

PLANNING APPLICATION REPORT

Case Officer: Tom French

Parish: Tavistock **Ward:** Tavistock South West

Application No: 1535/16/FUL

Agent/Applicant:

Mr I Armstrong
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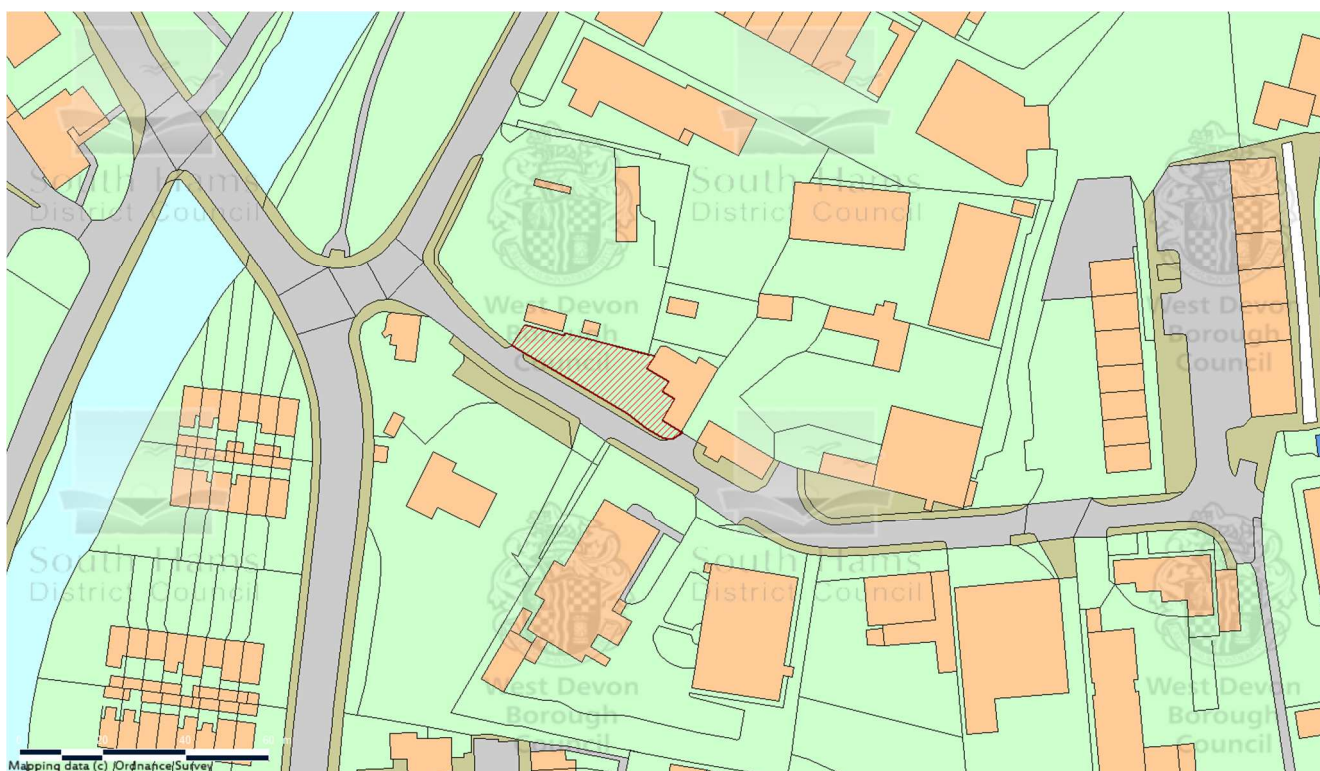
Applicant:

Mr M Williamson

Site Address: The Poplars, Westbridge Industrial Estate, Tavistock, Devon, PL19 8DE

Development: Proposed development of 7 apartments

Reason item is being put before Committee: Referred by Cllr Evans due to concerns over siting within industrial area



Recommendation: Conditional approval

Conditions:

Time limits

Accord with plans

Pre Commencement – detailed design of surface water management system to be agreed with LPA

Development to be carried out in full accordance with submitted noise report and construction as outlined in submitted planning statement unless otherwise agreed

Parking to be provided/retained

Cycle/mobility scooter storage to be provided/retained

Samples of materials to be submitted/approved

Unsuspected contamination

Landscape scheme (including green roof) to be submitted/approved

Key issues for consideration:

The principal of the development in this location in relation to adjacent uses, design, neighbour impact, highway safety and parking

Site Description:

The site lies within the settlement boundary for Tavistock along the south end of Pixon Lane within Westbridge Industrial Estate. The land north and east of Pixon Lane is predominantly employment land use with a mix of sales, storage and distribution throughout the Industrial Estate. Immediately to the east is a two storey building, known as The Poplars.

