

PLANNING APPLICATION REPORT

Case Officer: Anna Henderson-Smith

Parish: Tavistock **Ward:** Tavistock North

Application No: 1355/19/FUL

Agent/Applicant:

Edward Persse - EJFP Planning Ltd
49 Bannawell Street
Tavistock
PL19 0DP

Applicant:

Mr & Mrs Selley
1 Upland Drive
PL6 6BB

Site Address: 10 Ford Street, Tavistock, PL19 8DY

Development: Erection of 6 flats, 1 cottage and associated car parking (Resubmission of 2147/17/FUL)



Reason Item is back before planning committee: At the request of the DM Chair, DM Lead and Legal Specialist for the following reason:

At the last committee meeting members were informed by officers that the two windows to number 9 Ford Street which would be covered by the proposed semi-detached cottage were not the only windows serving their respective rooms. Following the Committee meeting it has become apparent that this is not the case and that the two windows in question are the only ones to their respective rooms. Based on this change it is considered members should have the opportunity to consider this information and revisit this element of the proposal.

Recommendation: Remains as per the September report recommendation – Delegate to the Head of DM to conditionally approve subject to satisfactory completed S106 legal agreement

Analysis

The proposed semi-detached unit would obscure the 2 slim high level west elevation windows in number 9 if the development was granted approved. This would reduce light to the property and remove any direct source of natural light to the current dining area to number 9 and to its ground floor wet room. This would alter the amenity and living conditions of the occupiers. However this must be balanced against the fact that the property did originally have an attached pair to this elevation and that the main cause of the loss of direct windows or light to the dining area was the addition of the current single storey rear extension to number 9 itself, covering the rear elevation and the previous historic rear windows and doorway (4806/2003/TAV).

The final approved 2003 plans for this rear extension do not include a window to this west elevation, either in the dining room or wet room. Were the additional unit to be approved the wet room could be served by a sun pipe, velux or extractor for ventilation. The rear extension contains a significant amount of glazing, a proportion of which does carry through into the dining area and kitchen.

Overall although the loss of these windows would reduce natural light to number 9 and its occupiers, on balance given the history of the site and properties and the desire in the CAMP to see the other half of the pair reinstated for heritage reasons. It is considered that the proposal remains acceptable on amenity grounds.

Reason item is being put before Committee –

Called in by Cllr Coulson - 'I have to say as someone who navigates this route almost every morning that both parking and access (especially during morning and afternoon rush hours) need greater consideration and I think I agree with the Town Council's objections. So to that end I think this needs to be discussed at DM&L.'

Recommendation: Delegate to Head of Development Management for Conditional approval subject to completion of an acceptable S106 agreement

Pre-commencement conditions:

- 4- Highways
- 5 – CMP
- 6-WSI
- 20 – Flood protection

Conditions:

1. Standard Time Limit
2. Accordance with plans
3. Drainage
4. Highways

5. CMP highways
6. WSI Archaeology
7. Unexpected contamination condition
8. DEV32 condition re green energy/sustainability
9. Electric Vehicle Charging Pints (EVCP)
10. Landscaping condition (hard and soft including boundaries)
11. South eastern and north eastern windows serving bathrooms to be top hung and obscure glazed prior to occupation and remain as such in perpetuity.
12. South eastern side bay windows to be obscurely glazed as shown in plan 2163 (PL-)11 Rev G
13. Submission of a plan showing the integration of bat and bird boxes to be installed prior to occupation and retained thereafter
14. Stonework sample panel
15. Full details of the materials, design and installation of all lintols, voussoirs and
16. Installation full details of the oriel windows and balustrades ,
17. Materials samples
18. Window and door details and materials
19. Slate sample and fixing
20. Flood protection

Section 106 Agreement –

- Tamar Valley EMS contribution
- OSSR monies: £12,137 towards improvements to and on-going maintenance of open space and play facilities at The Meadows, Tavistock
- £9,858 towards improvements to and on-going maintenance of sports facilities in Tavistock

Key issues for consideration:

- design and massing
- impact upon heritage assets and the Conservation Area
- neighbour impact and amenity
- access and parking
- land contamination
- drainage and flooding
- ecology

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

None relevant

Site Description:

The site lies within the Tavistock Conservation Area and the World Heritage Site. It is also within the setting of several listed buildings including Grade II Listed Building - 17 Ford Street Tavistock, the Grade II* Church and the Grade II Statue of Sir Francis Drake.

The site is Flood Zones 2 and 3 and Critical Drainage Area (CDA) and within the Tamar Valley European Marine Site EMS zone of influence.

The site is 632 square metres and has a current use as a car sales site (previously a petrol filling station), it occupies a visibly prominent corner plot on a roundabout edge between Ford Street terrace of cottages and the recently developed Churchill residential site on Plymouth Road.

The Proposal:

The proposal is a Full planning application to demolish the small building currently on site and construct a single building containing 6 flats and then an adjacent cottage fronting Ford Street. Totalling 7 new units and associated parking. The application was first submitted and advertised in May 2019 but following objections it was reworked and a revised scheme was submitted and re-consulted upon in January 2021. It is this January 2021 scheme which is for current consideration.

Consultations:

Tavistock Town Council – 22/5/21 - Object due to the following;

- Insufficient car parking provision for the number of units proposed;
- Scale of proposed building is excessive (see English Heritage letter)

Both of the above leading to a concern of overdevelopment of the site

This Council had previously requested that the road be widened from Drake's Statue to the Ford Street roundabout which it is believed is now even more pertinent as development of Fitzford Lodge has commenced. The widening of the road would allow for an improved turning circle for traffic in the area.

