

West Devon Development Management and Licensing Committee



West Devon
Borough
Council

Title:	Agenda								
Date:	Tuesday, 7th January, 2020								
Time:	10.00 am								
Venue:	Chamber - Kilworthy Park								
Full Members:	<p style="text-align: center;">Chairman Cllr Yelland Vice Chairman Cllr Pearce</p> <p><i>Members:</i></p> <table style="margin-left: auto; margin-right: auto;"> <tr> <td>Cllr Cheadle</td> <td>Cllr Moyse</td> </tr> <tr> <td>Cllr Crozier</td> <td>Cllr Ratcliffe</td> </tr> <tr> <td>Cllr Hipsey</td> <td>Cllr Renders</td> </tr> <tr> <td>Cllr Mott</td> <td>Cllr Vachon</td> </tr> </table>	Cllr Cheadle	Cllr Moyse	Cllr Crozier	Cllr Ratcliffe	Cllr Hipsey	Cllr Renders	Cllr Mott	Cllr Vachon
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Cllr Crozier	Cllr Ratcliffe								
Cllr Hipsey	Cllr Renders								
Cllr Mott	Cllr Vachon								
Interests – Declaration and Restriction on Participation:	Members are reminded of their responsibility to declare any disclosable pecuniary interest not entered in the Authority's register or local non pecuniary interest which they have in any item of business on the agenda (subject to the exception for sensitive information) and to leave the meeting prior to discussion and voting on an item in which they have a disclosable pecuniary interest.								
Committee administrator:	Kathy Trant Specialist - Democratic Services 01803 861185								

1. Apologies for Absence

2. Declarations of Interest

Members are invited to declare any personal or disclosable pecuniary interests, including the nature and extent of such interests they may have in any items to be considered at this meeting.

[If Councillors have any questions relating to predetermination, bias or interests in items on this Agenda, then please contact the Monitoring Officer in advance of the meeting]

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).

4. Confirmation of Minutes

1 - 4

Meeting held on 29 October 2019

5. Planning Applications

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To see Letters of Representation and further supplementary information relating to any of the planning applications on the agenda, please select the following link and enter the relevant Reference number: <http://westdevon.gov.uk/searchlanding>

WARD NAME	Exbourne
APPLICATION NUMBER	00600/2015
LOCATION	"Land Opposite Higher Park",
Iddesleigh,	
DEVELOPMENT	READVERTISEMENT (Revision - second glamping unit to now be a newly constructed unit in an alternative location within the site) Proposed use of two roadman units as holiday accommodation
WARD	Hatherleigh APPLICATION
	WITHDRAWN
APPLICATION NUMBER	1084/19/OPA

LOCATION "Woody Lane Field", Station Road,
Meeth
DEVELOPMENT Application for Outline Planning
Permission with matters reserved for
residential development, village hall,
village green access, parking,
landscaping and drainage
arrangements

WARD Tavistock South East
APPLICATION NUMBER 2878/19/FUL
LOCATION "Whitchurch Methodist Church",
Whitchurch Road, Tavistock
DEVELOPMENT READVERTISEMENT (Revised Plans
Received to remove external roof
terrace) Conversion and
alterations of former chapel to 2 No.
dwellings and associated works

WARD NAME Bere Ferrers
APPLICATION NUMBER 3154/19/HHO
LOCATION 1 Morwellham, Tavistock
DEVELOPMENT Householder application for
proposed 2 storey rear extension and
replacement detached garage
(Resubmission of 2537/19/HHO)

WARD NAME Tavistock North
APPLICATION NUMBER 3420/19/TPO
LOCATION 21 Redmoor Close, Tavistock
DEVELOPMENT T1: Ash - Sectional fell/ dismantle.
Tree is suffering with Ash dieback.

- | | | |
|-----------|--|----------------|
| 6. | Planning Appeals Update | 53 - 54 |
| 7. | Planning Performance Indicators | 55 - 58 |

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Agenda Item 4

At a Meeting of the **DEVELOPMENT MANAGEMENT & LICENSING COMMITTEE** held at the Council Chamber, Council Offices, Kilworthy Park, Drake Road, **TAVISTOCK** on **TUESDAY** the **29th** day of **OCTOBER 2019** at **10.00am**

Present:

Cllr J Yelland – Chairman

Cllr T G Pearce – Vice Chairman

Cllr R Cheadle

Cllr S Hipse

Cllr D E Moyse

Cllr M Renders

Cllr P Crozier

Cllr C Mott

Cllr B Ratcliffe

Cllr P Vachon

Head of Development Management Practice (PW)

Development Management Specialists (JH, CS)

Solicitor (DF)

Specialist Democratic Services (KT)

Other Members also in attendance: Cllrs L Daniel, T Leech, N Heyworth and T Southcott

***DM&L 19 DECLARATION OF INTEREST**

Members were invited to declare any interests in the items of business to be considered and the following were made:

Cllr T G Pearce declared a personal interest in all applications by virtue of being a Member of the Devon Building Control Partnership. He remained in the meeting and took part in the debate and vote on the item.

