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WEST DEVON DEVELOPMENT MANAGEMENT AND LICENSING COMMITTEE - TUESDAY, 24TH APRIL, 2012

Agenda, Reports and Minutes for the meeting

Agenda No Item

1. **Agenda Letter** (Pages 1 - 6)

2. **Reports**
 Reports to P&L:
 - a) Planning Applications & Enforcement Reports Northern Area (Pages 7 - 30)
 - b) Planning Appeals Update (Pages 31 - 32)
 - c) Delegated Decisions (Pages 33 - 46)

3. **Minutes** (Pages 47 - 54)

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Agenda Item 1

A G E N D A – PLANNING & LICENSING COMMITTEE – 24th APRIL 2012

PART ONE – OPEN COMMITTEE

1. **Apologies for absence**
2. **Declarations of Interest**
Members are reminded to declare any personal or prejudicial interests they may have in any items on this agenda.
3. **Items Requiring Urgent Attention**
To consider those items which, in the opinion of the Chairman, should be considered by the Meeting as matters of urgency (if any).

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PART TWO – ITEMS WHICH MAY BE TAKEN IN THE ABSENCE OF THE PUBLIC AND PRESS ON THE GROUNDS THAT EXEMPT INFORMATION MAY BE DISCLOSED (if any).

If any, the Committee is recommended to pass the following resolution:-

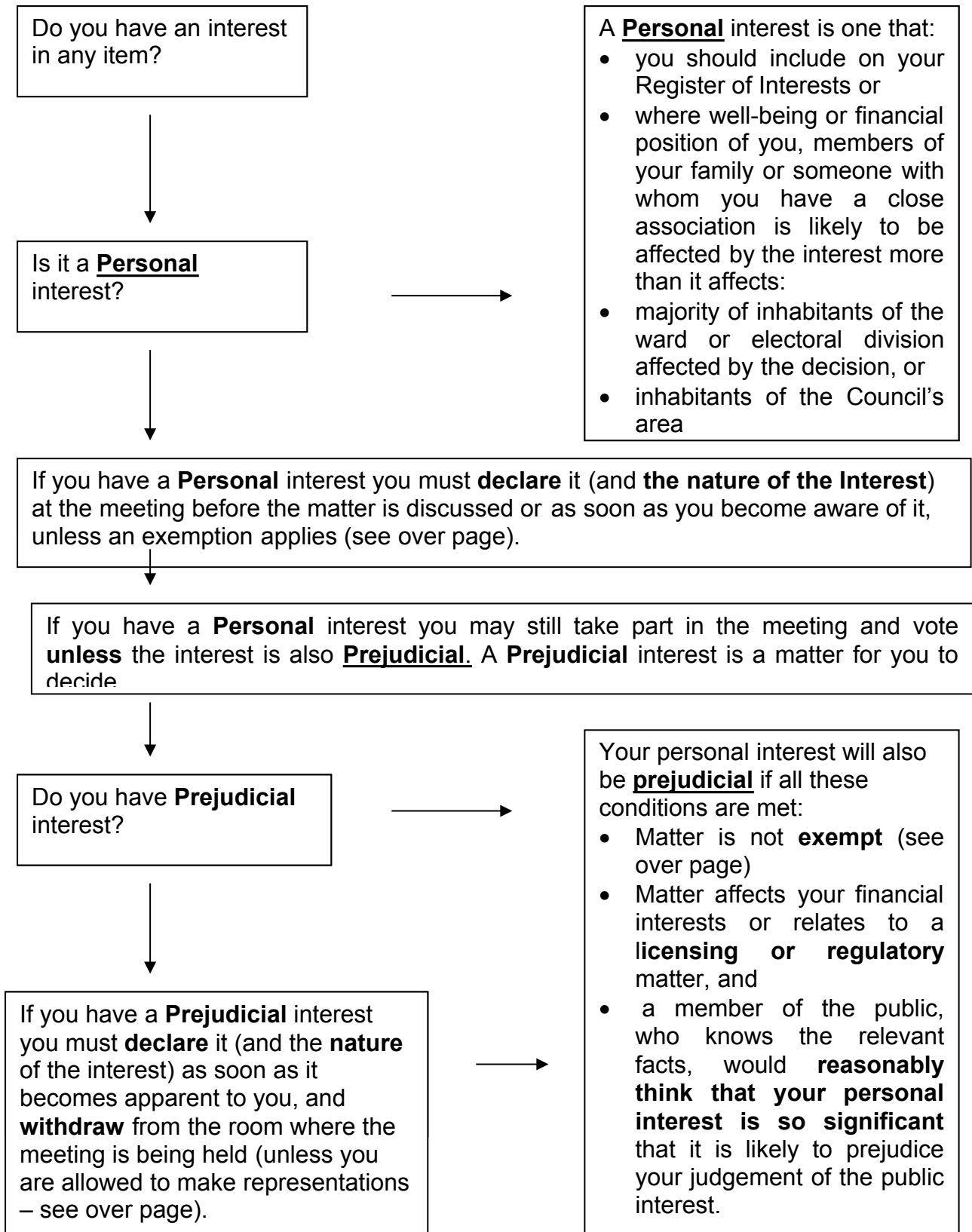
RESOLVED that under Section 100(A)(4) of the Local Government Act 1972, the public be excluded from the meeting on the grounds that exempt information is likely to be disclosed as defined in the paragraphs given in Part I of Schedule 12(A) to the Act.

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West Devon Borough Council Members' Code of Conduct

Declarations of interest

If you are in any doubt about what to do, please seek advice



Members' Code of Conduct (see part 5 of the Constitution)

Personal Interests - You will have a personal interest in a matter if:

- anything that you should have mentioned in your Register and/or
- the well-being or financial position of you, members of your family, or people with whom you have a close association

is likely to be affected by the business of the Council more than it would affect the majority of the inhabitants of the ward or electoral division affected by the decision, or the inhabitants of the Council's area.

Exemption - An exemption applies where your personal interest arises solely from your membership (or position of control/management) on any body to which you were appointed/nominated by the Council or any other body exercising functions of a public nature. In such cases (unless you have a prejudicial interest) you only need to declare your interest if and when you speak on a matter.

Personal Interests include:

- Your membership/position of control/management in bodies to which the Council appointed/nominated you, or any bodies exercising functions of a public nature, directed to charitable purposes or whose principal purposes include influence of public opinion or policy, including any political party or trade union;
- Your job(s) or business(es), and the name of your employer;
- Name of any person who has made a payment towards your election expenses or expenses you have incurred in carrying out your duties;
- The name of any person, company/other body which has a place of business/land in the Council's area and in which you have a shares of more than £25,000/stake of more than 1/100th of the share capital of the company;
- Any contracts with the Council between you, your firm or a company (of which you a paid director) for goods, services or works.
- Any gift/hospitality estimated to > £25 and the name of the person who gave it to you;
- Any land/property in the Council's area in which you have a beneficial interest (or a licence to occupy) including the land and house you live in, any allotments you own or use.

Definitions

- "Well-being" - condition of happiness and contentedness. Anything that could affect your quality of life, either positively or negatively, is likely to affect your well-being.
- "Member of your family" means a partner (i.e. your spouse/civil partner/someone you live with in a similar capacity), parent/parent-in-law, son/daughter, step-son/step-daughter, child of partner, brother/sister, grandparent/grandchild, uncle/aunt, nephew/niece, or the partners of any of these persons.
- Person with whom you have a "close association" means someone with whom you are in close regular contact over a period of time who is more than an acquaintance. It is someone a reasonable member of the public might think you would be prepared to favour/ disadvantage when discussing a matter which affects them. It may be a friend, a colleague, a business associate or someone you know through general social contacts.

Prejudicial Interests - your personal interest will also be prejudicial if you meet conditions set out overleaf.

Exempt categories - you will not have a Prejudicial interest in a matter if it relates to:

(a) any tenancy/lease you hold with the Council (unless relating to your particular tenancy/lease); (b) Schools (meals/transport/travelling expenses): if parent/guardian of child in full time education or parent governor (unless relating to the school your child attends); (c) if you are receiving/entitled to statutory sick pay; (d) An allowance/payment/indemnity for members; (e) ceremonial honour given to members and (f) setting the council tax or precept.

Making representations - if you have a Prejudicial interest, you must declare that you have an interest and the nature of that interest as soon as the interest becomes apparent. You should leave the room unless members of the public are allowed to make representations, give evidence, or answer questions about the matter. If that is the case, then you can also attend the meeting for that purpose. However you must leave the room immediately you have finished and you cannot take part in the debate or vote.

Sensitive information

You may be exempt from having to declare sensitive information on your Register of interests in which case, although you must declare that you have an interest, you don't have to give any details about that interest on the register or to the meeting (please speak to the Monitoring Officer about this first).

Revised May 2007

Planning & Licensing Committee

1. Responsibilities

To carry out the Council's responsibilities for the following areas:

a) Planning

i) Development Control

- Advertisement Control.
- Agreements regulating the development or use of land.
- Applications by Local Planning Authorities.
- Authority to determine whether planning permission required.
- Certificates of Lawful use or Development.
- Consultations by Crown and Duchy.
- Discontinuance of use or alteration or removal of buildings or works.
- Electricity Supply Acts Consultations.
- Enforcement Control (including Planning Contravention Notices, Requisitions, Breach of Condition Notices, Stop Notices (including temporary stop notices) etc)
- General Planning Control including the determination of planning applications (including, where appropriate, site inspections).
- Land adversely affecting the amenity of the neighbourhood.
- Land Compensation Act 1961, Section 17 - Certificate of Appropriate Alternative Development.
- Provisions as to compensation and provisions enabling an owner to require the purchase of an interest.
- Responding to Dartmoor National Park, and other neighbouring authority consultations.
- Revocation or modification of planning permission.
- Telecommunication Mast Applications.
- To extinguish/divert public rights of way under the Town and Country Planning Acts and to make representations to other Authorities in relation to their exercise of these powers under that or other legislation.

ii) Conservation - Historic Buildings

- Building Preservation Notices.
- Compulsory acquisition of buildings in need of repair and related powers.
- Historic Building Grants
- Listed Building Consents and Conservation Area Consents.
- Listed Building Enforcement.
- Revocation or modification of Listed Building Consent.
- Urgent repairs or works

iii) Community Landscaping

- High Hedges
- Hedgerows
- To comment on consultations by the Forestry Commission.
- To offer grant aid for tree surgery to trees of public amenity importance within the financial limits set down in the Council's estimates.
- Tree Preservation Orders and related control and enforcement.

iv) Licensing Responsibilities

To be responsible for all of the Council's licensing functions

- To review and recommend to Council the Licensing Statement of Policy, the Gambling Statement of Principles, and the Policy not to permit casinos.
- To review and be responsible for all other Licensing Policies
- To determine the revocation and suspension of Hackney Carriage /Private Hire Driver or Vehicle Licences
- To determine all licensing applications for all licensing functions (except in relation to the licensing functions under the Licensing Act 2003 and the Gambling Act 2005 see below) to which an objection has been received and not withdrawn or satisfactorily addressed by the applicant;
- To determine the revocation of any licence.