Plus;

- Lack of active frontage;
- Possible drainage issues;
- Previously identified contaminated land doesn't appear to have been dealt with;
- Would expect open space, education and highways to receive a S106 contribution'

17/2 -

Object on the following basis;

- That the proposal introduces an incongruous, overbearing building featuring balconies which clash severely with the character and appearance of a Conservation Area and World Heritage Site;
- The applicant has done nothing to respond to Historic England's requirements to protect the view, to and from the Catholic Church, along Chapel Street as also recognised in paragraph 5.1 of the original Heritage Assessment;
- The car parking layout does not facilitate all vehicles entering and leaving in forward gear;
- The proposal will have a harmful impact on residents of the adjoining Fitzford Lodge by virtue of overlooking;
- The proposal contains no contribution towards open space, education or public transport;
- The proposal contains no provision to widen the road fronting the site;
- The proposal removes natural light from side windows of No. 9 Ford Street, causing harm to their residential amenity

N.B. The Local Planning Authority is requested not to determine the Application until the supporting documents have been updated, and to then re-consult with Historic England as this organisation has itself requested.

- Highways England – 9/5/19 No objection. 21/1/21 – no objection
- County Highways Authority - 9/5/19 There are no objections from a highway point of view to the proposed development. The traffic generation potential is likely to be less from the proposed development than the existing use as a second-hand car sales establishment. Across virtually the whole frontage of the site there is currently a low height kerb and footway which will need reinstating to full height across the frontage, except where it is proposed to form the access to the site and the car parking. Appropriate conditions and informative note are recommended to be imposed on any planning permission granted
- Drainage Officer – 16/5 - Objection
'Based on the information provided we would object to the current proposal on the grounds of insufficient information. As such we would recommend that the application is not decided until these issues have been overcome.'
8/2/21 – 'We are happy with their surface water drainage scheme however they will need to seek SWW written consent to discharge surface water to their sewer.
For flood risk assessment please consult EA to confirm the mitigation measures are in line with their requirements.'
- South West Water – 3/5/19 South West Water has no objection subject to foul and surface water flows being kept separate and connected to the respective public foul and surface water sewers.21/1/21 no further comments
- Natural England – 13/5 No objection subject to mitigation financial contribution to Tamar Valley EMS.
- Environmental Health Specialist - 18/5/21 "I have now considered the Phase 1 desk study report prepared by Horizon and dated October 2016. It's conclusions are based on a trawl of records and documents. The contaminated land reason on the previous refusal still applies, and this Phase 1 concludes that the condition of the land beneath the whole site is not known. For example underground fuel storage tanks were removed and the voids back filled, and there is at least one area where the fill used is unknown in terms of composition and compaction. Historical records show mineral workings in this general area and it is not known whether these would have the potential to impact on foundation design. Although I agree that buildings with solid floors, and hard standings would break any contaminant pathways, I feel that the more serious concern relates to ground stability and/or the potential for buried pollutants to mobilise and affect the groundwater during and after works.

I therefore recommend that a full intrusive geotechnical and contaminated land investigation is carried out prior to determination, the reason for timing being that the findings might influence the design, layout and density of the development. This would be standard practice in the redevelopment of redundant petrol filling stations. This is also the level of report alluded to in the previous reason for refusal."

26/5

"I have now discussed the various contaminated land reports with the consultant appointed by the applicant. The decontamination works carried out when the petrol station was decommissioned in 1999 were comprehensive, with the underground tanks being removed and backfilled, and all other pipes and infrastructure associated with fuel being removed. For geotechnical purposes the applicant proposes to sink some boreholes if the application is approved in order to inform the foundation and groundworks design. At this time some of the soils removed will be sampled in order to ensure that there are no contaminants of concern remaining. On this occasion we consider that, although a Phase 2 report from the outset would have been helpful to all parties, it is appropriate to include the "unexpected contamination" condition on any approval. In this way if the sampling identifies any contaminants of concern the condition will require appropriate remediation measures to be taken in consultation with the LPA."

- Affordable Housing – 14/6 No comments to add. This does not meet the affordable housing threshold of 10 units in Tavistock. 17/2 This application is below the threshold of which we seek affordable housing contributions as it is in a town not a rural area.
- Tree Specialist Officer – 23/5 No objection on arboricultural merit
 - The submitted information has been reviewed in accordance with the relevant Policies of the Plymouth and South West Devon Joint Local Plan (2014-2034) and relevant industry British Standards/ Acts as appropriate.
 - There are no Arboricultural constraints to the scheme presently on site given the previous land usage.
 - 25/1/21 No objection on arboricultural merit
- County Archaeologist – 24/5 Holding objection—the heritage statement contains insufficient information for an informed decision to be made at this stage ‘The submitted Heritage Statement and Appendix still do not appear to refer to the significance of and potential impacts on the copper lode and shallow workings associated with Wheal Pixon Copper Mine that the proposal site is located above. I would therefore suggest that the applicant be asked to address mitigation of impacts on industrial archaeology by submitting a Written Scheme of Investigation with the application.’

1/3/21 – ‘In my opinion the development will not impact on the Outstanding Universal Value of the World Heritage Site in terms of industrial archaeology. In my opinion impacts on any subsurface mining remains can be mitigated through a programme of recording. I would therefore suggest that the applicant be asked to submit a Written Scheme of Investigation for archaeological recording with the application.

If a Written Scheme of Investigation is not submitted prior to determination I advise, for the above reasons and in accordance with paragraph 199 of the National Planning Policy Framework (2018) and Policy DEV21 in the Plymouth and South West Devon Joint Local Plan 2014 - 2034, that any consent your Authority may be minded to issue should carry the condition’
- Historic England 12/8 – Concerns on heritage grounds, offered advice and requested further information and visualisations

13/4 – No Objections – ‘Thank you for negotiating changes to the scheme to resolve those areas of the proposals which caused Historic England concern. We have no further comments to make, and consider that it is for your authority to determine the application in line with the policies and guidelines within the National Planning Policy Framework, the adopted Local Plan and the recently revised CMWHS Management Plan. We recommend that you continue to seek the advice of your own in-house conservation professional and Devon County Council's archaeological team for further heritage input, if required.’

- Conservation Specialist 3/3/21 – no objections subject to conditions for detailing
- Environment Agency 12/7 – object ‘

‘Insufficient information has been submitted to demonstrate that the proposed development will be safe from flooding over its lifetime. It is therefore contrary to the National Planning Policy Framework (NPPF). We recommend that the application is not determined until a satisfactory Flood Risk Assessment (FRA) has been submitted. Furthermore, we would like the opportunity to review further information regarding contaminated land before the application is determined.