***DM&L 20 CONFIRMATION OF MINUTES**

The Minutes of the Development Management and Licensing Committee Meeting held on 3 September 2019 were confirmed and signed by the Chairman as a correct record.

***DM&L 21 PLANNING, LISTED BUILDING, TREE PRESERVATION ORDER AND ENFORCEMENT REPORTS**

The Committee proceeded to consider the applications that had been prepared by the Development Management Specialists and considered also the comments of the Town and Parish Councils together with other representations received, which were listed within the presented agenda report and summarised below, and **RESOLVED** that:

**(a) Application No: 1719/19/VAR
Monachorum**

Ward: Buckland

**Site Address: Land adjacent to Yelverton Business Park, Yelverton
Business Park, Crapstone**

Application for variation of condition 2 to subdivide a single business unit into 3no. units with associated amendments to external fenestration, following grant of planning permission 4005/16/FUL (Appeal ref. APP/Q1153/W/17/3180733 – schedule 1, condition 2)

Case Officer Update: None

Speakers included: Supporter – Mr Nigel Passmore: local Ward Member – Cllr Cheadle

RECOMMENDATION: Conditional Approval

COMMITTEE DECISION: Conditional Approval

Conditions:

1. Time limit
2. Accord with plans (changed plans)
3. Materials
4. Soft landscaping scheme
5. Contamination condition
6. Verification of remedial works having taken place
7. Unexpected contamination
8. Surface Water Scheme
9. Access road
10. Not occupied until a noise assessment undertaken (whilst this was discharged, it is considered necessary to add it again on this variation because of the potential different users of the buildings)
11. Adherence to ecology report prior to commencement of use
12. Time limit for deliveries 07.00 to 20.00 Mon to Sat , No deliveries on Sunday and Bank holidays
13. Use classes B1, B2 and B8 only
14. No external lighting unless details of design etc. have first been agreed by the LPA
15. No internal mezzanine floor without a further grant of planning permission

(b) Application No: 2467/19/FUL Ward: Hatherleigh

Site Address: Owls Oak, Highampton, EX21 5LF

Retrospective change of use of chalet within boundary from residential use to holiday let

Case Officer Update: None

Speakers included: None

RECOMMENDATION: Conditional Approval

COMMITTEE DECISION: Conditional Approval

Conditions:

Accord with plans

Holiday Accommodation only in connection with main dwelling

Drainage in accordance with submitted details

Approved parking/turning to be retained in perpetuity

No external lighting

Removal of residential PD rights

***DM&L 22 PLANNING APPEALS UPDATE**

The Committee received and noted the updated list of Planning Appeals, including Enforcement Appeals.

(The Meeting terminated at 10.50 am)

Chairman

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PLANNING APPLICATION REPORT

Case Officer: Matthew Barks

Parish: Iddesleigh **Ward:** Exbourne

Application No: 00600/2015

Agent/Applicant:

Maria Bailey Planning
Old Post Office Chambers
The High Street
Bideford
Devon
EX39 2AA

Applicant:

Mr & Mrs Robert & Catherine Venn
Red Lane Cottage
Barnstaple Street
Devon
EX19 8HT

Site Address: Land Opposite Higher Park, Iddesleigh, Devon, Devon

Development: Proposed use of two roadman units as holiday accommodation.

Reason item is being put before Committee: At the discretion of the Head of Development Management Practice.



Recommendation: Refusal

Reason for refusal:

1. The proposal development would result in tourism accommodation in an unsustainable rural location with restricted access to services and amenities reliant on the private car. The proposal is therefore contrary to Policies SPT1, SPT2, TTV1, TTV2 and DEV15 of the Plymouth and South West Devon Joint Local Plan 2014-2034; and the National Planning Policy Framework (notably but not limited to paragraph 83).

Key issues for consideration:

Whether the proposal represents sustainable development, the impact upon the character and appearance of the landscape, highway matters, tourism benefits, drainage.

Financial Implications:

Not applicable

Site Description:

The site comprises a field of some 4.8 hectares on a hillside sloping down from north to south, stopping short of the stream at the valley floor. It is stated as being 1.5 miles from the small village of Iddesleigh. The next largest settlement is the village of Winkleigh, some three miles away and then the town of Hatherleigh, larger again and stated to be 4.5 miles away.