Licensing sub-committee

a) Licensing sub-committees have the following responsibilities in relation to functions under the **Licensing Act 2003**:

- Applications for personal licences - if there is a police objection
- Applications for personal licences with unspent convictions – all cases
- Review of personal licences – if there is a police objection
- Applications for premises licence/club premises certificate – if a relevant representation is made
- Applications for provisional statement – if a relevant representation is made
- Application to vary premises licence/club premises certificate - if a relevant representation is made
- Applications to vary designated premises supervisor – if police objection made
- Applications for transfer of premises licence – if police objection
- Applications for interim authorities – if a police objection
- Applications to review premises licence/club premises certificate – all cases
- Decision to object when Council is a consultee and not relevant authority - all cases
- Determination of a police objection to a temporary event notice - all cases

b) Licensing sub-committees have the following responsibilities in relation to the **Gambling Act 2005**:

- Application for **premises licence**: if a relevant representation has been made and not withdrawn
- Application for a **variation** to a licence: if a representation has been made and not withdrawn
- Application for a **transfer** of a licence: where representations have been received from the Gambling Commission
- Application for a **provisional statement**: if a representation has been made and not withdrawn
- **Review** of a premises licence
- Application for **club gaming/club machine permits**: where objections have been made and not withdrawn, or where refusal proposed
- **Temporary use notice**: Decision to give a counter notice, or where objection notice received
- **Fees**

c) Licensing sub-committees have the following responsibilities in relation to the **Hackney Carriage / Private Hire Driver or Vehicle Licenses**:

- Review, revocation or suspension of licences

v) Local Land Charges

- To provide and administer a comprehensive Land Charges system.

2. **Budget**

To have authority for spending within the allocated budget.

3. **Performance Management**

To be responsible for service performance within the remit of the Committee.

4. **Fees**

To keep under review the fees and charges for the Committee's services where statutory authority exists for the levying of such charges and to levy the same where, in the opinion of the Chief Finance Officer, the levying of such charges will not give rise to a material adverse impact on the overall budget of the Council. In all other circumstances, the Committee to recommend the levying of fees and charges to the Strategies & Resources Committee.

PLANNING APPLICATIONS AND ENFORCEMENT REPORTS
NORTHERN AREA

WARD: Lew Valley (Cllr J McInnes)

APPLICATION NO: 02418/2012

LOCATION: Land to rear of Radford Way, Okehampton, Devon

APPLICANT NAME: Leander Developments

APPLICATION: Outline

PARISH: Okehampton Hamlets

GRID REF: 259975 95664

PROPOSAL: Outline application for residential development with access considered

CASE OFFICER: Malcolm Elliott

TARGET DATE: 04/06/2012

This application is before committee at the request of Cllr McInnes due to 'the strategic nature of the site.'

PROPOSAL

Outline application for residential development with access to be considered. The application is subject to draft heads of terms to be secured by a s106 agreement.

The heads of terms proposed by the applicant's at present cover:

- a transport contribution £1000 per unrestricted dwelling
- a community facilities contribution of £700 per dwelling
- an education contribution of £5,576.53 per open market property
- the provision of affordable housing (currently proposed at 35% but for a scheme of 9 this would be 25% only)
- POS provision and maintenance
- management and maintenance of Suds scheme

SITE AND SURROUNDINGS

The site is located within the Okehampton settlement boundary, and in an area shown in the adopted and retained local plan as being allocated for residential land. There is no current development on the site; last known use was for agricultural purposes. The area looks to have been recently worked agriculturally and has a recent addition of post and wire fence on the eastern boundary. The site is currently bounded to the north and south by residential development; that to the north is still under construction. To the west the site is currently open onto the allocated school site and to the east the land is open, however, this area has an outline permission for residential development and is also allocated for housing within the Local Plan under site allocation and policy H4.

There is currently access to the site with a vehicular width access from Radford Way and a partially constructed road to the north on the Persimmon Homes site. There is a very dense boundary to the north of the site with a post and wire fence, with a

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mixture of dense native shrubs and trees beyond, the land also continues to fall in this direction beyond the boundary of the two storey properties on the site currently being developed by Persimmon are set at a lower level than the proposed school site land level. There are longer views to the north where the land rises and agricultural fields and Abbeyford Woods are clearly visible with longer views out towards North Tawton to the north east.

Properties to the south of the application site are set on slightly higher land than the application site itself, they are predominantly bungalows. Due to the variation in levels the majority of the bungalows which back onto the site which are placed along Baldwin Drive, Radford Way have got windows which look over their rear boundaries and into the application site. The boundary on this southern side is a combination of post and wire fencing with a stone retaining wall behind and a predominantly 1.8m high close board fence above that.

CONSULTATIONS

Okehampton Hamlets Parish Council: 'The Council objects to the above application on the following grounds.

As per the adopted Core Strategy Local Plan the site is the preferred location for a second primary school for Okehampton – the site should not be allocated for alternative use. Access to this site for a school could be flexible, even if other potential sites were identified, access would not be as good as it is for this site. The number of primary school places required in Okehampton will increase with the ongoing developments and it essential there is a site for this to happen. Releasing this land could hinder the statutory duty of Devon County to provide school places.

We understand Devon County Council has approved the purchase of a new primary school site and budget allocated.

The site should therefore remain for the purpose of a new primary school.'

(Officers would wish to clarify here that, despite the Parish Council's comments, the site which is the subject of this application is not allocated for a school in the Local Plan, but for residential use.)

Okehampton Town Council: Object on the grounds that public and planning interest were harmed in relation to the preferred use of the site for a school.

County Highways Authority: No highway objection but would expect the, albeit illustrative layout, to take the internal road layout to the red line boundary fronting illustrative plots 6-8. The proposal would enable the spine road to be completed and would enable access to the allocated school site.

Environment Agency: In the absence of an acceptable Flood Risk Assessment (FRA) we object to this application on flood risk grounds. As submitted the proposed surface water drainage system is unsatisfactory, however we consider that if it is redesigned to the below our objection could be resolved.

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We would welcome further discussion on the FRA with the applicant's consulting engineer in order that our objection can be resolved.

No objection to mains sewerage connection.

South West Water Services: No objections re capacity.

Environmental Health Officer: Recommend conditions relating to possible contamination of the site.

Dartmoor National Park Authority: Due to the distance from the DNP boundary and the character of the surrounding residential development these proposals will have no adverse effect on the National Park.

Natural England: Standing advice – may be granted subject to conditions

Flood risk and drainage engineer: No objection in principle however the exact scheme and locations will need to be conditioned for approval by the LPA.

Devon County Council Strategic Planning Children's Service:

Education contributions: The Primary School that serves the address of this development is Okehampton Primary and is at capacity. The development is expected to produce 2.25 primary aged pupils thus the contribution required is £29,344.50 'which would be used towards a new primary school required to serve Okehampton plus £646.88 for ICT equipment. An appropriate contribution is also sought towards purchasing land required for a new primary school in Okehampton.'

The Secondary School affected is Okehampton College. The scheme is expected to produce 1.35 secondary aged pupils which requires £22,667.85 plus £1,957.50 for ICT.

Principle of the school site allocation inclusion in this site: 'Devon County Council requires this site to ensure it is able to meet its statutory responsibilities in respect of the provision of sufficient primary pupil places and early years provision.

Therefore, the Authority objects to the application on the following grounds:

1. The development site (approx. 0.6 ha) is adjacent to land (approx. 1.2ha) identified in the local plan, as amended by the adopted Core Strategy April 2011, as the "*preferred location for the second primary school for Okehampton and a site has been reserved for this use.*"

This site together with the 1.2 ha provides the 1.8ha that is required to ensure sufficient primary and early years provision to support the existing and proposed future expansion to the East of Okehampton. Devon County Council cannot bring new provision forward without having a secure site that can accommodate a 420 pupil place primary school and early years provision. Other sites have been considered but do not support sustainable transport to school nor can be developed

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in a timely manner. Furthermore, without this site there is no access to the 1.2 hectares until such time as the link road is constructed.

2. Devon County Council has a statutory duty to provide school places for pupils. There is already significant pressure on reception places in Okehampton. With approved but unimplemented housing development and the proposed expansion to the East of Okehampton, pupil numbers are projected to continue rising. During the next five years there will be an increase in primary pupils requiring a place in Okehampton and it will be essential for an additional 420 place primary school with early years provision to be established within that period. Without a secure site for primary provision, additional housing development in the area will only serve to put further pressure on existing provision resulting in parents having to send their children to a school outside of the town and creating additional traffic in the town centre.

3. Devon County Council is unable to bring forward a new school promoter without having secured a site.

4. Access to the school site (being the 1.8 hectare site) would be flexible either off the new link road or via Radford Way.

5. Devon County Council Cabinet has approved the purchase of a new primary school site in Okehampton and allocated funding in the 2012/2013 Capital Programme and Legal and Estates are commissioned. In addition, Devon has signed section 106 contributions from existing development to support the new primary school build.

6. Devon County Council has previously objected to a residential development for 9 dwellings on the Radford Way site which was refused November 2011. The reasoning for this was: *"The proposed development would interfere with the construction of the proposed primary school contrary to Policy H4 of the West Devon Local Plan 2005, and would also prevent access from the future link road to be constructed to the east of the site from which the permanent access to the school is to be taken"*

In summary, Devon County Council requires this site for primary school provision and there is a firm commitment in place to acquire the extended site. Should the site be allocated for housing development, Devon would not develop the remaining site identified in the Local Plan for school provision as it would be considered too small for the requirements of the town in the medium to long term. A letter has also been provided as to the education contributions which would be requested should this site be allocated for housing development. (see above)

I hope this provides sufficient information for WDBC Development Committee to the support the development of critical primary infrastructure in the town.'

Countryside and Community Projects Officer: Suggests that the £700 per unrestricted dwelling community payment as offered be retained in any section 106,

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but that the contribution follows the precedent of other substantial developments within West Devon, and as such, the terms of the s106 be revised to read 'Community Facilities Contribution', and the definition revised to: 'For the provision of new, and enhancement of existing Community Facilities within the Okehampton area to be determined by the Borough Council' rather than as per the current proposal which is to use the monies towards construction of the link road on the east of the town.

With regards to ecology, this application could meet the 3 derogation tests and meet the test for favourable conservation status with conditions.

Local Residents/Interested Parties: No comments received.

PLANNING HISTORY

11590/2008/OKE – County matters application for a primary school. Outline with all except appearance to be considered – Granted conditional consent 6/6/08 (permission has now expired)

01947/2011 – Outline application (all matters reserved) for a school – appealed on non-determination but appeal subsequently withdrawn. (Committee resolved on 28/2/12 that had this been a live application before them for determination then they would have approved it.)

01977/2011 – Outline application for residential development with access to be considered – refused under delegated powers on 21/11/11

1. The proposal, by reason of its proposed point of access, would prevent delivery of the preferred route of access to the allocated school site and delivery of the spine road through the H4 allocation from Crediton Road to Exeter Road. As such it would inhibit infrastructure delivery and be contrary to policies H4, T4, T9, SP4 and SP14 of the West Devon Development Plan and policies TR10 and TR4 of the Devon Structure Plan.

2. The proposal by reason of the lack of agreement or undertaking to provide an affordable housing contribution, is contrary to the policy requirements of Core Strategy Policy SP9 'Meeting Housing Needs'

02420/2012 – Outline application for residential use with access (43 dwellings) – currently live and before this committee for determination. This site incorporates the site under application 02418/2012.