Before determining the application your Authority will need to be content that the flood risk Sequential Test has been satisfied in accordance with the NPPF if you have not done so already. As you will be aware, failure of the Sequential Test is sufficient justification to refuse a planning application.’

24/3/21 – Object due to lack of information within the FRA based on flood risk due to habitable ground floor levels. Request sight of documents mentioned in Site Decommissioning report in order to comment upon risk to controlled waters.

24/3/21 – maintain our objection on flood risk grounds

- OSSR (Open Space Sport and Recreation) Specialist – no objection but requests monies in line with policy
- DCC Education 20/5/21 – no contributions required towards primary, secondary, transport or early years.

Third Party Representations:

9 objections received on the first design and its consultation covering the following reasons for objection (following is a summary only, full comments are available on the Council's website):

- Insufficient car parking provision
- Highway safety issues
- Local drainage or flooding issues
- Impact on the character or appearance of a conservation area or a Listed Building
- Over dominance
- Overshadowing and loss of light
- It appears that no learning has been undertaken from the previous rejected planning application.

- The Churchill development and size/height does not justify this one, this building is on Ford Street and not Plymouth Rd as the Churchill building is.

1 received confirming no objections subject to obscure glazing facing the Churchill development (South)

Second consultation on revised scheme in Jan 2021:
4 objections raising the following:

- Drainage insufficient
- Parking and turning insufficient
- Line of sight from church to church
- Loss of light to neighbours
- Insufficient visibility splay
- Loss of privacy
- Too tall at 3 storeys
- Appearance, materials, scale and design
- Impact on listed buildings and Conservation Area

Relevant Planning History

Application Ref.	Address	Proposal	Decision	Decision Date
<u>2147/17/FUL</u>	<u>10 Ford Street, Tavistock</u>	<u>Erection of 9 flats and associated car parking</u>	Refusal	30/ 4/2018
02880/2012: ARC	10 Ford Street Tavistock Devon PL19 8DY	Discharge of condition 6 attached to planning permission 02150/2011 for retrospective change of use to car sales (sui generis) for 30 vehicles.		Discharge of condition approved: 10 Aug 12
02150/2011: FUL	10 Ford Street Tavistock Devon PL19 8DY	Retrospective change of use to car sales (sui generis) for 30 vehicles.	Conditional Consent: 23 Jan 12	Conditional Consent: 23 Jan 12

9226/2006/TAV: FUL	Motor Repair Garage 10 Ford Street Tavistock Devon PL19 8DY	Erection of service building	Conditional Consent: 11 Sep 06	Conditional Consent: 11 Sep 06
7937/2005/TAV: FUL	Motor Repair Garage 10 Ford Street Tavistock Devon PL19 8DY	Erection of workshop/services building	Conditional Consent	11 Oct 05
1992/2001/TAV: FUL	Motor Repair Garage 10 Ford Street Tavistock Devon PL19 8DY	Erection of a motor repair garage	Conditional Consent: 16 Oct 01	Conditional Consent: 16 Oct 01
F/3/50/1500/1988/3: FUL	Stannary Service Station Tavistock	Installation of new 6000 gall. underground tank and new petrol pump.	Granted with Standard Condition: 26 Aug 88	Granted with Standard Condition: 26 Aug 88
U/3/50/436/1982/38: MIS	Stannary Service Station Ford Street Tavistock Devon	Alterations to include new pay kiosk additional pump extension to existing canopy and reduction in existing building size.	Conditional Consent: 26 Apr 82	Conditional Consent: 26 Apr 82
U/3/50/109/1981/38: MIS	Stannary Service Station Ford	Extension to form a workshop.	Granted with Standard Condition: 09 Mar 81	Granted with Standard

	Street Tavistock Devon			Condition: 09 Mar 81
OA/3/50/1131/1980/ OPA	Stannary Service Station Ford Street Tavistock	Extension to form a workshop.	Conditional Consent	06 Oct 80
U/3/50/38/1979/389: MIS	Stannary Service Station Ford Street Tavistock Devon	Erection of a garage forecourt canopy.	Conditional Consent	17 Jul 79
AD/3/50/276/1978/3: ADV	Stannary Service Station Ford Street Tavistock	Display of an internally illuminated Esso identification sign.	Refusal	03 Apr 78

2147/17/FUL was refused on 30/4/18 for the following 6 reasons:

1. By reason of its massing, scale, materials and design, the proposed development presents an incongruous and inappropriate design response which is harmful to the Conservation Area, the World Heritage Site, and the setting of non-designed and designated heritage assets. The proposal is therefore at odds with policies SP1, SP18, SP20, BE1, H28, and H39 of the West Devon Local Plan and paragraphs 17, 58, 60, 61, 64, 128, 131, 134 and 135 of the National Planning Policy Framework
2. By reason of proximity, dominance, overlooking and loss of light, the proposed development will render an unacceptable impact upon the amenity of adjoining neighbouring properties. The proposal is therefore contrary to policy H28 of the West Devon Local Plan and paragraph 17 of the National Planning Policy Framework
3. Insufficient information has been submitted to allow the LPA to conclude that the site is free from land instability issues, from contamination from arsenic and other mineral and mining related sources or that any identified land contamination can be remediated. The scheme is therefore in conflict with policies BE16 and BE19 of the West Devon Local Plan and paragraphs 109, 120 and 121 of the National Planning Policy Framework.

4. In the absence of a proportionate archaeological investigation, it has not been demonstrated to the satisfaction of the Local Planning Authority that the development can be carried out without harm to the identified industrial archaeological significance within the area. This application is therefore in conflict with policies SP1, SP18 and BE7 of the West Devon Local Plan and paragraphs 128 and 135 of the National Planning Policy Framework.
5. It has not been demonstrated to the satisfaction of the Local Planning Authority that SuDS can be provided within the application site. The proposal is therefore in conflict with policies PS2, SP1 and SP21 of the West Devon Local Plan and paragraph 103 of the National Planning Policy Framework
6. It has not been demonstrated to the satisfaction of the Local Planning Authority that there are not sequentially preferable sites outside of the Flood Zone 3 that can accommodate this development, nor has it been demonstrated that there are wider public sustainability benefits which outweigh the location of the site within Flood Zone 3. The scheme is therefore at odds with policy SP1 of the West Devon Local Plan, paragraphs 100, 101 and 102 of the National Planning Policy Framework, and Government Flood Guidance within the PPG.