The site is considered to occupy a remote rural location, with the nearest community facilities well outside of reasonable walking distance, with no footways to allow for safe pedestrian movement, except once arriving in the villages themselves. Accordingly the Planning Statement acknowledges that most journeys to the site are undertaken by car.

The site is bounded on all sides by established hedgerows, which provide enclosure. One of the holiday units is partially converted and on site (being used intermittently in association with the agricultural use) and the other is also a mobile unit with the parts on site but yet to be constructed.

The site is in agricultural use but has been worked based on a sustainable permaculture ethos (accessing natural resources in a way that benefits both humans and the environment) hence since the site was purchased by the applicants in around 2004, a large number of native trees including fruit and coppice have been planted, all internal boundaries are planted with hedges which contain fruiting hedge species, bulb crops are planted below these wooded areas and the site is off-grid as examples of this practice. There are multiple enclosures within the site for various livestock (pigs, sheep, chickens) plus areas for fruit crops, cut flower crops and a polytunnels for propagation and over-wintering.

The Proposal:

The units themselves do not currently benefit from planning permission. They are different in character and appearance to each other, the larger one being metal, 15 square metres with a

flat roof 3.3 metres above ground level. The smaller one is a mobile units yet to be constructed but is an arc type roof and walls on a wheel base.

Planning permission is sought to retain the two units, but for camping/holiday purposes. Both units are of a very modest, self-limiting size and the proposal seeks to allow for this use to provide an alternative income for the holding as well as providing a 'hands-on' type glamping opportunity within this environmentally improved site with its specifically environmentally based agricultural/horticultural practises.

The submitted information explains that the characteristics of the use of the wagons for tourist purposes, specified as 'glamping' (glamorous camping), are as follows: primarily for educational and health improvement visits, according to the planning appraisal. About 100 metres of dense young woodland separates the units, providing solitude for each. Each would be lit by solar panels, candles or oil lights and would accommodate two people. Showers would be heated by bottled gas and cooking the same, or using a wood burner or barbecue.

This application does not involve the creation of a curtilage around the buildings, as indicated on the submitted plans, only the buildings themselves. Therefore the use proposed is limited to the buildings themselves. Access would be derived from the current track that leads from the holding's entrance through the holding. The access point is at the northernmost part of the holding.

Consultations:

- County Highways Authority: Recommend the application of standing advice in relation to the use of the existing vehicular access and the provision of on-site parking and turning facilities.
- Environmental Health Section: No objection in principle – issues such as unexpected contamination could be controlled by condition
- Iddesleigh Parish Council – Object; the units are not fit for purpose; the proposal would adversely affect wildlife and biodiversity and there is no provision for showers, power or sewage.

Commenting on the revised proposal:

As it has been clearly recommended for refusal before then the Parish Council expect that it will be refused again. The Parish Council accept that the applicants have created a lovely tranquil site, a nature haven. However by converting these roadman units into holiday lets defies the natural haven created once these are occupied by holiday families.

If these are converted to holiday lets then the applicant would be required to live on site so the mobile home will again become occupied.

- Drainage Officer – No objection subject to the imposition of conditions
- Biodiversity specialist – No comment to make on this application
- Landscape Officer – verbal comment, no objection

Representations

Neighbours have been consulted about the application in accordance with council practice and a site notice posted. This has resulted in receipt of 15 letters of representation, six in support and 14 objecting.

The letter of supports make the following points:

- The tourist trade requires eco-friendly experiences, living alongside nature and the proposal would put the local area on the map.
- Living within close proximity and within full view of this site. I see no problems with this application. I encourage the council to allow this application in its entirety.
- The site is well hidden and Mr and Mrs Venn have made substantial contributions to climate change by planting many trees. It is a prime example of the sort of low impact eco friendly tourism that this area needs.
- I would encourage the Council to pass this application as both flora and fauna have on the property Improved beyond comprehension. Birds, bees all sorts of animals are now inhabiting the area. The wild flowers and young trees are adding to its diversity. These Glamping units would provide a unique eco holiday experience in a wonderful setting.
- As a life long resident of the area, I would support this application. The holding is a micro agricultural property with a range of both farm and wild life. it will support and enhance the property. it would be good for the area, with no adverse impact.
- Proposal is great rural addition to the area which can only assist in promoting West Devon tourism in a small but significant way. The roads alongside the property sustain many vehicles access to local farms, cottages and businesses without problem nor realistically cause problems. Given the location of the proposal the views would not be affected adversely and may in effect enhance the rural effect. Small businesses are essential to the area to maintain diversity, rural tourism, and offer quality enhancements to the income locally.

