limited environmental harm will not *demonstrably outweigh* the social and economic benefits of the housing provision.

Other matters relating to highways safety, drainage and ecology are deemed to be acceptable or can be resolved to be acceptable through use of appropriately worded planning conditions. The proposal is considered to represent sustainable development and is recommended for approval on that basis.

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
SP5 – Spatial Strategy
SP9 – Meeting Housing Needs
SP17 – Landscape Character
SP19 – Biodiversity
SP20 – Promoting High Quality Design
SP21 – Flooding
SP22 – Okehampton
SP23 – Tavistock

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

NE10 – Protection of the Countryside and Other Open Spaces
BE13 – Landscaping and Boundary Treatment
H31 – Residential Development in the Countryside
PS2 – Sustainable Urban Drainage Systems

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. 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).

2. The development hereby approved shall in all respects accord strictly with the drawing number(s) received by the Local Planning Authority relating to this planning 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.

3. Prior to installation, a schedule of materials and finishes, and samples of the materials to be used in the construction of the external surfaces, including roofs, shall have first been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out only in accordance with the details so approved.

   Reason: To enable the Local Planning Authority to consider the details of the materials.

4. 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 and green infrastructure for biodiversity and landscape purposes. The LEMP shall include:

   (i) All existing boundary hedgerows, trees and tree belts;
   (ii) Submission of a lighting strategy for during and post construction (to show avoidance of light spill onto boundary hedgerows and the surrounding area);
   (iii) A timetable for the implementation of all hard and soft landscape treatment
   (iv) Details of inbuilt provision for birds and bats;

(v) Arrangements for stripping, storage and re-use of topsoil;
(vi) Materials, heights and details of fencing and other boundary treatments;
(vii) The location, number, species, density, form and size of proposed tree, hedge and shrub planting;
(viii) The method of planting, establishment and protection of tree, hedge and shrub planting;

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

5. Notwithstanding the submitted details, the development hereby permitted shall not be commenced until:

   Percolation testing in accordance with BRE digest 365 will be required to support the use of soakaways. The report should include the trail logs and calculate the infiltration rate. SuDS to be designed for a 1:100 year event plus 30% for climate change.

   If the Local Planning Authority concludes that the method of drainage approved as part of this permission is undermined by the results of the percolation tests, a mitigating drainage alternative shall be agreed with the Local Planning Authority.

   The drainage scheme shall be installed in strict accordance with the approved plans, maintained and retained in accordance with the agreed details for the life of the development.

   Reason: To ensure surface water runoff does not increase to the detriment of the public highway or other local properties as a result of the development.

6. No part of the development hereby approved shall be brought into its intended use until the access, parking facilities, visibility splays, turning area, parking spaces and garaging hardstanding, access drive and access drainage have been provided and maintained in accordance the application drawings and retained for that purpose at all times

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

7. Notwithstanding the provisions of Article 3 of the Town and Country Planning General Permitted Development Order, 2015 (and any Order revoking and re-enacting this Order), no development of the types described in the following Classes of Schedule 2 shall be undertaken without the express consent in writing of the Local Planning Authority other than those expressly authorised by this permission:-

   (a) Part 1, Class A (extensions and alterations)
   (b) Part 1, Class B (roof addition)
   (d) Part 1, Class E (buildings incidental to the enjoyment of the dwellinghouse)
   (e) Part 1, Class F (hardsurfaces)
   (f) Part 2, Class A (means of enclosure) and;
   (g) Part 14, Renewable Energy

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

8. Notwithstanding the details set out on the submitted drawings, the development hereby permitted shall be carried out in accordance with the comments and recommendation set out in the Ecological Appraisal dated May 2016 from Sunflower International.

Reason: In the interests of ecology

9. 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.

    - 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

    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.

    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.

    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 site is immediately adjacent to a number of potential sources of contamination that need further investigation and risk assessment. 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.

10. 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.

11. 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.