ANALYSIS

Principle of Development/Sustainability:

There is no in principle issue with this proposed use as residential within this town centre location. It is sustainable re transport links and access to bus links and infrastructure such as educational facilities, workplaces and recreation facilities. It is a suitable location for residential in line with the relevant plan policies re the hierarchy of settlements and the focus for development.

In addition the current use of the site as car sales is also equally as appropriate as a town commercial use, however its loss is not prevented in this location by any policy as it is not a usual town centre retail use and is not within the protected shop frontage. The previous refusal in 2018 did not include any such loss of a use as a reason for refusal and it is not raised as such now.

Design and Heritage:

The previous refusal was based on the previous iteration of the NPPF and the previous West Devon Local Plan, however the policy and guidance changes have not altered so much in these areas as to negate these reasons in themselves.

The Archaeological reason for refusal, 4, has now been overcome by additional information and the inclusion of a Written Scheme of Investigation (WSI) on any approval. Similarly an aspect of this was regarding the mining heritage of the site but DCC Archaeology have now stated that 'In my opinion the development will not impact on the Outstanding Universal Value of the World Heritage Site in terms of industrial archaeology. In my opinion impacts on any subsurface mining remains can be mitigated through a programme of recording'. In

addition the Council's own Heritage specialist has comment on the WHS and the underground works, raising no objection re below ground issues defaulting to DCC ; The site is underlain by works associated with the Wheal Pixon copper mine – this archaeological dimension is covered by comments from DCC Historic Environment Team.'

Overall then reason 4 has been overcome and the proposal is now considered to be compliant re archaeological consideration and the updated guidance of the NPPF and JLP policies (especially DEV22)

With regards to the design of the new proposal in relation to the Town, its surroundings and the neighbouring heritage assets and Conservation Area designation, this has been explored in detail by officers and the Heritage Specialist's analysis is as follows:

The principle and indeed desirability of development on this site has long been established and encouraged via the CA Appraisal and Management Plan. It is a simple fact that there is no wish to preserve the site as it now stands and it follows that the challenge of achieving a level of 'enhancement' is not very hard. Development will only happen once in what is likely to be many generations, so whatever is built will be a permanent feature of the townscape. The question is, therefore, does the proposed development deliver enhancement of a level that can be considered acceptable?

The heritage issues are the effect on the setting of the heritage assets. Of the listed buildings the II* Church of Our Lady and St Mary Magdalene (aka Fitzford church) is the most notable. The former workhouse, almshouses and the Ford St cottages all contribute positively to the locality. The effect on the character and appearance of the Tavistock Conservation Area and the effect on the Outstanding Universal Value of the CWDML World Heritage Site also demand attention. The supporting information provided from a heritage perspective to meet the needs of the NPPF in terms of assessing the heritage assets and their settings is now considered acceptable and sufficient.

Cornwall and West Devon Mining Landscape World Heritage Site

The site is underlain by works associated with the Wheal Pixon copper mine – this archaeological dimension is covered by comments from DCC Historic Environment Team. The site was never developed above ground during the time period of WHS interest, possibly due to ongoing potential mining considerations, but also possibly as the impetus for development along the grand boulevard of Plymouth Road came to an end. The nursery that occupied the site must have provided an attractive foreground to views of the outstanding new church in the second half of the 19th century, but that was blocked by Harewood House (now replaced with the Churchill development 'Fitzford Lodge').

In terms of townscape and built heritage the main concerns are the effect on the setting of the nearby heritage assets, especially the church. The site itself has no intrinsic WHS features which exhibit WHS Attributes above ground.

Tavistock Conservation Area

The adopted CA Management Plan states:- *Management Action 6: • The Borough Council will support the sensitive redevelopment of sites or buildings identified as opportunity sites or buildings on the Designations Map, subject to design details being of such a quality that they make a significant positive contribution.*

The positive qualities of the buildings on Ford St are very evident. Conversely the inter war semi-detached houses on the western side of the road between the Drake statue and the Duke of York pub had a fundamentally harmful impact on the setting of the church. They act

as a considerable buffer between the church and the site. To the south and east of the site the scale and character of the recent developments of Fitzford Lodge and Drakes Meadow provide a wholly modern setting that must inevitably bear some comparison with this application proposal.

The introduction of enclosure to the streetscene will provide focus and the aim must be to turn the corner onto Ford St in a positive manner. The enclosure and planting to the Fitzford Lodge development has presented an enhancement that will mature in years to come and this site must ensure character and quality.

The proposed reinstatement of the lost Ford St cottage is a clear positive element of the development that will enhance the character and appearance of the conservation area.

The proposed development should ensure enhancement of the site in CA terms.

Setting of Fitzford church (II*)

The views from the church towards the site are very much compromised already as I have said above. The roofscape of the proposal may be visible from the churchyard east of the church but there is established planting which restricts views from there and the 'porte cochère' on the south side. A primary concern has been the view along Chapel St and the assessment that this was a conscious townscape composition from St Eustachius to Fitzford church with chapels punctuating the townscape between. As part of discussions with the applicants officers visited the site and witnessed a windsock set at the height of the proposed development ridge. On the basis of this visual assessment it was accepted that the effect on the sequential views of the church would be negligible or very minimal. Evidence for this has not, however, been provided as part of the revised scheme and I note that Historic England considered visualisation from Chapel St essential for their assessment of effect on setting.

Assuming the minimal visibility of the proposed development from Chapel St is clarified I identify no harm to the setting of the church.

Setting of other heritage assets

The proposed reinstatement of the lost Ford St cottage is a clear positive element of the development that will enhance the setting of the designated and non-designated heritage assets along Ford St.