The letters of objection covered the following points:

- The proposal is for two shabby tool sheds
- There would be no running water, drainage or other facilities and therefore the site would be smelly
- Detrimental to wildlife and biodiversity
- Where will run-off go?
- The holiday lets would end up requiring further development such as noisy generators, acoustic hoods or screens or unsightly power lines
- This would lead to similar bizarre uses on site, spoiling the peaceful setting
- Urbanisation of the countryside
- The septic tank to be used with these units is unauthorised
- Overdevelopment of the site
- No assessment on the effect the development would have on the local lanes
- The units would require a full-time on-site manager

Relevant Planning History

7630/2005/OKE – Erection of barn and two polytunnels. Withdrawn 27 July 2005.

7929/2005/OKE – Erection of storage building and two polytunnels. Approved 11 October 2005.

00602/2015 – Proposed use of mobile home as temporary agricultural dwelling. Refused 31 March 2016.

00608/2015 – Extension to agricultural building – Refused 10 March 2016.

ANALYSIS

Principle of Development/Sustainability:

Policy SPT1 sets out the how development and change will be planned for and managed in accordance with the principles of sustainable development. Policy SPT2 provides more guidance on achieving sustainable rural communities, indicating that these should be well served by public transport, walking and cycling opportunities; should have a safe and accessible local environment; and should have an appropriate level of services and facilities to meet local needs. The development strategy for the Thriving Town and Villages is set out in Policies TTV1 and TTV2.

Amongst other things, these policies make it clear that development in hamlets and the countryside will only be permitted where they can be shown to support the principles of sustainable development and sustainable communities. TTV2 supports in particular:

“The delivery of sustainable rural tourism and leisure developments that benefit rural businesses, communities and visitors and respect the character of the countryside and historic settlements.”

This proposed scheme would benefit the existing rural business of the holding by providing an alternative but compatible use providing an income plus any knock on spend from visitors in the local area. As is discussed below it is of a scale, design and location that it respects the character of the countryside. However due to its location and distance from amenities and public transport, the issue of whether it is sustainable comes into question. DEV 15 goes further on this point:

Policy DEV15 of the Plymouth and South West Devon Joint Local Plan (‘JLP’) states at point 7:

“Camping, caravan, chalet or similar facilities that respond to an identified local need will be supported, provided the proposal is compatible with the rural road network, has no adverse environmental impact and is not located within the Undeveloped Coast policy area.”

It goes on to state at point 8:

“Development proposals should:

i. Demonstrate safe access to the existing highway network.

ii. Avoid a significant increase in the number of trips requiring the private car and facilitate the use of sustainable transport, including walking and cycling, where appropriate. Sustainable Travel Plans will be required to demonstrate how the traffic impacts of the development have been considered and mitigated..."

A recent appeal decision (published since the adoption of the JLP) relating to proposed holiday accommodation within the JLP area was dismissed on the grounds the site was in an unsustainable location with poor accessibility, such that the proposed accommodation would be reliant on the private car (Appeal ref. APP/K1128/W/18/3217159). The decision notes:

"the absence of any meaningful services or facilities in this small hamlet, coupled with the lack of convenient public rights of way in the locality, leads me to conclude that it would be highly likely that occupiers of the proposed holiday unit would have to travel by private car on a daily basis."

Reference is also made to paragraph 83 of the National Planning Policy Framework ('NPPF'), which explains that planning policies and decisions should enable sustainable rural tourism and leisure developments.

In this context the site that is subject of this application is considered to be distant from any local services or amenities it being some 1.5 miles from the small village of Iddesleigh. The next largest settlement is the village of Winkleigh, some three miles distant and then Hatherleigh, which is larger again, at some 4.5 miles away. As a consequence the nearest facilities are well outside of easy walking distance with no footways to allow for safe pedestrian movement, except in the villages themselves. It is also acknowledged in the applicant's supporting planning statement that most journeys to the site are undertaken by car and it is considered probable that occupiers of the units would rely principally on travel by private motor vehicle in order to access these facilities and the surrounding locality. There are cycle routes nearby and some advertised walks such as the iddesleigh and warhorse valley route promoted by the ruby country initiative which passes by the site and the nearest train station is Eggesford station, however the likely way to reach the site at the beginning and end of a stay is by private car. This is thus a remote location, however that is part of the off-grid, self-sustainable experience being proposed by the applicants with these small units. On balance it is considered this location is remote and unsustainable, however it is also acknowledged that due to the small size of the units and the number being only 2, the number of potential vehicle movements caused by such a development may not be 'significant'.