POLICY FRAMEWORK

Structure Plan 2001 - 2016 Policy/Policies

CO6 Quality of new development

CO10 Biodiversity

CO8 Archaeology

TR10 Highways

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TR4 Parking
TR5 Public Transport

Local Plan Review Policy/Policies

BE7 Archaeology
BE19 Contaminated Land
H4 Land to the East of Okehampton
H28 New residential development
T9 Highway safety
T5 Public Transport

Core Strategy Policy/Policies

SP1 Sustainable development
SP4 Infrastructure delivery
SP9 Mix of housing
SP14 Accessibility planning
SP17 Landscape
SP18 Heritage
SP19 Biodiversity

Development brief for H4
NPPF

ASSESSMENT

The main planning issues relating to this application are those regarding the principal of residential development on this area of land and its contribution towards the delivery of site H4 and its development brief requirements.

Principle

This area of land is allocated in the local plan for residential development. However although the site's allocation in the Plan is a material planning consideration, so is the clear and committed response from Devon County Council Education department outlining that the school site can not deliver the needed facility for Okehampton without this additional strip of land and that this site is therefore essential for both the provision of the facility and its access.

It is clearly evident that Devon County Council (DCC) require that allocated within the local plan for the school and this adjacent land allocated as residential to secure the delivery of the Primary School and nursery. The access to the allocated school site can only be obtained through the residential allocation and although the indicative layout does show a road link through, it would still mean that this proposal and its roads would have to be fully constructed before the school site could be accessed. The very firm indication from DCC that the whole site is required for the school is a material consideration in the determination of this planning application.

In relation to determining applications and having due regards to the Development Plan the NPPF states the following:

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'This national planning policy framework does not change the statutory status of the development plan as the starting point for decision making. Proposed development that accords with an up-to-date Local Plan should be approved and proposed development that conflicts should be refused unless other material considerations indicate otherwise.' (Para 12 page 3)

There is a clear commitment from DCC both in terms of their response to this application and in terms of the recent actions by DCC to secure funding for the purchase of the allocated school site **and the extended strip of land subject to this application**, through allocating funding in the 2012/2013 Capital Programme and that the legal and estates team have been commissioned to do so.

As such in this instance although the proposed use is in accordance with the Development plan allocation, Officers consider that DCC representation and associated delivery of the school carries a significant weight in terms of a material consideration and in this instance is substantial enough to cause officers to consider the development of this strip of land for residential use unacceptable as it would prevent the delivery of the necessary community infrastructure required.

Such provision for such an infrastructure requirement, and consultation with education provision bodies are clearly supported in the newly adopted National Planning Policy Framework which has the following relevant extracts:

The core planning principles of the NPPF are designed to underpin plan-making and decision taking and number 12 states that planning should 'take account of and support local strategies to improve health, social and cultural wellbeing for all, and deliver sufficient community and cultural facilities and services to meet local needs.' (page 6)

It goes on to say that 'for larger scale residential development in particular, planning policies should promote a mix of uses to provide opportunities to undertake day-to-day activities including work on site. Where practical, particularly within large-scale developments, key facilities such as primary schools and local shops should be located within walking distance of most properties.'(para 38 page 10). H4 is one such large scale residential development as a whole and this section of the NPPF clearly identifies that the necessary supportive infrastructure such as a primary school should be located close to it.

In paragraph 72 the NPPF specifically states that: 'the Government attaches great importance to ensuring that a sufficient choice of school places is available to meet the needs of existing and new communities. Local Planning authorities should take a proactive, positive and collaborative approach to meeting this requirement, and to development that will widen choice in education. They should:

- Give great weight to the need to create, expand or alter schools; and
- Work with school promoters to identify and resolve key planning issues before applications are submitted.' (pages 17-18).

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Delivery of H4

The site brief for H4 discusses the delivery of the allocated H4 site and the Council's aspirations for its content and infrastructure; this includes a spine road through the site in order to allow for a public transport link through the site but also to relieve pressure on other junctions and links through town. This scheme does show this required spine road link but does conflict in part with the brief in that the brief requires a school to be delivered on the adjacent allocated school site in order to provide the necessary infrastructure to support the additional residential housing under construction/allocated on the East of Okehampton. Although this current proposal does not physically prevent the allocated school site coming forward, DCC has made it clear in their representation that this 'extension' of the school site into the remainder of H4 is necessary in order to deliver the appropriate school and young person's facilities required to serve the community.

Other

Issues regarding contaminated land could be conditioned on any approval.

Although the Borough Engineer has raised no objections in principle to the type of drainage scheme proposed at this outline stage, the EA, at the time of writing, had raised an objection but considered it could be overcome. The EA have commented that the submitted FRA does not follow the previously agreed strategy for this site which was a 1 in 100 year event plus 30% for climate change (which was a result of the Brightley stream flood risk and the variable drainage rates over the H4 site). At the time of writing there were also discrepancies within the submitted FRA. The EA have invited discussion to resolve their objection and Borough Council officers have encouraged the agent to engage in this. The EA and Borough Engineer have no issue with the proposed means of foul drainage disposal, however this does rely on access over the adjacent land which is not within the applicant's control and does not currently benefit from a full or reserved matters approval.

It may be that the SuDS design could be the subject of a pre-commencement condition however an oral update will be provided to members at the committee.

Biodiversity

With regards to biodiversity an up to date survey has been carried out to update the previous in depth survey. These are considered acceptable and provide adequate detail for officers to assess the impacts of the proposal. This proposal will trigger an offence under the habitats regulations as the northern boundary hedge contains active Dormice and their habitat and this hedge must be intersected by the spine road in order to join the existing road to the north. The first of the three derogation tests is whether there is an over-riding public interest. The trigger for the habitats regulations license is the punch through the northern hedge for the spine road and this road does have an over-riding public interest and would be required irrelevant of the use of the remainder of the application site – be it school, residential or other use. As such it is considered that as the reason for the license is caused by the road rather than specifically as a result of the housing proposed, then the 1st test is met and as there remains no satisfactory alternative for the route of the spine route the 2nd test continues to be met With suitable conditions and mitigation and

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enhancement it is considered that the 3rd test would also be met and as such a license would be likely to be issued by Natural England.

S106

Policy SP9 requires that all residential development provide either an onsite percentage of affordable housing or for sites of 1-4 dwellings an off-site commuted sum. As this site proposes 9 dwelling it would be expected that 25% of any future residential development on this site would be affordable housing. The legal agreement submitted with this application is a unilateral undertaking which officers are not content to accept as they consider that interested parties such as the Borough and County Councils should be signatories – thus a s106 agreement rather than a unilateral undertaking is required.

The agents wish any s106 negotiation to be reserved until after a committee resolution, i.e. if members wish to approve this application it would need to be a 'delegate to Development Manager to approve subject to the receipt and signing of an acceptable s106 agreement'.

The heads of terms proposed by the applicant's at present cover:

- a transport contribution £1000 per unrestricted dwelling
- a community facilities contribution of £700 per dwelling
- an education contribution of £5,576.53 per open market property
- the provision of affordable housing (currently proposed at 35% but for a scheme of 9 this would be 25% only)
- POS provision and maintenance
- management and maintenance of Suds scheme

The agent's have questioned DCC's request for additional monies for education to find a new school.

There are elements of these provisions that officers are not currently in agreement with (for example as per the Countryside and Community Officer's comments above, we would wish the community facility monies to go to the usual 'pot' and be allocated in the usual way rather than allocated to the provision of a nearby road'. However were members minded to approve this scheme then these heads of terms and amounts etc could then be negotiated upon.

CONCLUSION

This site is allocated for residential development in the Local Plan, however DCC has now provided a clear indication that this site is crucial in enlarging the school allocation site and enabling a new primary school and nursery to be built. There is a commitment to acquire the site from the County Council. This is a material planning consideration which members must give weight to when reaching a decision. It is your officer's advice that this is a very significant consideration and, despite the proposal for residential being in-line with the allocation on H4, should form a substantive basis on which to resist the proposed residential development.

**PLANNING APPLICATIONS AND ENFORCEMENT REPORTS
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Human Rights

Due regard has been given to the provisions of the European Convention on Human Rights, and in particular to the rights under Article 1 of the First Protocol of the owner of the site with respect to his rights to peaceful enjoyment of possession and protection of property. Due regard has also been given to the rights under Article 8 of the neighbouring properties, with respect to their rights for private and family life. In arriving at this recommendation, whilst the effect of the recommendation on the applicants is acknowledged, the impact has been carefully balanced against the wider community interest.

RECOMMENDATION

REFUSE for the following reason:

1. The proposed residential scheme, by reason of its location immediately adjacent to, and containing the access for, a site identified within the local plan as a school site, would prevent the timely delivery of an adequate and important piece of community infrastructure which has been identified as necessary to support the sustainable growth of the Town. As such this proposal is contrary to policies SP1, SP4, SP14 and H4 of the West Devon Local Plan, the development brief for H4 and the principles of the NPPF.

WARD: **Low Valley/Okehampton East** (Cllrs J McInnes; K Ball; A Leech)

APPLICATION NO: 02420/2012

LOCATION: Land Adjacent to Baldwin Drive, Radford Way,
Okehampton, Devon

APPLICANT NAME: Leander Developments

APPLICATION: Outline

PARISH: Okehampton Hamlets/Okehampton

GRID REF: 259975 95664

PROPOSAL: Outline planning application for residential use with access to be considered.

CASE OFFICER: Malcolm Elliott

TARGET DATE: 06/06/2012

This application is before committee at the request of Councillor McInnes due to 'the strategic nature of the site.'

This application is a major application and also a departure from the Local Plan.

PROPOSAL

**PLANNING APPLICATIONS AND ENFORCEMENT REPORTS
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Outline application for residential development with access to be considered. The application is subject to draft heads of terms to be secured by a section 106 agreement to ensure the delivery of the required contributions and obligations.

The heads of terms proposed by the applicant's at present cover:

- a highway contribution of £1000 per unrestricted dwelling
- a community facilities contribution of £700 per unrestricted dwelling
- an education contribution £5,576.53 per unrestricted dwelling
- the provision of affordable housing, (currently proposed at 35%)
- POS provision and maintenance
- management and maintenance of Suds scheme

SITE AND SURROUNDINGS

The site is located within the Okehampton settlement boundary, comprising the area shown in the adopted and retained local plan as being allocated for a school site and an element of the adjacent land which is allocated for residential use. The site is currently bounded on three sides to the north, south and west by residential development; that to the north is still under construction. To the west the site is currently open, however, this area has an outline permission for residential development and is allocated for housing within the Local Plan under site allocation and policy H4.

There are currently pedestrian links to the site, these currently terminate at the site boundary but there are pedestrian links from Fox Close and Baldwin Drive with a vehicular width access from Radford Way and a vehicular access under construction to the northern boundary from Crediton Road. The site slopes down towards the northern boundary. This northern boundary is currently a Devon bank interspersed with semi-mature deciduous trees, with longer views to the north, the land rises and agricultural fields and Abbeyford Woods are clearly visible with longer views out towards North Tawton to the north east.