The site benefits from an existing access onto Pixon Lane and is enclosed on all the north and west sides with walls.

The Proposal:

The erection of a 3-storey building to accommodate 7No flats. The proposed ground floor would have 3No 1 bedroom flats, the first floor would have 2No 1 bedroom flats and 1No 2 bedroom flat with a 3 bedroom flat occupying the second floor.

The exterior design of the building uses stone, render as well as metal and timber cladding with a green roof.

Consultations:

- County Highways Authority:

There are no objections in principle to the proposed development from a highway safety point of view. The number of spaces provided, although only three in number, would not give rise to a highway safety issue as there are adequate controls for on-street parking in the adjoining street.

The applicant has shown cycle storage and charging facilities for mobility scooters as discussed with the highway authority prior to the submission of the application, but the highway authority had anticipated these would be secure and undercover rather than just in the open parking area. It is recommended that this aspect is revised, but it is not a detail, in itself, that would lead to an objection from a highway point of view.

Recommendation:

THE HEAD OF PLANNING, TRANSPORTATION AND ENVIRONMENT, ON BEHALF OF DEVON COUNTY COUNCIL, RECOMMENDS THAT THE FOLLOWING CONDITIONS SHALL BE

INCORPORATED IN ANY GRANT OF PERMISSION

1. No part of the development hereby approved shall be brought into its intended use until the parking facilities have been provided and maintained in accordance with the application drawings and retained for that purpose at all times

REASON: To ensure adequate facilities are available for the traffic attracted to the site.

- **Environmental Health Section:**

Further to our discussions regarding the above site and the further technical information provided by the applicants I would provide the following comments. The NPPG is clear that noise should not be considered in isolation of other sustainability considerations, and as such I wouldn't seek refusal on grounds of noise, especially as the applicants have demonstrated that technically the future residents can be afforded a reasonable level of protection from the noise generated by the adjoining industrial estate.

However the concerns that I am aware of is the impact that the proposed development may have on the viability of the adjoining industrial estate, and whether the future residents could complain about noise or other nuisances arising from the existing industrial use, unfortunately this is the case that the Council cannot protect the industrial estate from complaints made by these residents. However when making a nuisance assessment the nature of the area is a consideration as to whether a nuisance exists, but there would be an argument that this application would alter the nature of the area to make it domestic rather than industrial.

The Council should however be minded by para. 123 of the NPPF which states that we should "recognise that developments will often create some noise and existing businesses wanting to develop in continuance of their business should not have unreasonable restrictions put on them because of changes in nearby land uses since they were established." It could be argued that should the granting of this application lead to complaints of nuisance requiring the Council to serve nuisance abatement notices then the permission could be contrary to this paragraph.

I understand that the use of the land may already be residential amenity land because of previous planning applications, and whilst this may lessen the extent that this proposal is contrary to para. 123 this application could be seen as an intensification of the number of potential receptors and therefore increases the potential risk of nuisance complaints arising.

- Tavistock Town Council: Support
- Devon County Education Authority: No request for contributions as sufficient capacity in both primary and senior school capacity near to the development

Representations:

Support comments received, points covered;

- Good scheme and good addition for Tavistock
- In line with the development opposite at the Toll House site
- Good access to town centre through the park
- Development an improvement to the area

Relevant Planning History

The site has a substantial planning history with the uses of the site at times having been linked to immediately adjacent sites and buildings. There have been a number of applications and appeals on

the site relating to residential development. The most recent and therefore the most pertinent in the consideration of this application is;

00843/2014 – Erection of 4 Flats and associated car parking. Which was refused for the following reasons;

1. The proposed erection of four flats would lead to the cumulative loss of employment land as defined within the WDBC Local Plan Review 2005. Any significant reduction in the supply of employment land should be resisted. Residential use is wholly inappropriate in this location. This would limit the scope of any subsequent employment uses adjacent and nearby the site and could potentially result in the site being unviable for any future occupants. General industrial, Storage or distribution uses are considered to be incompatible with residential uses in this location by virtue of the potential for disturbance to occupants of residential units. Consequently the proposal is considered to be contrary to the NPPF specifically paragraphs 22 and 23 and policies SP1, SP10 of the Core Strategy and saved policy ED12 of the Local Plan Review 2005.

2. The proposals materially detract from the character of the nearby surrounding industrial estate and would not provide or maintain employment opportunities. The proposal is considered to be contrary to the NPPF specifically paragraphs 22 and 23 and policies SPI, SPIO of the Core Strategy and saved policy ED12 of the Local Plan Review 2005.