Fitzford gatehouse and Drakes statue (both grade II) are robust townscape features whose setting will not be harmed by the proposed development. The listed buildings of Fitzford and Plymouth Road will not be affected.

The listed buildings on Ford St (17 and 23-26) are all stone built so the proposal can be said to be complementary to their setting provided the quality of stonework delivered is appropriate. On that basis the setting will not be harmed.

Design of the development

The revised proposals follow discussions and input from officers that has improved the scale and form to an extent that it is now considered acceptable. The success of any development will depend a great deal on the quality of materials and detailing of features such as windows, doors etc. The information submitted does present positives in the form of stonework to the main elevations and enclosures. A suite of conditions would be needed on any approval to ensure the best possible outcomes. Some concerns remain which I will itemise in point form:-

- Quality of stonework is key and for it to work well attention is needed to sills and lintols - these should be stone as well. Three storey stone buildings in Tavistock often have a commercial ground floor but where they don't a string course is often provided to punctuate the street elevations. I appreciate that this is not the case on the 3 storey properties on Ford St but these are on narrow plots and their status did not aspire to that sort of detail. In this situation thought must be given to the need for expansion joints in construction as they can be an awkward visual distraction.
- The use of powdercoated sheet cladding has been questioned throughout and concerns remain about the use of a very industrial material in this locality, even if visibility of it is not especially prominent.
- The detailing of balcony design and door canopies could enliven the proposal or could be disappointing and a missed opportunity.
- The treatment of the SE elevation is still very solid which is a missed opportunity both in terms of external appearance and possible views for residents in the units.
- The boundary between the site and the Fitzford Lodge development is not clear. This needs to be a good quality stone wall with associated planting which ought to be agreed with the adjoining property. A timber fence is shown in indicative details but it is not clear where this is intended to be used?

Heritage Specialist Conclusion

Whilst the application would have benefitted from more fine detail being provided the remaining issues are all capable of being covered by conditions or, in the case of materials some small amendments or additional clarification. The proposed development does represent enhancement of the site as a vacant plot within the Conservation Area that is identified as needing development. The amended scheme does demonstrate that development can be delivered without harm to the setting of listed buildings or other heritage assets. The way in which the corner of the site is treated has been significantly improved and the use of stone facing is welcome.

Subject to clarification of materials and detailing or their control via conditions I do not object to the proposed development from a heritage viewpoint.

Further to this conclusion from the Heritage Specialist, Historic England have also concluded that the scheme is acceptable and raise no objections, defaulting to our own Heritage Specialist as above.

The reduction in height has allowed the sequential views of the church to be maintained to an acceptable degree and the other alterations to design, detailing and materials overall is considered by officers to now result in an enhancement to the Conservation Area, no detrimental effect on the settings of any Listed buildings and no impact on the OUV of the WHS. As such it is guidance and policy compliant and overcomes previous reason for refusal number 1 in line with policies DEV21 and DEV22.

In more general terms this proposal is far softer in design terms, the curved corner unit echoing others in the heart of the town centre and providing a gentler return to the street ends. The whole building is less angular than either the refused scheme or the first revision of this proposal, with relief to the elevations whilst still being less angular and busy and overall a more coherent single building. Its rising height from the single cottage on Ford street, through the two storey curve into the three storey fronting the roundabout links the scales of the buildings on Ford Street and Plymouth Road whilst sitting comfortably opposite the high buildings opposite (to the west). Overall then the design is considered to be in line with the NPPF guidance and the policies relating to good quality design and housing in DEV10 and DEV20

Although not a major development proposal, parts of DEV 32 on low carbon development apply to all schemes and the Council has declared a climate change emergency, as such conditions will be applied to ensure EVCPs are placed on site for residents as well as low carbon build and material and energy use being an intrinsic part of the construction and development.

Flood Risk and drainage:

The previous drainage reason for refusal has now been overcome and the drainage specialist has no objections subject to a condition and with the advice that SWW need to agree, which they do and have raised no concerns also. This addresses previous reason for refusal number 5.

Reason 6 was on the basis of Flood risk. The EA maintains and current objection:

'24/3/21 - We have viewed the most up to date Flood Risk Assessment (FRA) ref: J-1358-Rev.01 Dated 16 March 2020. The FRA recommends that finished floor levels on the ground floors of the two residential units abutting Ford Street should be set at a minimum level of 100.415m AOD to protect against flooding. The plans show that the finished floor levels are proposed to be set at 99.75m AOD. This will leave them at risk of flooding. The floor levels should be set at the level recommended in the FRA.

The other residential development is at first floor level and is safe above any predicted flooding. The parking on the ground floor level is acceptable, however, the FRA recommends that the access point into the ground level parking should incorporate a slightly raised hump feature around 130mm high to prevent any surface water flooding in the road from entering the parking area. This should be shown on the drawings/plans.

The applicant can overcome our objection by submitting further information which addresses the above points and demonstrates that the proposed development will be safe from flooding over its lifetime without increasing flood risk elsewhere.'

This site is within flood risk zones 2 and 3, as such a more vulnerable use such as residential should be directed away from such sites towards low risk zones. The sequential test the LPA must undertake looks at whether there are other less vulnerable sites available for the same use (NPPF para 161). The answer here must be a yes, as there are other sites in flood zone 1 within the town, borough and plan area all capable and suitable of residential development such as the allocated sites in Tavistock as just a starter. However there are other material considerations in this case and although the proposal technically does not pass the test for other sequentially preferable sites re flooding, with regards to heritage it is an aspiration of the CAMP that this site be developed and given its location and possible need for remediation and the high quality of the redevelopment that would be supported here due to its sensitive heritage location, residential is likely the best and most viable use. As such the LPA has considered the exceptions test too, as this area of the NPPF does allow other sustainability factors and issues to be considered also and in particular test 1 (para 164 of the NPPF) :

...the development would provide wider sustainability benefits to the community that outweigh the flood risk

It is officer opinion that this is the case and that the heritage benefits outweigh the flood risk. Only one unit has ground floor sleeping and if the FFL (finished floor level) were to be

increased from its level of 100.25 AOD to the flood mitigation required level of 100.415 that would resurrect the previous Historic England and Heritage officer issues and objection re lines of sight and heights along with some amenity issues. The agent and architect have managed to increase the internal floor level from 99.75 to 100.25 without a change to the external ridge heights, but any greater increase can not be accommodated without a change in height. As such overall the risk has been kept as low as possible whilst balancing the building height and arrangements against the many heritage constraints and requirements. Overall then test 1 is considered met and therefore test 2 of the exceptions test requiring flood safety measures etc will be secured via condition – this would include higher level electric cables, subscribing to the EA flood warning alerts and resident awareness and evacuation plan.

