

## 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:**

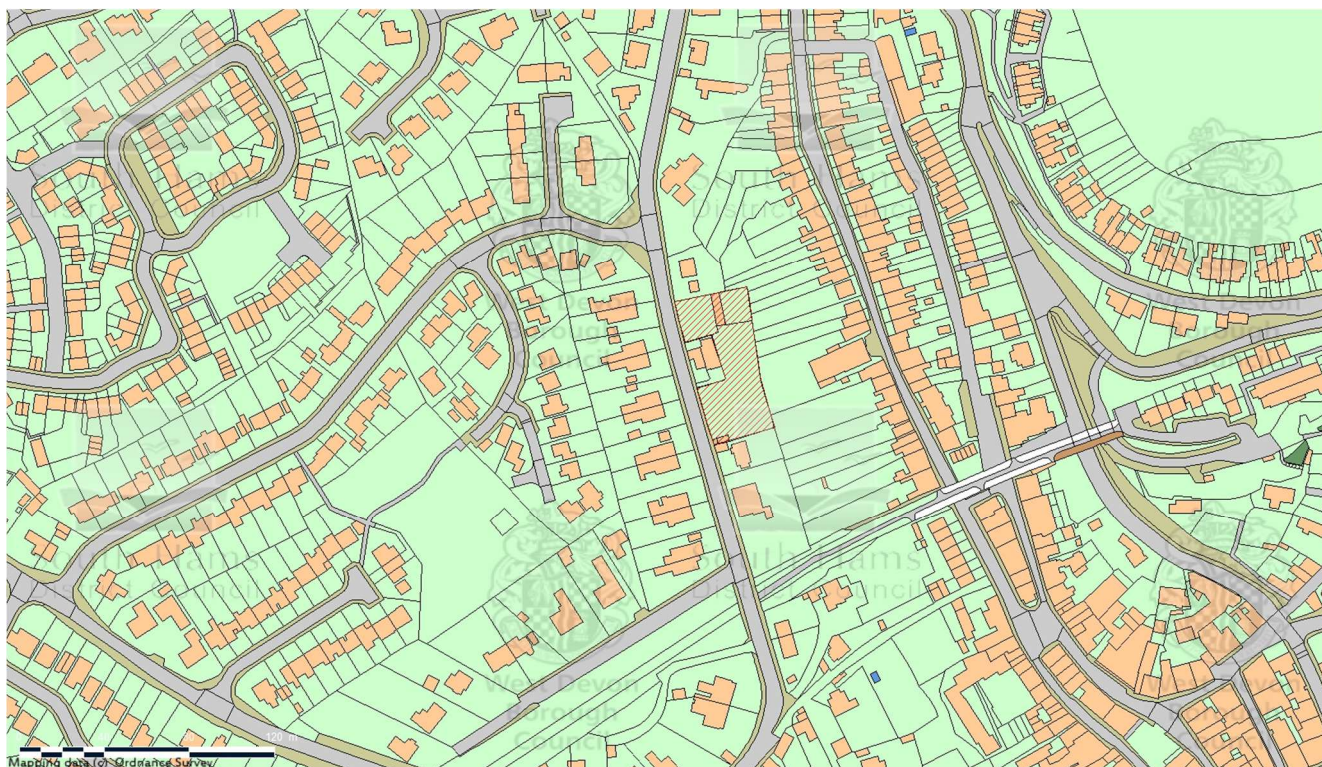
Mrs Ilmarie Rencken  
Hallowell Farm  
Hensbury Lane  
Devon  
PL20 7LB

**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

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### **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.