3. The development fails to reflect and integrate with the existing character of development in the village by virtue of the modern style of the buildings proposed and the failure to promote or reinforce local distinctiveness. The proposal by virtue of its scale, design and siting would have an adverse visual impact upon the street-scene and the wider area. The development is therefore contrary to the advice contained within Policies SP1, SP20 of the West Devon Borough Core Strategy and Policy H28 of the West Devon Borough Local Plan and the National Planning Policy Framework.

The application was dismissed on appeal (APP/Q1153/A/14/2229340), the main points for the dismissal was the proposal not constituting sustainable development due to the potential effects of noise and disturbance from the adjoining uses and the impact of the incursion of residential development into an industrial area hampering the operation of the business uses.

The Inspector concluded that the loss of the site for employment purposes would not breach policy ED12 as it will not have a significant adverse effect on employment opportunities or noticeable reduction of the supply of employment land.

In respect of the character and appearance the Inspector concluded that the area mixed in character with more traditional buildings beings less significant within the locality.

ANALYSIS

Principle of Development/Sustainability:

Paragraph 14 of the National Planning Policy Framework states that *at the heart of the National Planning Policy Framework is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking.*

For decision-taking this means:

- *approving development proposals that accord with the development plan without delay; and*
- *where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:*

- any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or
- specific policies in this Framework indicate development should be restricted.

Paragraph 15 of the NPPF states that:

Policies in Local Plans should follow the approach of the presumption in favour of sustainable development so that it is clear that development which is sustainable can be approved without delay. All plans should be based upon and reflect the presumption in favour of sustainable development, with clear policies that will guide how the presumption should be applied locally.

The application site is within the Tavistock Development Boundary where policy H28 of the West Devon Local Plan applies, H28 states;

Within defined settlement limits shown on the Proposals Maps small scale residential development will be permitted that is consistent with other policies in the Plan, and where:

- (i) The scale, design, proportions, materials, character and size of plot of the development is compatible with the surrounding sites and the settlement;
- (ii) The development would respect the form of the settlement and would not introduce or reinforce undesirable patterns of development;
- (iii) The development can be safely and adequately accessed;
- (iv) The amenities of adjacent residents are not adversely affected;
- (v) The site is not an important open area within the settlement of historic or townscape importance nor is it of nature conservation value;
- (vi) The development would not represent a visual intrusion of buildings into the landscape beyond the curtilage of existing adjacent development;
- (vii) The development would provide a satisfactory standard of residential amenity; and
- (viii) It would not prejudice the development potential of an adjacent site.

Due to the sites location within the Tavistock development boundary and the conclusions of the Inspector on the previous appeal in respect to employment land supply and character. The main issue is therefore, in respect of whether the development is acceptable in principle is whether the proposal represents sustainable development in respect of whether there are significant and demonstrable adverse impacts that would outweigh its benefits.

The three threads of sustainable development are;

- The economic role
- The social role
- The environmental role

All three elements dimensions must be met in order for the scheme to considered sustainable development.

In this instance, the social role are considered to be met, the development would provide housing within a defined settlement, which is in accordance with the aims of the NPPF to boost the supply of housing.

In respect of the economic and environmental role, the economic role is partially met in that the construction of the development would provide jobs and the spending power resulting from future residents would be beneficial to local services within Tavistock. However, in balance to that the economic wellbeing of the industrial area within which the development is sited must be considered and this also takes into account the environmental role in respect of the living conditions of future occupiers.

The proposal has been designed in such a way to address the Inspectors decision and information to support this has been provided, primarily in the form of a detailed acoustic assessment. The submitted acoustic assessment concludes that the proposed development is predicted to comply with the relevant British Standards and National Planning Policy Guidance. Environmental Health have reviewed the submitted report and have not offered further objections on this basis. The proposed design offers noise attenuation in the form of insulation, air tight building construction and the use of triple glazing.

It is considered that the building features and submitted noise report adequately demonstrate that the future occupiers would not be subject to adverse noise disturbance from the adjacent uses within the Westbridge Industrial Estate.

The new residential development to the area of the Toll House has altered the character of the area and now results in the application site being bordered by residential development to the east and the southwest. Whilst the Inspector was aware of the approval for the Toll House site, the building was not constructed at the time of the appeal. This development, taken with the previously approved domestic use of the land are of significance when assessing this proposal.

As stated by Environmental Health, there is no ability to guarantee that noise complaints concerning adjacent uses by future occupiers of the development would not arise, however when taken as a whole, it is considered that the applicant has demonstrated that the appeal dismissal reasons have been addressed as part of this application.