It is very rare that officers recommend an approval contrary to an EA objection, however in this exceptional circumstance it is considered that the heritage benefits outweigh the flood risks and as such is acceptable.

Neighbour Amenity:

Reason 2 was previously based upon amenity and the impact the previous proposal would have specifically regarding proximity, dominance, overlooking and loss of light. In particular dominating and overshadowing number 9 Ford Street and Fitzford Lodge. Some neighbouring occupiers have objected to the initial revised proposal and the then later revised scheme (currently for consideration) on these reasons again.

2147/17/FUL was for 9 units and the current scheme is for 7 so the unit numbers have been reduced, similarly the build form, other than the end terrace cottage proposed has been moved off the boundary with number 9 over the length of the site.

The ridges and roof are now more broken up and dropped by ~60cm even at its highest point from 107.19 to 108.60 but there are lower valleys interspersing this and at the rear (east) the roof is hipped away from number 9 and slopes away from Fitzford Lodge to the South reducing dominance. These broken up elevations and rooflines to create relief and gaps in the buildings form prevent this unit from being over dominant and also reduces light and sunlight loss to the west affecting number 9 in particular. The end terrace as proposed is also now of a smaller scale more akin to number 9 and provides separation and a more appropriately designed sized adjacent unit to 9. As such this relationship between the 2 sites is now considered acceptable.

Regarding privacy and overlooking, the only SE facing windows towards Fitzford Lodge on the facing gable are now 2 windows at first and second floors which are top hung, single units only and serve bathrooms so will be conditioned to be top hung and obscurely glazed. The only other windows facing SE are in the projecting bays and these serve bedrooms only but in any case each southern window is shown as obscurely glazed and most face onto the adjacent bay window side (again glazing secured by condition). The non-obscured bay windows facing North have too oblique a view to number 9 to be considered undue overlooking in officer opinion, especially in a town centre location. Similarly the first and second floor windows facing east towards number 9 are small, top hung and serve bathrooms only and will be conditioned as such, thus avoiding any overlooking. The previously approved scheme had multiple bedrooms on both the east and south elevations causing clear overlooking of neighbours to these sides, this has now been adequately overcome in officer opinion by a reduction in unit numbers allowing a more sensitive design and internal layout.

The relationship between the proposed flatted unit and the end terrace unit is also considered acceptable, it is close but provides a level of privacy akin to many situations in the town centre and the courtyard is relatively private with bathrooms only facing. Also this is not an introduced relationship, it is evident from the outset of the relationship between the two and any purchaser would be aware of this.

Overall then the previous issues of privacy, amenity, light and over dominance have, in officer opinion, been overcome and the proposal is now compliant with good design guidance and DEV1 part 1.

Highways/Access/parking:

DCC Highways have considered the access into the site and are happy that it is compliant and acceptable:

'There are no objections from a highway point of view to the proposed development. The traffic generation potential is likely to be less from the proposed development than the existing use as a second-hand car sales establishment.

Across virtually the whole frontage of the site there is currently a low height kerb and footway which will need reinstating to full height across the frontage, except where it is proposed to form the access to the site and the car parking. Appropriate conditions and informative note are recommended to be imposed on any planning permission granted'.

It is noted that the Town Council and objectors have stated that they consider the provision of 6 spaces for 6 units to be unacceptable. The SPD would advise that the 2 bed flats have 2 spaces, however this is guidance only and equally applies to a 2 bed unit in a more remote village. The site in question is in the Town centre with access to public transport from the nearby bus station, walking and cycling links and within easy level access of the town centre with its jobs, schools and facilities. As such then it is considered a sustainable suite where 6 spaces for 6 units is considered reasonable and appropriate.

OSSR:

Plymouth and South West Devon Joint Local Plan (JLP) policies DEV4 and DEV27 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 for OSSR are detailed within the Plymouth and South West Devon JLP Developer Contributions Evidence Base.

The application is for 7 dwellings and is unable to provide on-site OSSR facilities.

The nearest open space and play facilities are within walking distance at The Meadows. The equipped play facilities scored 3 (average, needs improvement) out of 5 and the BMX and skate park scored 2 (weaknesses, needs improvement) out of 5 in the 2017 play audit, and thus there is scope for improvement.

With regard to sports facilities, needs include the following:

- Need for additional pitch provision in the town
- Need for improved pavilion for Tavistock Cricket Club
- Need for new clubhouse for Tavistock Hockey Club

- Need for improvements to Athletics Club facilities (track resurfacing and clubhouse)
- Need for resurfacing of all-weather pitch with community use agreement at Tavistock Community College

It is considered highly likely that the new residents would use the existing open space, play and sports facilities in the town. New residents would add pressure to these facilities, which have already been identified as in need of improvement, and the pressure would require mitigating to assist with making the facilities sustainable. A financial contribution would thus be required. Based on the proposed dwelling mix (6 x 2 bed flats and 1 x 1 bed house), and using the occupancy rates in the JLP Developer Contributions Evidence Base, the contributions required would be:

- £12,137 towards improvements to and on-going maintenance of open space and play facilities at The Meadows, Tavistock
- £9,858 towards improvements to and on-going maintenance of sports facilities in Tavistock

Subject to this being secured in a S106 legal agreement this aspect is considered policy compliant.