No evidence of need for tourism accommodation has been provided within the application and whilst the associated employment benefits for the applicant are noted, this is attributed limited weight in the planning balance due to its small scale. Moreover, any evidence of need would likely not overcome concerns regarding the sustainability of the location having regard to the above policy framework and recent appeal decision. The proposal therefore raises an in principle policy objection.

It is also pertinent to note that since the submission of the application the NPPF has been revised and the previous development plan framework for West Devon has been replaced by the Plymouth and South West Devon Joint Local Plan. However, the key principle of providing for and supporting sustainable development and, by implication, resisting unsustainable development has not altered with these changes to national guidance and the local development plan framework. That is to say, even if the application been considered under previous guidance and policies, the same conclusion would have been reached in respect of the unsustainable nature of the development due to its rurality.

Design/Landscape

Whilst not specifically stated, the supporting statement suggests that the proposal would be operated on an all year round basis rather than seasonally. In this regard there would be the potential opportunity for harm to the local landscape by virtue of the presence of the activity and the likely associated elements, however, given the small scale nature of the proposal, the intended locations of the units within highly landscaped/screened areas (and which could be conditioned appropriately), allied with the overall appearance of the site, the overall impact in landscape terms is likely to be minimal if at all. A recent officer site visit took place in the winter with few leaves left on the trees and both proposed unit locations were still extremely well-screened within the site by the density of trees and vegetation. This needs to be weighed in the planning balance.

Neighbour Amenity:

There are no near neighbours to either of the units, both of which are set well into the site in relation to dwellings outside the site. The scale and nature of the use is not considered likely to give rise to noise concerns and if this were to be the case appropriate measures could be undertaken through environmental health legislation. Similarly, appropriate planning conditions relating to amplified music, generators (noting that the applicant proposes a single back-up generator for emergency purposes) and other such matters could be adequately controlled by planning condition.

Highways/Access:

An access track is already in place serving the holding and the additional traffic generated by the proposed use of the units is likely to be both very limited and confined to bicycle/car movements. While the road network in the vicinity is dominated by agricultural traffic in narrow lanes, the scale of the development is not considered to lead to any harm to highway safety for all road users. The precise level of parking has not been specified on the site plan, but the application forms note that 4 existing spaces would be utilised and these are shown as on hardstanding at the end of the access track. It is considered that this level of parking would be more than adequate to serve the proposal.

Other matters:

In respect of drainage matters, further consultation has been carried out with the Council's Drainage Engineer and they confirm there to be no objection to the proposal based upon the imposition of appropriate conditions.

With regard to the points raised by third parties, the matters contained in those representations have either been considered as part of the analysis of the proposal, could be controlled/mitigated by appropriate planning conditions or represent concerns on the basis of something that may happen or occur, which if such matters did occur or happen would be considered on their own merits at that time.

Due to the dense vegetation and tree planting on the site and the proposed scale and location of the units, it is not considered that the proposal would have an impact upon the setting of the listed building some distance to the SE.

The Planning Balance:

The proposed site is in an unsustainable and isolated rural location with limited access to services and facilities likely to result in additional trips by private vehicle contrary to the policies of the Development Plan. It is acknowledged that the scale of the proposal is very small and that the type of tourism experience being offered requires this rurality and off-grid location and that the proposal is to allow for a diversified income for the holding whilst having a unique selling point regarding its particular environmental ethos. However it is remote and no evidence of a particular need has been provided, thus there are no overriding reasons to deviate from the policy position relating to an unsustainable location, noting that the landscape impact and other impacts would be limited. The application is therefore recommended for refusal. Additional concerns raised by third parties are not considered to raise further grounds for refusal.

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

Planning Policy

Section 70 of the 1990 Town and Country Planning Act requires that regard be had to the development plan, any local finance and any other material considerations. Section 38(6) of the 2004 Planning and Compensation Act requires that applications are to be determined in accordance with the development plan unless material considerations indicate otherwise. For the purposes of decision making, as of March 26th 2019, the development plan for Plymouth City Council, South Hams District Council and West Devon Borough Council (other than parts South Hams and West Devon within Dartmoor National Park) comprises the Plymouth & South West Devon Joint Local Plan 2014 - 2034.

Following adoption of the Plymouth & South West Devon Joint Local Plan by all three of the component authorities, monitoring will be undertaken at a whole plan level. At the whole plan level, the combined authorities have a Housing Delivery Test percentage of 166%. This requires a 5% buffer to be applied for the purposes of calculating a 5 year land supply at a whole plan level. When applying the 5% buffer, the combined authorities can demonstrate a 5-year land supply of 6.5 years at the point of adoption.