Therefore on balance, whilst the adjacent uses cannot be controlled and therefore could generate noise complaints from the future occupiers, the applicants have demonstrated that the current noise environment would not result in unacceptable living conditions for the future occupiers of the development.

Design/Landscape:

The proposed design and use of materials is considered acceptable, the design takes into account the recent development on the southern side of the road at the Toll House the proposed development would read well in conjunction with this development. The existing site is laid to hardstanding with no softening features therefore the introduction of boundary landscaping would have a softening impact and assist with the buildings integration, In addition the proposed green roof and landscaping would offer albeit modest benefits for the potential for wildlife and biodiversity within the locality.

The site is adjacent to the Tavistock Conservation Area, the proposed scheme does not harm the character or appearance of the conservation area.

Neighbour Amenity:

The proposal would not result in a loss of residential amenity to the adjacent building, which is in use as flats, nor the development adjacent to the Toll House to the southwest of the application site. The current building known as 'The Poplars' has cars parked directly adjacent to it. The proposed building has been designed in a way that it does not result in significant harm to the living conditions of the occupiers of the flats within 'The Poplars'.

Highways/Access:

The site has existing an existing highway access which would be utilised for the development. The Highways Officer has offered no objections to the proposed parking arrangements and the proposed scheme does not result in highway safety issues.

It is noted that the preference for the cycle and mobility scooter storage would be under secure and under cover, due to the space available on the site for parking and pedestrian access the arrangement as proposed is considered acceptable and will be conditioned to be provided.

Other Matters:

The existing site is laid to hardstanding, therefore the potential for surface water run-off would be reduced by the introduction of the green roof. The site is within the developed area of Tavistock and connection to mains sewers for the disposal of foul water would be possible.

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

Planning Policy

All standard policies listed (delete where not relevant, add others as relevant, including NPPF):
National Planning Policy Framework (NPPF)

West Devon Borough Council Core Strategy 2011

SP1 – Sustainable Development

SP10 – Supporting the Growth of the Economy

SP20 – Promoting High Quality Design

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

H28 – Settlements with Defined Limits

ED12 – Safeguarding Employment Land

Considerations under Human Rights Act 1998 and Equalities Act 2010

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

Conditions

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

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

2. The development hereby permitted shall be carried out in accordance with the approved plans and documents to be listed on the decision notice.

Reason: For the avoidance of doubt and in the interest of proper planning.

3. Prior to the commencement of the development hereby approved, details of the surface water design including percolation test results and supporting calculations shall be submitted to and approved in writing by the local planning authority.

Details of maintenance and management responsibility for the drainage system must be submitted to and approved in writing by the local planning authority prior to commencement on site.

Such approved drainage details shall be completed and become fully operational before the development first brought into use. Following its installation the approved scheme shall be permanently retained and maintained thereafter.

Surface water drainage systems design and installation shall be accordance with CIRIA C697 The SuDS Manual and CIRIA C698 Site Handbook for the Construction of SuDS.

Reason: To safeguard the amenities of the locality and environment and to ensure that the development is adequately drained.

4. The development hereby approved shall accord fully with the details of the submitted noise report and the construction methods outlined in the Planning Statement in relation to noise attenuation.

Reason: In the interest of environmental protection.

5. The flats hereby approved shall not be occupied until the parking, and garaging areas relating to them (and shown on the submitted drawings) have been properly consolidated, surfaced, laid out and constructed. The parking, servicing and garaging areas shall be kept permanently available for the parking and manoeuvring of motor vehicles in connection with the development hereby permitted.

Reason: To ensure that adequate and satisfactory provision is made for the garaging and parking of vehicles clear of all carriageways in the interests of road safety and amenity.

6. The flats hereby approved shall not be occupied until the cycle and mobility scooter storage areas (and shown on the submitted drawings) have been constructed. The cycle and mobility scooter storage areas shall be kept permanently available for the storage of cycles and mobility scooters in connection with the development hereby permitted.

Reason: To ensure that adequate and satisfactory provision is made for the storage of cycles and mobility scooters.

7. No development shall commence until a schedule of materials and finishes, and samples of the materials to be used in the construction of the external surfaces, including roofs, have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out only in accordance with the details so approved.

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

8. 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

9. The building works shall not be implemented until a landscaping scheme has been submitted to and approved by the Local Planning Authority, indicating the boundary treatment of the proposed plots/development.

The scheme submitted shall be fully implemented in the planting season following the completion of the development and the plants shall be protected, maintained and replaced as necessary for a minimum period of five years following the date of the completion of the planting.

Reason: In the interest of visual amenity in order to protect and enhance the amenities of the site and locality.