There is no current development on the site, its last known use was for agricultural purposes, the area looks to have been recently worked agriculturally and has a recent addition of post and wire fence on the eastern boundary. Properties to the south of the application site are set on slightly higher land than the application site itself, they are predominantly bungalows. Due to the variation in levels the majority of the bungalows which back onto the site which are placed along Baldwin Drive, Radford Way have got windows which look over their rear boundaries and into the application site. The boundary on this side is a combination of post and wire fencing with a stone retaining wall behind and a predominantly 1.8m high close board fence above that. Some of the properties in the Howard Close area to the west are chalet style bungalows with first floor accommodation, some of these first floor windows are visible from the application site. The boundary to the west is post and wire fencing with quite a deep margin which takes an approximately 2m high predominantly hazel hedge which continues for the full length of the western boundary. There is also a group of large ash trees towards the northern end of this boundary.

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There is a very dense boundary to the north of the site with a post and wire fence, with a mixture of dense native shrubs and trees beyond, the land also continues to fall in this direction beyond the boundary of the two storey properties on the site currently being developed by Persimmon are set at a lower level than the application site level.

CONSULTATIONS

Okehampton Hamlets Parish Council: 'The Council objects to the above application on the following grounds.

As per the adopted Core Strategy Local Plan the site is the preferred location for a second primary school for Okehampton – the site should not be allocated for alternative use. Access to this site for a school could be flexible, even if other potential sites were identified, access would not be as good as it is for this site. The number of primary school places required in Okehampton will increase with the ongoing developments and it essential there is a site for this to happen. Releasing this land could hinder the statutory duty of Devon County to provide school places.

We understand DCC has approved the purchase of a new primary school site and budget allocated.

The site should therefore remain for the purpose of a new primary school.'

Okehampton Town Council: Object on the grounds that public and planning interest were harmed in relation to the preferred use of the site for a school.

Dartmoor National Park Authority: Due to the distance from the DNP boundary and the character of the surrounding residential development, these proposals will have no adverse effect on the National Park.

Environmental Health Officer: Recommend conditions relating to possible contamination of the site.

Flood risk and drainage engineer: No objection in principle however the exact scheme and locations will need to be conditioned for approval by the LPA.

Environment Agency: 'In the absence of an acceptable Flood Risk Assessment (FRA) we object to this application on flood risk grounds. As submitted the proposed surface water drainage system is unsatisfactory, however we consider that if it is redesigned to the requirements set out below our objection could be resolved.'

'...the applicant's Agent has by email dated 29 March 2012, confirmed that the foul effluent arising from the proposal will drain to the foul sewer on the adjacent Linden Homes site which will be adopted by South West Water. We would have no objection to this mains sewerage connection'

Countryside and Community Projects Officer: Suggests that the proposed £700 per unrestricted dwelling be retained, but that the contribution follows the precedent

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of other substantial developments within West Devon, and as such, the term be revised to 'Community Facilities Contribution', and the definition revised to:

'For the provision of new, and enhancement of existing Community Facilities within the Okehampton area to be determined by the Borough Council.' Or similar rather than as proposed which is to use the money to build the Link road.

With regards to ecology, this application could meet the 3 derogation tests and meet the test for favourable conservation status with conditions but planning officers may want to explore the first test given the alternative use of the site for housing rather than as a school.

Devon County Council Strategic Planning Children's Services:

Education contributions: The Primary School that serves the address of this development is Okehampton Primary and is at capacity. The development is expected to produce 10.75 primary aged pupils thus the contribution required is £140,201.50 'which would be used towards a new primary school required to serve Okehampton plus £3,090.63 for ICT equipment. An appropriate contribution is also sought towards purchasing land required for a new primary school in Okehampton.'

The Secondary School affected is Okehampton College. The scheme is expected to produce 6.45 secondary aged pupils which requires £108,301.95 plus £9,352.50 for ICT.

Principle of the school site allocation inclusion in this site: 'Devon County Council requires this site to ensure it is able to meet its statutory responsibilities in respect of the provision of sufficient primary pupil places and early years provision.

Therefore, the Authority objects to the application on the following grounds:

1. The site is identified in the local plan, as amended by the adopted Core Strategy April 2011, as follows:

"Land on the Eastern Edge of Okehampton (15.4 hectares) - the site is located between Exeter Road and Crediton Road. It is an extensive area of land sloping to the northeast. Although the site is large, the land to the east of the town is, for the most part less sensitive than that to the west and it is also likely to be more practical to develop. Whilst the site is not particularly close to the town centre, it is adjacent to the area allocated for employment uses. It will be important for the development to provide links for pedestrians, cyclists and public transport as well as cars, directly to the adjacent industrial estate.

The location is also a preferred location for the second primary school for Okehampton and a site has been reserved for this use."

Devon County Council cannot bring new provision forward without having a secured site that is large enough to accommodate a 420 place primary school and 52 place nursery. A site of 1.8ha is required to ensure adequate primary and early years provision to support the existing and proposed future expansion to the East of

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Okehampton. Other sites have been considered but do not support sustainable transport to school nor can be developed in a timely manner.

2. Devon County Council has a statutory duty to provide school places for pupils. There is already significant pressure on reception places in Okehampton. With approved but unimplemented housing development and the proposed expansion to the East of Okehampton, pupil numbers are projected to continue rising. During the next five years there will be an increase in primary pupils requiring a place in Okehampton and it will be essential for an additional primary school with early years provision to be established within that period. Without a secure site for primary provision, additional housing development in the area will only serve to put further pressure on existing provision resulting in parents having to send their children to a school outside of the town and creating additional traffic in the town centre.

3. Devon County Council is unable to bring forward a new school promoter without having secured a site.

4. Access to the school site would be flexible either off the new link road or via Radford Way.

5. Devon County Council Cabinet has approved the purchase of a new primary school site in Okehampton and allocated funding in the 2012/2013 Capital Programme and Legal and Estates are commissioned. In addition, Devon has signed section 106 contributions from existing development to support the new primary school build.

In summary, Devon County Council requires this site for primary school provision and there is a firm commitment in place to acquire the extended site. Should this site be allocated for housing development Devon County Council would require the education contributions requested in its letter of 27 March 2012 (as detailed above).

I hope this provides sufficient information for WBDC Development Committee to support the development of critical primary infrastructure in the town.'

It is important to clarify here that not the whole of this application site is allocated as a school site, a proportion of it to the east of the site is allocated in the West Devon Borough Development Plan as residential land. The allocated school site is 1.2 ha only, this application site takes in an additional ~ 0.6ha of residentially allocated land to form the current 1.8ha application site.

Devon County Council Highways Authority: comments/observation - the access points are adequate to serve the number of properties but pedestrian and cycle links would be required.

Devon County Council Archaeology: Do not require a condition

South West Water: no objections

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Local Residents/Interested Parties: 12 letters of representation have been received:

8 support/comment only

- This would allow for downsizing and more housing is needed but the local infrastructure can't support a denser population such as more young families moving to the area
- Happy with the low density and mainly bungalow design attracting mainly retired occupants, higher density or higher properties would be out of character and unacceptable and allow for occupation by families with teenagers who may cause disturbance
- Support this development but suggest there should be some residential development on the western side of Okehampton too
- The density should not be raised as it leads to more car movements and a loss of privacy and green areas
- Would ask that there is less construction noise and dust than other adjacent development have caused

4 letters stating the following:

Our preference would be a new school for future generations but, as the County Council has indicated there is no need for one at present which is rather short sighted of the Council we very strongly support the Leander development'

Support this lower density scheme but 'I further think that the Council should retain the site for further needs for a school which will be needed when the population of Okehampton grows with the other housing developments in the area take place'.

'Personally I would prefer a school to be built on this site. Okehampton will eventually need more schools and if any land available is already developed then any new schools will have to be built away from the town centre, causing problems for parents of school age children getting their children to school. Lastly do we really need more housing when everyone knows there us an unemployment problem in this area?'

'It seems to be very short-sighted of the County Council if they have now decided to allow the site to be used for housing, especially with the proposed housing planned to the east of Okehampton'.

PLANNING HISTORY

10837/2007/OKE – Certificate of appropriate alternative development – Residential use of the allocated school site – issued 24/9/07, expires 24/9/12

11590/2008/OKE – County matters application for a primary school. Outline with all except appearance to be considered – Granted conditional consent 6/6/08 (permission has now expired)

01947/2011 – Outline application (all matters reserved) for a school – appealed on non-determination but appeal subsequently withdrawn. (Committee resolved on

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28/2/12 that had this been a live application before them for determination then they would have approved it.)

01977/2011 – Outline application for residential development with access to be considered – refused under delegated powers on 21/11/11

1. The proposal, by reason of its proposed point of access, would prevent delivery of the preferred route of access to the allocated school site and delivery of the spine road through the H4 allocation from Crediton Road to Exeter Road. As such it would inhibit infrastructure delivery and be contrary to policies H4, T4, T9, SP4 and SP14 of the West Devon Development Plan and policies TR10 and TR4 of the Devon Structure Plan.

2. The proposal by reason of the lack of agreement or undertaking to provide an affordable housing contribution, is contrary to the policy requirements of Core Strategy Policy SP9 'Meeting Housing Needs'.

02418/2012 – Outline application for residential use with access (9 dwellings) – currently live and before this committee for determination. This site is a part of this current application 02420/2012

POLICY FRAMEWORK

Structure Plan 2001 - 2016 Policy/Policies

CO6 Quality of new development
CO10 Biodiversity
CO8 Archaeology
TR10 Highways
TR4 Parking
TR5 Public Transport

Local Plan Review Policy/Policies

BE7 Archaeology
BE19 Contaminated Land
H4 Land to the East of Okehampton
H28 New residential development
T9 Highway safety
T5 Public Transport

Core Strategy Policy/Policies

SP1 Sustainable development
SP4 Infrastructure delivery
SP9 Mix of housing
SP14 Accessibility planning
SP17 Landscape
SP18 Heritage
SP19 Biodiversity

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Development brief for H4
NPPF

ASSESSMENT

The main planning issues relating to this application are those regarding the principal of residential development on this area of land and its contribution towards the delivery of site H4 and its development brief requirements.

Principle

There is an objection in principle with residential development on part of the application site as under the 2005 H4 allocation a large proportion of it was designated for a school use. It is clearly evident that Devon County Council (DCC) require the whole site (that allocated within the local plan for the school and the adjacent land allocated as residential) to secure the delivery of the Primary School and nursery. The application site as a whole is required for the school and access to the allocated site can only be obtained through the residential allocation. The allocated school site would become land locked without access through that part of the application site subject to the residential allocation. The very firm indication from DCC that the whole site is required for the school is a material consideration in the determination of this planning application.

Although the previous DCC permission for a school has lapsed now there is a clear commitment from DCC both in terms of their response to this application and in terms of the recent actions at DCC to secure funding for the purchase of the site through allocating funding in the 2012/2013 Capital Programme and that the legal and estates team have been commissioned to do so.

This allocation of the land in the development plan and the clear and committed response from DCC are both material planning considerations in the assessment of this application which carry great weight and have been carefully considered. The provision for such an infrastructure requirement, adherence to the development plan and consultation with education provision bodies are also clearly supported in the newly adopted National Planning Policy Framework which has the following relevant extracts:

‘This national planning policy framework does not change the statutory status of the development plan as the starting point for decision making. Proposed development that accords with an up-to-date Local Plan should be approved, and proposed development that conflicts should be refused unless other material considerations indicate otherwise.’ (Para 12 page 3).