Adopted policy names and numbers may have changed since the publication of the Main Modifications version of the JLP.

The relevant development plan policies are set out below:

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

SPT1 Delivering sustainable development

SPT2 Sustainable linked neighbourhoods and sustainable rural communities

PLY61 Strategic infrastructure measures.

TTV1 Prioritising growth through a hierarchy of sustainable settlements

TTV2 Delivering sustainable development in the Thriving Towns and Villages Policy Area

TTV26 Development in the Countryside

DEV1 Protecting health and amenity

DEV2 Air, water, soil, noise, land and light

DEV15 Supporting the rural economy

DEV20 Place shaping and the quality of the built environment

DEV23 Landscape character
DEV26 Protecting and enhancing biodiversity and geological conservation
DEV28 Trees, woodlands and hedgerows
DEV29 Specific provisions relating to transport
DEV35 Managing flood risk and Water Quality Impacts

Other material considerations include the policies of the National Planning Policy Framework (NPPF) including but not limited to paragraphs 8, 11, 83 and guidance in Planning Practice Guidance (PPG).

Neighbourhood Plan:

The site does not lie within a Neighbourhood Plan area.

Considerations under Human Rights Act 1998 and Equalities Act 2010

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

Reason for refusal:

1. The proposal development would result in tourism accommodation in an unsustainable rural location with restricted access to services and amenities reliant on the private car. The proposal is therefore contrary to Policies SPT1, SPT2, TTV1, TTV2 and DEV15 of the Plymouth and South West Devon Joint Local Plan 2014-2034; and the National Planning Policy Framework (notably but not limited to paragraph 83).

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PLANNING APPLICATION REPORT

Case Officer: Rob Heard

Parish: Meeth **Ward:** Hatherleigh

Application No: 1084/19/OPA

Agent/Applicant:

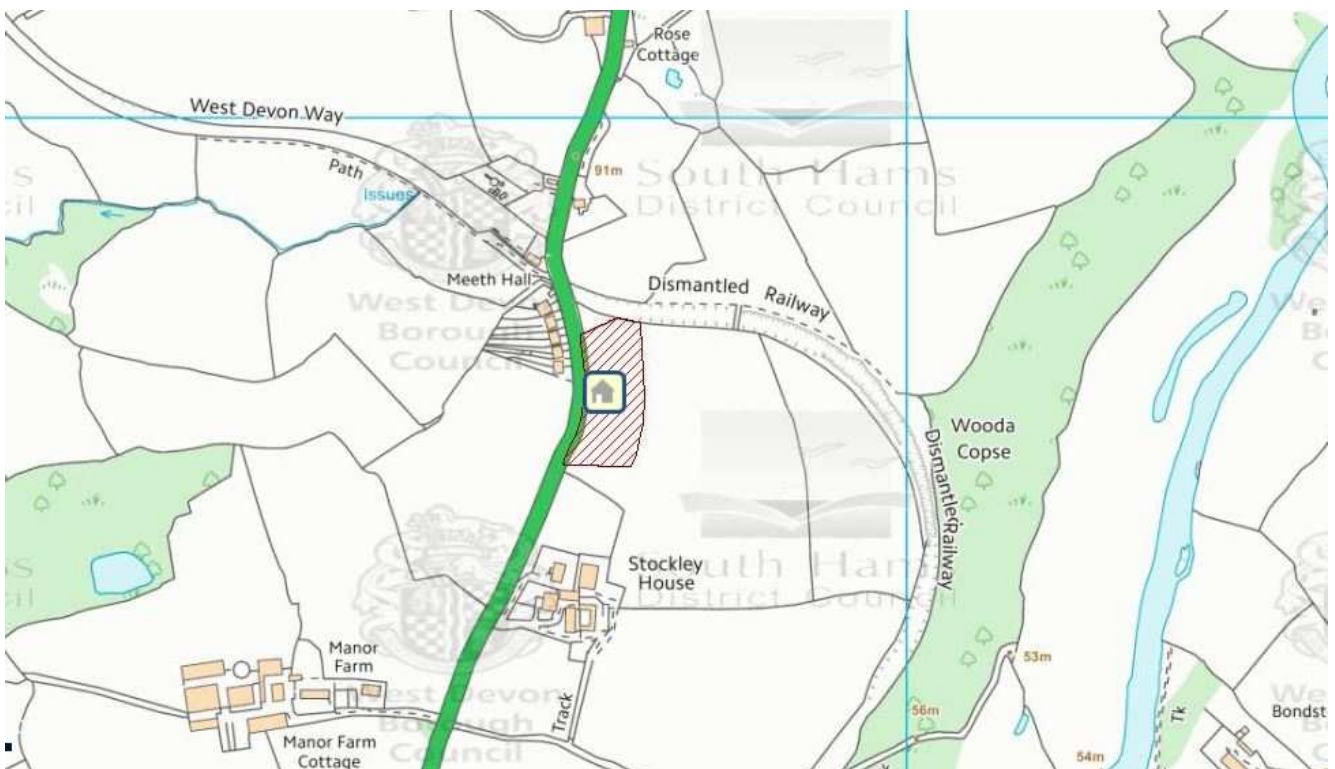
Mr John Blaney - John Blaney Ltd
Culver Lodge
Rectory Lane
Parkham
Devon
EX39 5PL