Biodiversity:

The Preliminary Ecological Appraisal (PEA) undertaken on this site due to the small amount of demolition required, and its addendum, confirmed no bats or birds present and little/no potential. It did however suggest enhancements with bat and bird boxes and the SPD also requires these, as such a condition will secure the submission of a plan showing the integration of these to be installed prior to occupation and retained thereafter in line with the recommendations of the PEA.

The site falls within the Zone of Influence for new residents have a recreational impact on the Tamar European Marine Site (comprising the Plymouth Sound and Estuaries SAC and Tamar Estuaries Complex SPA). This Zone of Influence has recently been updated as part of the evidence base gathering and Duty to Cooperate relating to the Joint Local Plan. A scheme to secure mitigation of the additional recreational pressures upon the Tamar European Marine Site can be appropriately secured by a S106 agreement, and this approach has been agreed by Natural England.

Contamination:

Concerns around land instability and contamination formed a previous reason for refusal. However additional information has now been provided to support this submission which the Council's Environmental Health consultant has considered in detail. Initially she requested further investigations prior to any approval due to the former uses of the site, however following further discussion with the applicant's consultant and the clarification of certain areas of concern, the Council's consultant has confirmed that:

"I have now discussed the various contaminated land reports with the consultant appointed by the applicant. The decontamination works carried out when the petrol station was decommissioned in 1999 were comprehensive, with the underground tanks being removed and backfilled, and all other pipes and infrastructure associated with fuel being removed. For geotechnical purposes the applicant proposes to sink some boreholes if the application is

approved in order to inform the foundation and groundworks design. At this time some of the soils removed will be sampled in order to ensure that there are no contaminants of concern remaining. On this occasion we consider that, although a Phase 2 report from the outset would have been helpful to all parties, it is appropriate to include the "unexpected contamination" condition on any approval. In this way if the sampling identifies any contaminants of concern the condition will require appropriate remediation measures to be taken in consultation with the LPA."

Providing that the condition requested is applied (as listed above) then the previous concerns re land instability and contamination are suitable and adequately addressed to the satisfaction of Environmental Health and policy DEV2 of the JLP.

Conclusion:

Following the negotiation and revision of the initially submitted 2019 scheme, officers consider that the scheme now proposed and revised in early 2021 is acceptable. It has included additional changes to design, layout, unit numbers and materials and information to address and overcome the previous reasons for refusal and is now considered, with conditions and a S106 to be policy compliant.

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

Relevant policy framework

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. For the purposes of decision making, as of March 26th 2019, the Plymouth & South West Devon Joint Local Plan 2014 - 2034 is now part of the development plan for Plymouth City Council, South Hams District Council and West Devon Borough Council (other than parts of South Hams and West Devon within Dartmoor National Park).

On 26 March 2019 of the Plymouth & South West Devon Joint Local Plan was adopted by all three of the component authorities. Following adoption, the three authorities jointly notified the Ministry of Housing, Communities and Local Government (MHCLG) of their choice to monitor at the whole plan level. This is for the purposes of the Housing Delivery Test (HDT) and the 5 Year Housing Land Supply assessment. A letter from MHCLG to the Authorities was received on 13 May 2019. This confirmed the Plymouth, South Hams and West Devon's revised joint Housing Delivery Test Measurement as 163% and that the consequences are "None". It confirmed that the revised HDT measurement will take effect upon receipt of the letter, as will any consequences that will apply as a result of the measurement. It also confirmed that that the letter supersedes the HDT measurements for each of the 3 local authority areas (Plymouth City, South Hams District and West Devon Borough) which Government published on 19 February 2019. On 13th February 2020 MHCLG published the HDT 2019 measurement. This confirmed the Plymouth, South Hams and West Devon's joint HDT measurement as 139% and the consequences are "None".

Therefore a 5% buffer is applied for the purposes of calculating a 5 year land supply at a whole plan level. When applying the 5% buffer, the combined authorities can demonstrate a 5-year land supply of 6.1 years at end March 2020 (the 2020 Monitoring Point). This is set out in the Plymouth, South Hams & West Devon Local Planning Authorities' Housing Position Statement 2020 (published 22nd December 2020).

The relevant development plan policies are set out below:

The Plymouth & South West Devon Joint Local Plan was adopted by South Hams District Council on March 21st 2019 and West Devon Borough Council on March 26th 2019.

SPT1 Delivering sustainable development
SPT3 Provision for new homes
SPT8 Strategic connectivity
SPT9 Strategic principles for transport planning and strategy
SPT11 Strategic approach to the Historic environment
SPT12 Strategic approach to the natural environment
SPT13 Strategic infrastructure measures to deliver the spatial strategy
SPT14 European Protected Sites – mitigation of recreational impacts from development
TTV1 Prioritising growth through a hierarchy of sustainable settlements
TTV2 Delivering sustainable development in the Thriving Towns and Villages Policy Area
TTV20 Spatial priorities for development in Tavistock.
DEV1 Protecting health and amenity
DEV2 Air, water, soil, noise, land and light
DEV3 Sport and recreation
DEV8 Meeting local housing need in the Thriving Towns and Villages Policy Area
DEV9 Meeting local housing need in the Plan Area
DEV10 Delivering high quality housing
DEV20 Place shaping and the quality of the built environment
DEV21 Development affecting the historic environment
DEV22 Cornwall and West Devon Mining Landscape World Heritage Site
DEV26 Protecting and enhancing biodiversity and geological conservation
DEV28 Trees, woodlands and hedgerows
DEV29 Specific provisions relating to transport
DEV30 Meeting the community infrastructure needs of new homes
DEV31 Waste management
DEV32 Delivering low carbon development
DEV35 Managing flood risk and Water Quality Impacts
DEL1 Approach to development delivery and viability, planning obligations and the Community Infrastructure Levy

Neighbourhood Plan – no weight at this time

Other material considerations include the policies of the National Planning Policy Framework (NPPF 2021) and guidance in Planning Practice Guidance (PPG). Additionally, the following planning documents are also material considerations in the determination of the application:

The Cornwall and West Devon Mining Landscape World Heritage Site Management Plan 2020-2025
Tavistock Conservation Area Character Appraisal 2014
Tavistock Conservation Area Management Plan 2014

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.