The core planning principles of the NPPF are designed to underpin plan-making and decision taking and number 12 states that planning should ‘take account of and support local strategies to improve health, social and cultural wellbeing for all, and deliver sufficient community and cultural facilities and services to meet local needs.’ (page 6).

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It goes on to say that 'for larger scale residential development in particular, planning policies should promote a mix of uses to provide opportunities to undertake day-to-day activities including work on site. Where practical, particularly within large-scale developments, key facilities such as primary schools and local shops should be located within walking distance of most properties.'(para 38 page 10). H4 is one such large scale residential development as a whole and this section of the NPPF clearly identifies that the necessary supportive infrastructure such as a primary school should be located close to it.

In paragraph 72 the NPPF specifically states that: 'the Government attaches great importance to ensuring that a sufficient choice of school places is available to meet the needs of existing and new communities. Local Planning authorities should take a proactive, positive and collaborative approach to meeting this requirement, and to development that will widen choice in education. They should:

- Give great weight to the need to create, expand or alter schools; and
- Work with school promoters to identify and resolve key planning issues before applications are submitted.' (pages 17-18).

Delivery of H4

The site brief for H4 discusses the delivery of the site and the Council's aspirations for its content and infrastructure, this includes a spine road through the site in order to allow for a public transport link through the site but also to relieve pressure on other junctions and links through town. This scheme does show this required spine road link but does conflict with the brief in that the brief requires a school to be delivered on the allocated school site in order to provide the necessary infrastructure to support the additional residential housing under construction/allocated on the East of Okehampton. The proposed spine road/link is located within that part of the site designated as residential in the Development Plan.

Drainage

Although the Borough Council engineer has raised no objections in principle to the type of drainage scheme proposed at this outline stage, the EA, at the time of writing, had raised an objection but considered it could be overcome. The EA have commented that. The submitted FRA does not follow the previously agreed strategy for this site which was a 1 in 100 year event plus 30% for climate change (which was a result of the Brightley stream flood risk and the variable drainage rates over the H4 site). At the time of writing there were also discrepancies within the submitted FRA. The EA have invited discussion to resolve their objection and WDBC officers have encouraged the agent to engage in this. The EA and Borough engineer have no issue with the proposed means of foul drainage disposal, however this does rely on access over the adjacent land which is not within the applicant's control and does not currently benefit from a full or reserved matters approval.

It may be that the SuDS design could be the subject of a pre-commencement condition however an oral update will be provided to members at the committee.

Biodiversity

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With regards to biodiversity an up to date survey has been carried out to update the previous in depth survey. These are considered acceptable and provide adequate detail for officers to assess the impacts of the proposal. This proposal will trigger an offence under the habitats regulations as the northern boundary hedge contains active dormice and their habitat and this hedge must be intersected by the spine road in order to join the existing road to the north. The first of the three derogation tests is whether there is an over-riding public interest. Although there is not such a reason in this scheme in that the proposal is for housing rather than the required school, the trigger for the habitats regulation license is the punch through the northern hedge for the spine road and this road does have an over-riding public interest and would be required irrelevant of the use of the remainder of the application site – be it school, residential or other use. As such it is considered that as the reason for the license is caused by the road rather than specifically as a result of the housing proposed, then the 1st test is met and as there remains no satisfactory alternative for the route of the spine route the 2nd test continues to be met. With suitable conditions and mitigation and enhancement it is considered that the 3rd test would also be met and as such a license would be likely to be issued by Natural England.

Other

Policy SP9 requires that 40% of such a residential development would be affordable housing. Although the initially submitted legal agreement from the agent states 35%, they have subsequently agreed to provide 40%. The legal agreement submitted is a unilateral undertaking which officers are not content to accept as they consider that interested parties such as WDBC and DCC should be signatories – thus a s106 agreement rather than a unilateral undertaking is required. The agents and applicant's have agreed to such an agreement with 40% affordable housing and the same heads of terms as are currently proposed in the undertaking, however they wish this negotiation to be reserved until after a committee resolution, i.e. if members wish to approve this application it would need to be a 'delegate to Development Manager to approve subject to the receipt and signing of an acceptable s106 agreement'.

The heads of terms proposed by the applicant's at present cover:

- a highway contribution of £1000 per unrestricted dwelling
- a community facilities contribution of £700 per unrestricted dwelling
- an education contribution £5,576.53 per unrestricted dwelling
- the provision of affordable housing, (currently proposed at 35%)
- POS provision and maintenance
- management and maintenance of Suds scheme

The agent's have questioned DCC's request for additional monies for education to find a new school.

There are elements of these provisions that officers are not currently in agreement with, however were members minded to approve this scheme then these heads of terms and amounts etc could then be negotiated upon.

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Issues regarding contaminated land could be conditioned on an approval.

DCC Highways have raised no objection to the proposed highway access points to the proposal but have requested pedestrian and cycle links are included at reserved matters stage onto adjacent roads. Although layout is reserved at this stage it would not be acceptable to have a road within this proposal site which linked Baldwin drive to the Persimmon Homes site and Crediton Road as this may create a 'rat run' between Exeter and Crediton Roads, the current indicative layout shows only a pedestrian link between the two which would be acceptable.

Conclusion

A significant part of the application has been a long standing school site allocation in the Local Plan. DCC have now provide a clear indication that the whole site is required for a new primary school and nursery and there is a commitment to acquire the site. This is a material planning consideration which members must give weight to when reaching a decision. It is your officer's advice that this is a very significant consideration and should form a substantive basis on which to resist the proposed residential development.

Human Rights

Due regard has been given to the provisions of the European Convention on Human Rights, and in particular to the rights under Article 1 of the First Protocol of the owner of the site with respect to his rights to peaceful enjoyment of possession and protection of property. Due regard has also been given to the rights under Article 8 of the neighbouring properties, with respect to their rights for private and family life. In arriving at this recommendation, whilst the effect of the recommendation on the applicants is acknowledged, the impact has been carefully balanced against the wider community interest.

RECOMMENDATION

REFUSE for the following reason:

1. The proposed residential scheme, by reason of its location incorporating a site identified within the local plan as a school site, would prevent the timely delivery of an important piece of community infrastructure which has been identified as necessary to support the sustainable growth of the town. As such this proposal is contrary to policies SP1, SP4, SP14 and H4 of the West Devon Local Plan, the development brief for H4 and the principles of the NPPF.

WARD: **Lew Valley** (Cllr J McInnes)

APPLICATION NO: 02298/2012

LOCATION: Ashbury Golf Club, Higher Maddaford, Southcott,
Devon, EX20 4NL

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APPLICANT NAME: Mr S Essex
APPLICATION: Removal of Condition\Variation of Condition
PARISH: Okehampton Hamlets
GRID REF: 253995 94761
PROPOSAL: Variation of condition number 2 of planning permission
number 01845/2011 in order to allow finish materials to
match existing
CASE OFFICER: Anna Henderson-Smith
TARGET DATE: 27/04/2012

PROPOSAL

Variation of condition 2 of planning permission 01845/2011 in order to allow finish materials to match existing.

This application is before planning committee at the request of Cllr Sanders as the original condition which is the subject of this variation was imposed by planning committee.

SITE AND SURROUNDINGS

The existing accommodation in what is the Moor View complex is three storeys high, dark brown windows, some elements of dark brown external cladding and box profile type roofing, the majority of the external facing is either stone clad or has light brown coloured rough cast render finish, and there is red soldier brickwork over the windows and an existing grey coloured timber staircase. Surrounding area at the moment includes a high fence and the adjacent area leads straight onto the golf course. Proposed footprint for the application site will take in an area of parking, this high fence and a small area of the existing golf course, which include several youngish trees of mixed species. This site is set high to the surrounding countryside with long views out, particularly to the east. To the immediate south, is car parking currently and the buggy track, there is an approx 2m high bund and mature deciduous trees predominantly oak beyond to the south and the land drops away quite sharply.

CONSULTATIONS

Okehampton Hamlets Parish Council: Neutral view

County Highways Authority: Do not wish to comment

Local Residents/Interested Parties: no comments received

PLANNING HISTORY

01845/2011 – extension to provide 30 additional hotel bedrooms and dining room extension – granted by committee on 8/11/11 subject to conditions including the following materials condition:

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Notwithstanding the details submitted, full details of the external facing materials of the hotel extension shall be submitted to, and approved in writing by the LPA, and the development completed in accordance with these approved details.

Reason: In the interests of visual amenity and landscape impact in accordance with policies NE10 and SP17 of the Development Plan.

POLICY FRAMEWORK

Structure Plan 2001 - 2016 Policy/Policies

- TO3 Tourist Development in Rural Areas
- TO5 Major Recreational Facilities (and Golf Courses)
- CO6 Quality of New Development
- TR10 Strategic Road Network and Roadside Service Areas
- TR4 Parking Strategy, Standards & Proposals
- TR5 Hierarchy of Modes

Local Plan Review Policy/Policies

- T5 Public Transport
- T8 Car Parking
- T9 The Highway Network
- PS2 Sustainable Urban Drainage
- ED16 Development for Employment in the Countryside
- TLS1 Holiday Accommodation
- NE10 Protection of the Countryside and Other Open Spaces

Core Strategy Policy/Policies

- SP1 Sustainable Development
- SP10 Supporting the Growth of the Economy
- SP11 Rural Regeneration
- SP14 Accessibility Planning
- SP15 Traffic Management
- SP17 Landscape Character
- SP19 Biodiversity
- SP20 Promoting High Quality Design
- SP21 Flooding

ASSESSMENT

The 30 bed hotel extension was granted by planning committee in November 2011, however members were concerned about the proposed finish which was to match existing (pink/brick coloured render, brown box profile cladding and random stone with soldier brickwork over the windows). As such the proposal was granted but with the above condition in order to attain an alternative finish to the building.

The relevant pre-commencement conditions were then discharged showing a pale render finish colour to all three elevations of the hotel extension.

Following this however the applicants entered into discussion with officer regarding reverting to a materials finish more similar to that at present, as a result the current

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application proposes to use the same brown box profile cladding as at present on the rear (screened) North elevation and a similar coloured render to the remaining east and south elevations to that at present (pink/brick colour) with soldier brickwork to the windows. However the previously proposed natural stone finish areas would be omitted such that the elevations were wholly render.

Overall this finish is considered a reasonable and pragmatic approach given what has been previously approved on this complex and as this is the third and final phase of an existing hotel building. The omission of the stonework will make the finish less 'busy' and a simpler finish in close and longer landscape views.

The previous conditions have been reiterated below with the alterations of the materials condition (number 2) to allow for this change and to request a sample panel of the render colour on-site to be approved by the Local Planning Authority prior to its use (such a requirement has been agreed with the applicant).

The landscape and drainage conditions have also been updated to reflect the submission of details to satisfy these conditions on the initial planning permission.

Human Rights

Due regard has been given to the provisions of the European Convention on Human Rights, and in particular to the rights under Article 1 of the First Protocol of the applicant(s) with respect to his/her/their right to peaceful enjoyment of possessions and protection of the property. Due regard has also been given to the rights, under Article 8, of local residents with respect to their rights for private and family life. In arriving at a recommendation the rights of the applicant(s) have been balanced against the interests, as expressed through the Development Plan and Central Government Guidance.