Applicant:

Mr Angus Howie
Manor Farm
Road From Friars Hele Cross To Bourn
Farm
Meeth
Devon
EX20 3QB

Site Address: Woody Lane Field, Station Road, Meeth, EX20 3QB

Development: Application for Outline Planning Permission with all matters reserved for residential development, village hall, village green access, parking, landscaping and drainage arrangements



Reason item is being put before Committee

At the request of Cllr Kimber, due to the application containing community benefits and affordable housing.

Recommendation:

Planning Permission Refused

Reasons for refusal

1. Principle of Development
2. Highway Safety

Key issues for consideration:

- Principle of Development
 - Accessibility
 - Highway Safety
 - Design
 - Residential Amenity
-

Site Description:

The site, which currently has an agricultural use, is located to the south of the settlement of Meeth, measuring approximately 2.4 hectares in size. It is accessed from Station Road, opposite a string of 10 semi-detached post war railway cottages.

Meeth is a small village with a population of approximately 200 people and a limited range of services and amenities. The site occupies a countryside location that is divorced from the village with no footpath links that would provide access to Meeth for pedestrians.

The Proposal:

This application is made in outline only with all matters reserved for future consideration. It is for residential development and includes proposals for a new village hall, access to a village green with ancillary car parking and landscaping.

Consultations:

- County Highways Authority – recommend refusal on ground of highway safety.
- Parish Council – support.
- Drainage Engineer – support subject to conditions.

Representations:

Representations from Residents

Four letters of objection received and covering the following points:

- The application seeks to use an emerging Parish Plan to justify a departure from the Development Plan. However, no Draft Parish Plan has been published or consulted upon. The plan is at an evidence gathering stage and therefore should carry no weight.

The applicant uses evidence from a questionnaire survey indicating that affordable housing is required in the village but then proposes no affordable housing on site and provides no evidence that there are defined sites for affordable housing in the village toward which a proposed commuted sum could contribute.

- The site is located on the Southern fringe of the village with no footpath between it and the existing village centre. It will therefore not support the existing services within the village centre without generating additional traffic movements. The proposal does not address the lack of car parking in the existing village centre.
- The applicant is proposing providing a new Village Hall and Green as part of the development. This will result in the creation of two competing Village Centres in a very small settlement. These two centres will not be connected by footpaths and will therefore generate additional traffic movements.
- No information is provided as to the purpose of the new Village Hall, the facilities it would provide or how it would be maintained and at who's expense. Furthermore, the applicant does not address the future of the existing village hall in the existing centre.
- The applicant seeks to use the lack of housing land supply in the District as a reason for development. This pre-empts the District Council's emerging planning policy, which will show sufficient supply. That notwithstanding, if land were required for housing within Meeth, a call for sites should be undertaken as part of the emerging Parish Plan process.
- I have a piece of land next to the apposted site, next to where the lagoon is going to be I am concerned that with building and the lagoon it will make my land extremely wet when there is a bad drainage problem on the drain already. We need affordable housing but I'm not sure 3 to 4 bedroomed houses are affordable?
- Highway Safety. The general speed of traffic on this section of the A386 is nearer 45/50 mph. You would have to live here to appreciate the constant danger of near collisions mainly by the lorries, coaches and tractors meeting on the bends. It is an accident waiting to happen and another entrance off the road will not help the situation.
- Local Drainage. I have concerns that the Waste Water Lagoon should be enclosed for the safety of children and wildlife.
- Other. I believe that there should be two affordable homes included on this site. The local community of Meeth cannot find anywhere within the village to build the two affordable homes that are mentioned in relation to the Neighbourhood Plan in the Affordable Housing Statment by Groupwest dated 22/3/19.
- Also the development proposed will still be separate from the main village of Meeth with no safe footpath between the two which would then mean extra traffic on the road.