Condition wording in full:

1. Standard Time Limit – 3 years for commencement

2. Accord with plans:

Proposed elevations 2163- (PL) 12H
Site plan as proposed 2163 (PL) 10C
Proposed floor plans 2163 (PL) 11G
Location Plan DK GA01

3. 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.

-The attenuation scheme should be installed so as to avoid flood water ingress to keep it functional during the flooding situation.

-If any other drainage scheme than that approved as part of this permission is proposed then a mitigating drainage alternative shall be agreed with the Local Planning Authority.

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.

4. No part of the development hereby approved shall be brought into its intended use until

the amended access, parking facilities, turning area and reinstated footway to full height kerbs (except at the location of the vehicular access) have been provided and maintained in accordance with details that shall have been submitted to, and approved in writing by, the Local Planning Authority and retained for that purpose at all times

REASON: To ensure that adequate facilities are available for the traffic attracted to the Site

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

REASON: In the interest of highway safety

- 6. 'No development shall take place until the developer has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation (WSI) which has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out at all times in accordance with the approved scheme, or such other details as may be subsequently agreed in writing by the Local Planning Authority.

Reason 'To ensure, in accordance with Policy DEV21 in the Plymouth and South West Devon Joint Local Plan 2014 - 2034 and paragraph 199 of the National Planning Policy Framework (2021), that an appropriate record is made of archaeological evidence that may be affected by the development'

- 7. 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.

- 8. Prior to development above slab level, a scheme to demonstrate compliance with the requirements of policy DEV 32 detailing the low carbon credentials of the development shall be submitted to and approved in writing by the LPA and the development carried out in accordance with these details.

Reason: in the interests of the environment

- 9. Prior to development above slab level, a scheme detailing the location and specification of Electric Vehicle Charging Points within the development shall be submitted to and approved in writing by the LPA and the development carried out in accordance with these details.

Reason: in the interests of the environment

- 10. No development shall take place beyond slab level until a hard and soft

Landscaping Plan has been submitted to and approved in writing by the Local Planning Authority. The Landscape Plan shall include; proposed new landscape features to include details of levels, layout, plant/tree species, size of stock and densities; hard surfacing materials and boundary treatments.

All elements of the landscaping plan 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 : i) prior to the occupation of the development for its permitted use; or ii) before the end of the current first available planting season following practical completion of the development hereby permitted.

Any trees or plants that, within five years after planting, are removed, die or become seriously damaged or defective shall be replaced with other species, size and number as originally approved, unless consent is given by the LPA to any variation. The landscaping plan shall be strictly adhered to during the course of the development.

Reason: In the interests of amenity and the character of the Conservation Area.

11. All windows in the south eastern and north eastern elevations serving bathrooms as shown on the approved plans, in the flats, shall be top hung and obscure glazed prior to occupation and remain as such in perpetuity.

Reason: In the interest of privacy and amenity

12. South eastern elevation side bay windows shall be obscurely glazed as shown in plan 2163 (PL-)11 Rev G, prior to occupation and remain as such in perpetuity.

Reason: In the interest of privacy and amenity

13. Prior to first occupation of any unit here by approved, a plan showing the location, detail and integration of bat and bird boxes as per the recommendations of the ecological survey shall be submitted and approved by the LPA and these shall be installed prior to occupation and retained thereafter

Reason: In the interests of biodiversity

14. Prior to any stonework commencing a sample panel shall be prepared for inspection and approval by the Local Planning Authority. Not less than two weeks notice shall be given to the Local Planning Authority when the sample panel is ready for inspection. All stonework shall match the approved panel.

Reason: In order to ensure that the development complements the special character of the conservation area and world heritage site.

15. Notwithstanding the information provided full details of the materials, design and installation of all lintols, voussoirs and sills shall be agreed in writing with the local planning authority. These items shall be installed and retained as agreed.

Reason: In order to ensure that the development complements the special character of the conservation area and world heritage site.

16. Prior to their fabrication or installation full details of the oriel windows and balustrades, with sections and elevations at a minimum 1:20 scale, shall be agreed

in writing with the local planning authority. These items shall be installed and thereafter retained as agreed.

Reason: In the interests of visual amenity on this site within the conservation area and world heritage site.

17. Prior to their installation, samples of the external wall finishes, other than the natural stonework covered in condition 14, shall be submitted to and agreed in writing by the Local Planning Authority and the development carried out in accordance with the approved details

Reason: To allow the Local Planning Authority to assess the detailed aspects of the scheme, and to ensure that local distinctiveness and good design are maintained in the Conservation Area and World Heritage Site.

18. Prior to their installation, details of all new doors and windows, including their Materials, method of opening and proposed finish, shall be submitted to and agreed in writing by the Local Planning Authority. And the development carried out in accordance with the approved details

Reason: To allow the Local Planning Authority to assess the detailed aspects of the scheme, and to ensure that local distinctiveness and good design are maintained in the Conservation Area and World Heritage Site.

19. The roofs hereby approved shall be clad in natural slates, a sample of which and details of the fixing method shall have been submitted to and approved in writing by the Local Planning Authority prior to their installation and the development shall be carried out in accordance with these details as approved

Reason: To perpetuate the use of vernacular materials so as to retain the character of the Conservation area and World Heritage Site

20. Prior to any development above slab level, a flood protection plan shall be submitted to and approved in writing by the LPA. This plan shall include details of flood warning measures and flood protection measures within and around the buildings. Once approved these measures shall be put in place prior to first occupation of any unit and retained as such.

Reason: in the interests of safety and flood protection

21. The 6 parking spaces shown on the approved plans shall be completed and made available for use by the future residents of the units approved prior to the occupation of any of the units hereby approved,

Reason: In the interests of highway safety

Informative note to applicant:-

The permission hereby granted shall not be construed as authority to carry out works on the highway. The applicant is advised that a licence or other appropriate consent must be obtained from the Highway Authority before any works are carried out on any footway, footpath, carriageway, verge or other land forming part of the highway.