Reason for Approval

This application has been determined in accordance with Section 38 of The Planning & Compulsory Purchase Act 2004 which states that planning applications must be determined in accordance with the Development Plan unless material considerations indicate otherwise. This application has been determined in accordance with approved Development Plan Policies; relevant Government planning policy guidance; and approved in the absence of any other overriding material considerations and having given due weight to all other matters raised in this application including technical and other representations received. The relevant Policies are TO3, TO5, CO6, TR10, TR4, TR5, T5, T8, T9, PS2, ED16, TLS1, NE10, SP1, SP10, SP11, SP14, SP15, SP17, SP19, SP20 and SP21.

RECOMMENDATION

GRANT subject to the following conditions (carried over from the original permission for the extension apart from conditions 2, 5 and 6 which have been altered to reflect this application):

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

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permission is granted.

2. The finish materials shall be box profiling to the north elevation and render only to the south and east elevations as per those specified in drawing number 1019-6 dated 9/3/12. Prior to the application of the render a test panel shall be constructed in situ and the Local Planning Authority to be notified in writing, render shall not be applied until the Local Planning Authority has agreed in writing to the render colour.
3. The dining area and additional accommodation, as approved, shall be ancillary to the existing tourism and leisure on-site and shall not be used as a separate restaurant or accommodation facility.
4. 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) should 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 should be submitted to approved, in writing, by the Local Planning Authority.

5. The drainage scheme as previously submitted (as application 02148/2011) shall be implemented in full prior to the first occupation of the development hereby approved.
6. Adherence to hard and soft landscaping schemes as previously submitted (as application 02148/2011).

All landscape works shall be carried out in accordance with the approved details within 6 months of the date of the first occupation of any building or completion of development whichever is the sooner, unless agreed in writing with the Local Planning Authority. Any trees, plants, grassed areas which within a period of 5 years from the date of planting die, are removed or become seriously damaged or diseased shall be replaced in the first available planting season with others of similar size species or quality, unless the Local Planning Authority gives written consent to any variation.

PLANNING APPEALS UPDATE

APPLICATION NO: 01928/2011
APPLICANT: Mr J Collins
PROPOSAL: Retrospective application for additional living accomodation
LOCATION: Waldons, Iddesleigh, Winkleigh, Devon, EX19 8BA
APPEAL STATUS: **APPEAL LODGED**
APPEAL DECISION
APPEAL START DATE 22/03/2012
APPEAL DECISION DATE

APPLICATION NO: 02075/2011
APPLICANT: Mr G Short
PROPOSAL: Erection of building for use as barbeque lodge (retrospective).
LOCATION: Land Adjacent To Spring Croft, New Road, Lifton, Devon
APPEAL STATUS: **APPEAL LODGED**
APPEAL DECISION
APPEAL START DATE 02/04/2012
APPEAL DECISION DATE

APPLICATION NO: 01536/2011
APPLICANT: Mr S Haigh
PROPOSAL: Change of use of shop to residential accommodation.
LOCATION: The Village Shop, Chillaton, Lifton, Devon, PL16 0HR
APPEAL STATUS: **APPEAL LODGED**
APPEAL DECISION
APPEAL START DATE 03/04/2012
APPEAL DECISION DATE

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WARD: Bere Ferrers
APPLICATION NO: 02301/2012
LOCATION: 29 Broad Park Road, Bere Alston,
Yelverton, Devon, PL20 7AH
APPLICANT NAME: Mr J Trotter
APPLICATION: Full
GRID REF: 244520 67072
PROPOSAL: Householder application for erection of
garage and hardstanding.
CASE OFFICER: Ben Wilcox
DECISION DATE: 20/03/2012
DECISION: Conditional Consent

WARD: Bridestowe
APPLICATION NO: 02300/2012
LOCATION: Apple Barn, Thorndon Cross,
Okehampton, Devon, EX20 4NG
APPLICANT NAME: Mr D Arney
APPLICATION: Full
GRID REF: 251806 92431
PROPOSAL: Householder application for erection of
garage/workshop, shed, greenhouse and
addition of flue to dwelling
CASE OFFICER: Laura Batham
DECISION DATE: 09/03/2012
DECISION: Consent

WARD: Bridestowe
APPLICATION NO: 02383/2012
LOCATION: Pittsworthy Farm, Thorndon Cross,
Okehampton, Devon, EX20 4NG
APPLICANT NAME: Western Power Distribution
APPLICATION: Electricity
GRID REF: 251712 93009
PROPOSAL: Construction of new overhead electricity
line
CASE OFFICER: Anna Henderson-Smith
DECISION DATE: 23/03/2012

DECISION:	No Objection
WARD:	Bridestowe
APPLICATION NO:	02402/2012
LOCATION:	Copper Beech, Bratton Clovelly, Okehampton, Devon, EX20 4JJ
APPLICANT NAME:	Mr and Mrs Bellamy
APPLICATION:	Full
GRID REF:	249748 93037
PROPOSAL:	Amended scheme for the replacement of existing dwelling including conversion of existing dwelling to calf rearing shed and change of use of land from domestic to agricultural and change of use of corner of field from agricultural to domestic to provide new improved access
CASE OFFICER:	Mr Louis Dulling
DECISION DATE:	03/04/2012
DECISION:	Conditional Consent
WARD:	Bridestowe
APPLICATION NO:	02437/2012
LOCATION:	Fernworthy, Bridestowe, Okehampton, Devon, EX20 4EU
APPLICANT NAME:	Mr. P Fleming
APPLICATION:	Discharge of Condition
GRID REF:	251106 87000
PROPOSAL:	Discharge of Condition 5 of planning application 00518/2010 for Change of use of pig shed and barn to ancillary domestic use and erection of tractor storage shed
CASE OFFICER:	Mr Louis Dulling
DECISION DATE:	27/03/2012
DECISION:	Consent

WARD: Buckland Monachorum
APPLICATION NO: 01813/2011
LOCATION: Buckland Abbey, Buckland Monachorum,
Yelverton, Devon, PL20 6EY
APPLICANT NAME: National Trust
APPLICATION: Full
GRID REF: 248720 66777
PROPOSAL: Replacement of existing lighting with
solar powered lighting including
installation of solar panels.
CASE OFFICER: Katie Graham
DECISION DATE: 23/03/2012
DECISION: Conditional Consent

WARD: Buckland Monachorum
APPLICATION NO: 02277/2012
LOCATION: 37 Chapel Meadow, Buckland
Monachorum, Yelverton, Devon, PL20
7LR
APPLICANT NAME: Mr A Young
APPLICATION: Full
GRID REF: 248813 68383
PROPOSAL: Householder application for replacement
roof
CASE OFFICER: Katie Graham
DECISION DATE: 15/03/2012
DECISION: Conditional Consent

WARD: Buckland Monachorum
APPLICATION NO: 02330/2012
LOCATION: Cemetery, The Village, Buckland
Monachorum, Devon, PL20 7NA
APPLICANT NAME: Mrs D Ashton
APPLICATION: Discharge of Condition
GRID REF: 248958 68434
PROPOSAL: Discharge of condition 2 attached to
planning permission 02096/2011 for
alterations to existing car park to provide
additional spaces and turning area and

CASE OFFICER: change of use of land to burial area.
Ben Wilcox

DECISION DATE: 27/03/2012

DECISION: Consent

WARD: Buckland Monachorum

APPLICATION NO: 02359/2012

LOCATION: 6 Chapel Meadow, Buckland
Monachorum, Yelverton, Devon, PL20
7LR

APPLICANT NAME: Mrs J Moore

APPLICATION: Works to Trees in Cons Area

GRID REF: 248927 68499

PROPOSAL: Works to trees in a Conservation Area for
the reduction of a Beech located in the
rear garden of 6 Chapel Meadow back to
previous pruning points.

CASE OFFICER: Georgina Browne

DECISION DATE: 22/03/2012

DECISION: Permission Not Required

WARD: Buckland Monachorum

APPLICATION NO: 02407/2012

LOCATION: Bickham Farm, Roborough, Devon, PL6
7BJ

APPLICANT NAME: Western Power Distribution

APPLICATION: Electricity

GRID REF: 249405 65269

PROPOSAL: Electricity application to erect an
additional pole next to pole 33BH7A to
facilitate the construction of a new pole
mounted transformer.

CASE OFFICER: Ben Wilcox

DECISION DATE: 26/03/2012

DECISION: No Objection

WARD: Drewsteignton
APPLICATION NO: 02295/2012
LOCATION: Lynderies, Spreyton, Crediton, Devon,
EX17 5AN
APPLICANT NAME: Mr and Mrs Jewell
APPLICATION: Full
GRID REF: 269942 97377
PROPOSAL: Householder Application for a single
storey extension to form a garden room /
granny annexe.
CASE OFFICER: Laura Batham
DECISION DATE: 04/04/2012
DECISION: Conditional Consent

WARD: Exbourne
APPLICATION NO: 02279/2012
LOCATION: Courtneys, Sampford Courtenay,
Okehampton, Devon, EX20 2SL
APPLICANT NAME: Mr R Yelland
APPLICATION: Full
GRID REF: 262947 98777
PROPOSAL: Change of use of land to include the
erection of a storage building to house
classic tractor and steam roller
CASE OFFICER: Mr Louis Dulling
DECISION DATE: 21/03/2012
DECISION: Conditional Consent

WARD: Hatherleigh
APPLICATION NO: 02291/2012
LOCATION: Land to rear of 7 High Street,
Hatherleigh, Devon
APPLICANT NAME: Hartleigh Restoration
APPLICATION: Full
GRID REF: 254203 104454
PROPOSAL: Erection of one 5 bedroom dwelling and
garage
CASE OFFICER: Laura Batham

DECISION DATE: 15/03/2012
DECISION: Conditional Consent

WARD: **Hatherleigh**

APPLICATION NO: 02310/2012
LOCATION: 11 South Street, Hatherleigh,
Okehampton, Devon, EX20 3JB
APPLICANT NAME: Mrs C Plaskett
APPLICATION: Listed Building
GRID REF: 254143 104294
PROPOSAL: Works to listed building including
replacement windows, glazing and
raising of window cill level on one
window
CASE OFFICER: Laura Batham
DECISION DATE: 29/03/2012
DECISION: Conditional Consent

WARD: **Lew Valley**

APPLICATION NO: 02115/2011
LOCATION: Land Opposite Old Inn Cottage,
Inwardleigh, Devon
APPLICANT NAME: Mr J Harris
APPLICATION: Full
GRID REF: 256079 99350
PROPOSAL: Replacement of barn with new dwelling
CASE OFFICER: Laura Batham
DECISION DATE: 15/03/2012
DECISION: Conditional Consent

WARD: **Lew Valley**

APPLICATION NO: 02351/2012
LOCATION: 48 Sterlings Way, Okehampton, EX20
1FP
APPLICANT NAME: Mr M Hunt
APPLICATION: Full
GRID REF: 259897 95821

PROPOSAL: Householder application for the erection
of rear conservatory
CASE OFFICER: Mr Louis Dulling
DECISION DATE: 22/03/2012
DECISION: Consent

WARD: Lew Valley
APPLICATION NO: 02371/2012
LOCATION: The Parks, Ashbury, Okehampton,
Devon, EX20 3PE
APPLICANT NAME: Mr G Dixon
APPLICATION: Removal of Condition\Variation of
Condition
GRID REF: 250689 97841
PROPOSAL: Removal of condition 2 of previously
approved application 02113/2011
CASE OFFICER: Mr Louis Dulling
DECISION DATE: 23/03/2012
DECISION: Consent

WARD: Milton Ford
APPLICATION NO: 02276/2012
LOCATION: Chillaton House, Chillaton, Lifton, Devon,
PL16 0JD
APPLICANT NAME: Sir C Townsend
APPLICATION: Full
GRID REF: 242686 81800
PROPOSAL: Installation of 4kw ground mounted
photovoltaic array.,
CASE OFFICER: Ben Wilcox
DECISION DATE: 15/03/2012
DECISION: Conditional Consent

WARD: North Tawton
APPLICATION NO: 02299/2012
LOCATION: Fountain Inn, Exeter Street, North Tawton, Devon, EX20 2HB
APPLICANT NAME: Mr M Hann
APPLICATION: Full
GRID REF: 266420 101699
PROPOSAL: Conversion of loft space to create two flats
CASE OFFICER: Laura Batham
DECISION DATE: 02/04/2012
DECISION: Refusal

WARD: North Tawton
APPLICATION NO: 02304/2012
LOCATION: Ashridge Court, Ashridge Lane, North Tawton, Devon, EX20 2DH
APPLICANT NAME: Mr M Older
APPLICATION: CLEUD
GRID REF: 266994 103280
PROPOSAL: Establishment of whether planning application number 6889/2004/OKE for change of use of barn to residential use has been implemented and is thus extant
CASE OFFICER: Laura Batham
DECISION DATE: 29/03/2012
DECISION: Consent

WARD: Okehampton East
APPLICATION NO: 02306/2012
LOCATION: Ockment Centre, North Street, Okehampton, Devon, EX20 1AR
APPLICANT NAME: Mrs L Svensson
APPLICATION: Full
GRID REF: 258827 95363
PROPOSAL: Installation of photovoltaic panels onto roofslope
CASE OFFICER: Laura Batham

DECISION DATE: 30/03/2012
DECISION: Conditional Consent

WARD: Okehampton East
APPLICATION NO: 02365/2012
LOCATION: 9 Lopes Crescent, Okehampton, Devon,
EX20 1LZ
APPLICANT NAME: Mrs M Hutchings
APPLICATION: Full
GRID REF: 259179 95425
PROPOSAL: Change of use of land to domestic and
erection of garage beside an existing
block of garages
CASE OFFICER: Mr Louis Dulling
DECISION DATE: 23/03/2012
DECISION: Conditional Consent

WARD: Okehampton West
APPLICATION NO: 02328/2012
LOCATION: Graddon House, Tavistock Road,
Meldon, Okehampton, Devon, EX20 4LR
APPLICANT NAME: Mr D Wilson
APPLICATION: Full
GRID REF: 256496 93540
PROPOSAL: Householder application for the erection
of a domestic garage
CASE OFFICER: Mr Louis Dulling
DECISION DATE: 30/03/2012
DECISION: Conditional Consent

WARD: Tavistock North
APPLICATION NO: 02311/2012
LOCATION: 72 Bannawell Street, Tavistock, Devon,
PL19 0DP
APPLICANT NAME: Mr R Pilbeam
APPLICATION: Works to Trees in Cons Area
GRID REF: 247934 74665

PROPOSAL: Works to Trees in a Conservation Area for the felling of a Silver Birch located in the rear garden of 72 Bannawell Street
CASE OFFICER: Georgina Browne
DECISION DATE: 27/03/2012
DECISION: Permission Not Required

WARD: Tavistock North
APPLICATION NO: 02315/2012
LOCATION: 9 Parkwood Road, Tavistock, Devon, PL19 0HG
APPLICANT NAME: Mr P Megicks
APPLICATION: Full
GRID REF: 248407 74726
PROPOSAL: Householder application for the erection of replacement conservatory.
CASE OFFICER: Ben Wilcox
DECISION DATE: 02/04/2012
DECISION: Consent

WARD: Tavistock North
APPLICATION NO: 02350/2012
LOCATION: Round House, Launceston Road, Tavistock, Devon, PL19 8NG
APPLICANT NAME: Ms I Chambers
APPLICATION: Full
GRID REF: 2472740 746790
PROPOSAL: Householder application for the retention of patio and removal of wall.
CASE OFFICER: Ben Dancer
DECISION DATE: 03/04/2012
DECISION: Consent

WARD: Tavistock North
APPLICATION NO: 02357/2012
LOCATION: 68 Deacons Green, Tavistock, Devon,
PL19 8BN
APPLICANT NAME: Mrs S Large
APPLICATION: Tree application
GRID REF: 247084 73379
PROPOSAL: Application to carry out works to trees
under Tree Preservation Order for the
crown thinning of an Oak by 20% and the
crown reduction of a Cherry by 15-20%.
CASE OFFICER: Georgina Browne
DECISION DATE: 22/03/2012
DECISION: Refusal

WARD: Tavistock North
APPLICATION NO: 02361/2012
LOCATION: 27 Frobisher Way, Tavistock, Devon,
PL19 8RE
APPLICANT NAME: Mrs Glover
APPLICATION: Works to Trees in Cons Area
GRID REF: 247493 74344
PROPOSAL: Works to trees in a Conservation Area for
the removal of 2 Sycamores and 1 Elm
located at the top of the railway
embankment behind 27 Frobisher Way
together with the removal of up to 8
Hazel stems also from the top of the
railway embankment.
CASE OFFICER: Georgina Browne
DECISION DATE: 22/03/2012
DECISION: Permission Not Required

WARD: Tavistock North
APPLICATION NO: 02411/2012
LOCATION: The Bedford Hotel, 1 Plymouth Road,
Tavistock, Devon, PL19 8BB,
APPLICANT NAME: Mr M Healing
APPLICATION: Discharge of Condition

GRID REF: 248161 74365
PROPOSAL: Discharge of condition 2 attached to planning permission 01148/2010 for alterations to rear entrance and elevation, installation of platform lift and refurbishment of store for use as gym.
CASE OFFICER: Katie Graham
DECISION DATE: 23/03/2012
DECISION: Consent

WARD: Tavistock South

APPLICATION NO: 01972/2011
LOCATION: 1, 2, 6, 11 Carpark Spaces, Little Field Court, Green Lane, Tavistock, Devon, PL19 9FA
APPLICANT NAME: Mr G Butler
APPLICATION: Full
GRID REF: 249052 74177
PROPOSAL: Householder application for the erection of car port cover to 4 existing parking bays.
CASE OFFICER: Ben Wilcox
DECISION DATE: 15/03/2012
DECISION: Conditional Consent

WARD: Tavistock South

APPLICATION NO: 02334/2012
LOCATION: Merriment House, Priory Gardens, Whitchurch, Tavistock, Devon, PL19 9NZ
APPLICANT NAME: Mr W Inman
APPLICATION: Full
GRID REF: 248752 72936
PROPOSAL: Householder application for the erection of extension.
CASE OFFICER: Ben Wilcox
DECISION DATE: 04/04/2012
DECISION: Consent

WARD: Tavistock South West
APPLICATION NO: 02282/2012
LOCATION: 11 Oak Road, Tavistock, Devon, PL19 9EZ
APPLICANT NAME: Mr B Donnelly
APPLICATION: Tree application
GRID REF: 248223 73081
PROPOSAL: Application to carry out works to trees under Tree Preservation Order for the 20% crown reduction of a Norway Maple located at 11 Oak Road, Bishopsmead.
CASE OFFICER: Georgina Browne
DECISION DATE: 14/03/2012
DECISION: Conditional Consent

WARD: Tavistock South West
APPLICATION NO: 02302/2012
LOCATION: 8 Kestrel Park, Whitchurch, Tavistock, Devon, PL19 9FX
APPLICANT NAME: Mr Nichol & Ms Garcia
APPLICATION: Full
GRID REF: 248619 72501
PROPOSAL: Householder application for erection of extension.
CASE OFFICER: Ben Wilcox
DECISION DATE: 27/03/2012
DECISION: Consent

WARD: Thrushel
APPLICATION NO: 02316/2012
LOCATION: Stowford Court, Stowford, Lewdown, Okehampton, Devon, EX20 4BZ
APPLICANT NAME: Mr G Bevan
APPLICATION: Works to Trees in Cons Area
GRID REF: 243424 86972
PROPOSAL: Works to Trees in a Conservation Area for the reduction of 1 Ash by 5m, the reduction of 1 Sycamore and 1 Oak by

CASE OFFICER:	4.5 - 5m, all trees located on the western garden boundary of Stowford Court in the vicinity of the garage. Georgina Browne
DECISION DATE:	22/03/2012
DECISION:	Permission Not Required

Agenda Item 3

At a Meeting of the **PLANNING & LICENSING COMMITTEE** held at the Council Chamber, Council Offices, Kilworthy Park, Drake Road, **TAVISTOCK** on **TUESDAY** the **24th** day of **APRIL 2012** at **10.00 am**.

Present:

Mrs C M Marsh – Chairman	
Mr P R Sanders – Vice-Chairman	
Mrs S C Bailey	Mr W G Cann OBE
Mrs C Hall	Mr L J G Hockridge
Mr D M Horn	Mr T G Pearce
Mr D M Wilde	

Development Manager
Planning Officer (ML)
Solicitor (Mr N Hill – SHDC)
Committee & Ombudsman Link Officer

In attendance: Mr J McInnes Mr A Leech
Mr D Whitcomb

Mr S Niles – Devon County Council Education Department

*P&L 82 **DECLARATIONS OF INTEREST**

Mrs C M Marsh – Personal – Member of Devon County Council; Chairman of HATOC

Mr P R Sanders – Personal – Member of Devon County and Tavistock Town Councils; Vice-Chairman of HATOC

Mrs C M Marsh and Mr P R Sanders both mentioned that whilst being Members of Devon County Council, they did not serve on any committee associated with the Education Department.

*P&L 83 **CONFIRMATION OF MINUTES**

The Minutes of the Meeting held on 27th March 2012 (page 7 to the Agenda) were confirmed and signed by the Chairman as a correct record.

*P&L 84 **PLANNING, LISTED BUILDING, ADVERTISEMENT AND ENFORCEMENT REPORTS RELATING TO THE NORTHERN AREA OF THE BOROUGH**

The Committee considered the applications prepared by the Development Manager relating to the Northern Area of the Borough (page 16 to the Agenda) and considered also the comments of Parish Councils together with other representations received, which are noted below, and **RESOLVED:**

WARD: Lew Valley (Cllr J McInnes)

APPLICATION NO: 02418/2012

LOCATION: Land to rear of Radford Way, Okehampton, Devon

APPLICANT NAME: Leander Developments

APPLICATION: Outline

PARISH: Okehampton Hamlets
GRID REF: 259975 95664
PROPOSAL: Outline application for residential development with access considered
CASE OFFICER: Malcolm Elliott
TARGET DATE: 04/06/2012

This application came before Committee at the request of Cllr McInnes due to 'the strategic nature of the site.'

PROPOSAL

Outline application for residential development with access to be considered. The application is subject to draft heads of terms to be secured by a s106 agreement.

The heads of terms proposed by the applicants at present cover:

- a transport contribution £1000 per unrestricted dwelling
- a community facilities contribution of £700 per dwelling
- an education contribution of £5,576.53 per open market property
- the provision of affordable housing (currently proposed at 35% but for a scheme of 9 this would be 25% only)
- POS provision and maintenance
- management and maintenance of Suds scheme

CONSULTATIONS

Okehampton Hamlets Parish Council
Okehampton Town Council
County Highways Authority
Environment Agency
South West Water Services
Environmental Health Officer
Dartmoor National Park Authority
Natural England
Flood Risk and Drainage Engineer
Devon County Council Strategic Planning Children's Service
Countryside and Community Projects Officer
Local Residents/Interested Parties: none received.

It was reported that there had been on-going discussions between Devon County Council and the applicants over many years regarding the sale of this piece of land to the County Council. It had been accepted by the County Council that they would have to pay the residential value attributed to the land and Mr Niles (Education Department) confirmed that a sum to purchase the land had been included in the County Council capital programme. Mr Niles further confirmed that the primary school would not be needed for at least 5 years as projected pupil numbers indicated that the current primary school in Okehampton would have sufficient capacity in the meantime.

Mr Niles further reported that the County Council needed to secure the site to fulfill a strategic future need and had made an offer to the applicants to secure this land.

The Ward Member, Cllr J McInnes, spoke in strong support of the recommendation to refuse stating that it was very important that the application be refused for the strategic aspirations of the County Council to enable the primary school to be delivered. The land in question was vitally important for the development of the proposed school.

SPEAKER: Mr M Howard – Agent

The Chairman proposed, seconded by the Vice-Chairman, the motion to refuse the application for the reasons stated in the report and, at the same time, stating that both would abstain from voting being Members of the County Council.

On being put to the vote, no Member voted in favour of the recommendation to refuse, 5 voted in favour of approving the application and 4 Members abstained from voting.

It was then moved by Cllr Wilde and seconded by Cllr Cann OBE that the application be granted as insufficient weight had been given to support the County Council's stance and that the application was neither contrary to the Council's Core Strategy nor the NPPF.

On being put to the vote 5 Members voted in favour of granting the application and 4 Members abstained from voting, therefore, the application was **GRANTED** subject to the following conditions:

1. Standard outline time limit
2. Standard outline request for details at reserved matters stage
3. A scheme for the provision of renewable energy provision on-site (in accordance with policy SP2). (This must be at least 10% IF the reserved matters exceeds 9 units.)
4. Delivery of spinal road prior to any other works on site
5. Details of SUDS and foul disposal
6. Ecological management and mitigation conditions
7. Noise, dust and disturbance during construction condition
8. Provision of on-site compound during construction
9. Contaminated land condition
10. Time limit for landscaping provision and replanting
11. Public open space (if reserved matters exceeds 10 units)
12. No vehicular link between Baldwin Drive and the Persimmon site
13. Construction management plan

and to a Section 106 Agreement encompassing the following heads of terms:

1. Devon County Council Education Department - £29,344.50 "which would be used towards a new primary school required to serve Okehampton plus £646.88 for ICT equipment. An appropriate contribution is also sought towards purchasing land required for a new primary school in Okehampton at £2,600.00 per pupil. Secondary education requires £22,667.85 plus £1,957.50 for ICT."

The requested sums will be reduced to comply with the Borough Council's infrastructure delivery SPD which states that no such monies would be sought on affordable units.

2. Community facilities contribution of £700.00 per open market dwelling to be

- administered by West Devon Borough Council
3. Affordable housing at 25% (as less than 10 units) split between rental and shared equity to be determined by the Borough Council's Affordable Housing Officer
 4. Transport contribution of £1,000.00 per open market dwelling
 5. Provision, management and maintenance in perpetuity of:
SUDS
Landscaping
Public open spaces if reserved matters exceed 10 units.

The Vice-Chairman, Cllr P R Sanders, requested that his abstention from voting on the above application be recorded within these Minutes.

WARD: Lew Valley/Okehampton East

APPLICATION NO: 02420/2012

LOCATION: Land Adjacent to Baldwin Drive, Radford Way,
Okehampton, Devon

APPLICANT NAME: Leander Developments

APPLICATION: Outline

PARISH: Okehampton Hamlets/Okehampton

GRID REF: 259975 95664

PROPOSAL: Outline planning application for residential use with access to be considered.

CASE OFFICER: Malcolm Elliott

TARGET DATE: 06/06/2012

This application came before Committee at the request of Cllr McInnes due to 'the strategic nature of the site.'

This application is a major application and also a departure from the Local Plan.

PROPOSAL

Outline application for residential development with access to be considered. The application is subject to draft heads of terms to be secured by a section 106 agreement to ensure the delivery of the required contributions and obligations.

The heads of terms proposed by the applicant's at present cover:

- a highway contribution of £1000 per unrestricted dwelling
- a community facilities contribution of £700 per unrestricted dwelling
- an education contribution £5,576.53 per unrestricted dwelling
- the provision of affordable housing, (currently proposed at 35%)
- POS provision and maintenance
- management and maintenance of Suds scheme

CONSULTATIONS

Okehampton Hamlets Parish Council

Okehampton Town Council
Dartmoor National Park Authority
Environmental Health Officer
Flood risk and drainage engineer
Environment Agency
Countryside and Community Projects Officer
Devon County Council Strategic Planning Children's Services
Devon County Council Highways Authority
Devon County Council Archaeology
South West Water
Local Residents/Interested Parties: 12 representations received

As a consequence of the decision taken in respect of the foregoing application, 02418/2012, the Development Manager informed the Committee that his recommendation for this application would now be to grant conditionally subject to a Section 106 Agreement.

SPEAKER: Mr M Howard – Agent

GRANTED subject to the following conditions:

1. Standard outline time limit
2. Standard outline request for details at reserved matters stage
3. A scheme demonstrating that at least 10% of all energy to be used in the development shall be from decentralised and renewable or low carbon sources shall be provided and implemented
4. Delivery of spinal road prior to any other works on site
5. Details of SUDS and foul water disposal
6. Ecological management and mitigation conditions
7. Noise, dust and disturbance during construction condition
8. Provision of on-site compound during construction
9. Contaminated land condition
10. Time limit for landscaping provision and replanting
11. Public open space prior to occupation of ?? dwelling
12. No vehicular link between Baldwin Drive and the Persimmon site
13. Construction management plan

and to a Section 106 Agreement encompassing the following heads of terms:

1. Devon County Council Education Department request for £140,201.50 "which would be used towards a new primary school required to serve Okehampton plus £3,090.63 for ICT equipment. A further £2,600.00 per pupil towards purchasing land required for a new primary school in Okehampton. The secondary school requires £108,301.00 plus £9,352.50 for ICT". The requested sums will be reduced to comply with the Borough Council's infrastructure delivery SPD which states that no such monies would be sought on affordable units.
2. Community facilities contribution of £700.00 per open market dwelling to be administered by West Devon Borough Council
3. Affordable housing at 40% split between rental and shared equity to be determined with the Borough Council's Affordable Housing Officer
4. Transport contribution at £1,000.00 per open market unit

5. Provision, Management and maintenance in perpetuity of:
SUDS
Landscaping
Public open spaces at 0.6ha per 100 people.

The Vice-Chairman, Cllr P R Sanders, requested that his abstention from voting on the above application be recorded within these Minutes.

WARD: **Lew Valley**

APPLICATION NO: 02298/2012

LOCATION: Ashbury Golf Club, Higher Maddaford, Southcott,
Devon, EX20 4NL

APPLICANT NAME: Mr S Essex

APPLICATION: Removal of Condition\Variation of Condition

PARISH: Okehampton Hamlets

GRID REF: 253995 94761

PROPOSAL: Variation of condition number 2 of planning permission number
01845/2011 in order to allow finish materials to match existing

CASE OFFICER: Anna Henderson-Smith

TARGET DATE: 27/04/2012

This application came before Planning Committee at the request of Cllr Sanders as the original condition which is the subject of this variation was imposed by planning committee.

PROPOSAL

Variation of condition 2 of planning permission 01845/2011 in order to allow finish materials to match existing.

CONSULTATIONS

Okehampton Hamlets Parish Council
County Highways Authority
Local Residents/Interested Parties: none received

GRANTED subject to the following conditions (carried over from the original permission for the extension apart from conditions 2, 5 and 6 which have been altered to reflect this application):

1. The development to which this permission relates must be begun not later than the expiration of three years beginning on the date on which this permission is granted.
2. The finish materials shall be box profiling to the north elevation and render only to the south and east elevations as per those specified in drawing number 1019-6 dated 9/3/12. Prior to the application of the render a test panel shall be constructed in situ and the Local Planning Authority to be notified in writing, render shall not be applied until the Local Planning Authority has agreed in writing to the render colour.
3. The dining area and additional accommodation, as approved, shall be ancillary to the existing tourism and leisure on-site and shall not be used as a separate restaurant or

accommodation facility.

4. 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) should 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 should be submitted to approved, in writing, by the Local Planning Authority.

5. The drainage scheme as previously submitted (as application 02148/2011) shall be implemented in full prior to the first occupation of the development hereby approved.
6. Adherence to hard and soft landscaping schemes as previously submitted (as application 02148/2011).

All landscape works shall be carried out in accordance with the approved details within 6 months of the date of the first occupation of any building or completion of development whichever is the sooner, unless agreed in writing with the Local Planning Authority. Any trees, plants, grassed areas which within a period of 5 years from the date of planting die, are removed or become seriously damaged or diseased shall be replaced in the first available planting season with others of similar size species or quality, unless the Local Planning Authority gives written consent to any variation.

***P&L 85 PLANNING APPEALS UPDATE**

APPLICATION NO: 01928/2011
APPLICANT: Mr J Collins
PROPOSAL: Retrospective application for additional living accommodation
LOCATION: Waldons, Iddesleigh, Winkleigh, Devon, EX19 8BA
APPEAL STATUS: **APPEAL LODGED**
APPEAL DECISION
APPEAL START DATE 22/03/2012
APPEAL DECISION DATE

APPLICATION NO: 02075/2011
APPLICANT: Mr G Short
PROPOSAL: Erection of building for use as barbeque lodge (retrospective).
LOCATION: Land Adjacent To Spring Croft, New Road,

Lifton, Devon
APPEAL STATUS: APPEAL LODGED
APPEAL DECISION
APPEAL START DATE 02/04/2012
APPEAL DECISION DATE

APPLICATION NO: 01536/2011
APPLICANT: Mr S Haigh
PROPOSAL: Change of use of shop to residential accommodation.
LOCATION: The Village Shop, Chillaton, Lifton, Devon, PL16 0HR

APPEAL STATUS: APPEAL LODGED
APPEAL DECISION
APPEAL START DATE 03/04/2012
APPEAL DECISION DATE

***P&L 86 DELEGATED DECISIONS**
The Committee received and noted the list of delegated decisions (page 42 to the Agenda).

(The Meeting terminated at 12.26 pm.)