Two letters of support received and covering the following points:

- I would therefore, with some reservations about location, cautiously support this outline planning application subject to:
 - A minimum of two affordable houses on site;
 - One affordable house to be for rent;
 - A local person covenant to be placed on both affordable houses;
 - Both affordable houses to be built and made available before the market houses can be occupied; and
 - That the land designated for a village hall be either given over to public green space or used to provide garden space for the affordable housing. I would suggest a S106 contribution from the application towards improvements to the existing Village Hall could also be provided.

Subject to the above, I would consider the application to be a justified departure from planning policy in order to address a local need. I would also suggest that the objections of the Local Highways Authority could be dealt with by a traffic calming scheme, which would help to address a long-standing issue in the village. This could incorporate a pedestrian crossing giving access from the new development to the footpath on the opposite side of the A386, which leads to the Tarka Trail and Meeth Quarry Nature Reserve.

- I support this application for development in Meeth as feel a small amount of housing will help to support the community and its businesses. I think low cost housing also needs to be addressed for locals. I own an area of land in the centre of the village and when enquiries were made a short while ago re planning, I understood that a pathway would be required from Station Road to the centre of the village to satisfy the highway department. I assume this site would also fall under the same criteria?

One undecided, but raising the following points:

- Whilst we support, in principle, a small development of properties in our village at Meeth, we and many others, feel very strongly that there is a need for first time buyer/family homes, to fill the requirements of local young people, wishing to continue living and working in our village and help our village life to grow. This need must be provided within this development, which currently does not have any affordable housing.

Relevant Planning History

No relevant history.

ANALYSIS

Principle of Development/Sustainability:

Policy TTV1 of the JLP sets out the Council's development strategy across the Thriving Towns and Villages Policy Area. The policy supports development which accords with the Council's settlement hierarchy of (1) Main Towns, (2) Smaller Towns and Key Villages, (3) Sustainable Villages and (4) Smaller Villages, Hamlets and the Countryside.

Paragraphs 5.8-5.10 of the supporting text to Policy TTV1 of the JLP identify the 'Main Towns', 'Smaller Towns and Key Villages' and 'Sustainable Villages' within the Thriving Towns and Villages Policy Area. However, 'Smaller Villages' and 'Hamlets' are not identified as part of the Policy TTV1.

The site is approximately 500 metres to the south of the settlement of Meeth. Meeth is not identified as a 'Main Town', 'Smaller Town', 'Key Village' or 'Sustainable Village' within the Council's Thriving Towns and Villages Policy Area. Consequently, for the purposes of Policy TTV1 of the JLP, the settlement is located within the fourth tier of the Council's settlement hierarchy, which relates to Smaller Villages, Hamlets and the Countryside.

There is no expectation that housing is required to be built in these locations to meet the identified housing needs of the plan. Furthermore, across the plan area there is a demonstrable 5-year supply of housing sites to meet identified needs, and as such the spatial

strategy and settlement hierarchy should be applied with full weight, therefore the proposals are not acceptable in principle in this location.

In respect of development within the Smaller Villages, Hamlets and the Countryside, Policy TTV1 (4) states that 'development will be permitted only if can be demonstrated to support the principles of sustainable development and sustainable communities (Policies SPT1 and SPT2) including as provided for in Policies TTV26 and TTV27'.

The site is physically removed from the built form of the village, with no safe or secure pedestrian access to local facilities. Development in this location would therefore result in a sporadic pattern of development that is poorly related to the nucleus of Meeth, which is characterised by a consolidated built form around a pub and the village centre.

Access to the village would appear to require a 500m walk along the A386, including along stretches of road with no footways and poor visibility. There are no street lights along this section of road, which is narrow for long parts with high hedges. Given the distance between the site and Meeth and the aforementioned road conditions, even if vehicle speeds were slow, the use of the road by the occupiers of the proposed dwellings and users of the community centre, especially during the winter months where daylight hours are limited, to walk to the limited local services and facilities at Meeth, would not be an attractive alternative to the use of the private motor vehicle for most journeys.

Whilst the inclusion of a village hall and any other community facilities does weigh in favour of the proposals, this element of the application is not considered to generate additional benefit to the proposals because of how poorly related the site is to the community that it will purport to benefit. Any community facility in this location will inevitably generate additional traffic movements by private car. These journeys will most likely be of short distance, which are the most damaging type of traffic movement in terms of air quality and impact on health and wellbeing.

The application originally included an offer to provide an off-site contribution towards the provision of affordable housing. However, during the consideration process the applicant changed this approach and the application now includes two properties offered as discount market units, which is a form of privately owned affordable housing. Whilst the application is in outline so specific details of mix and type are not available at this time, the offer is considered to be a positive element of the proposals. However, the provision of a form of affordable housing at the site would not outweigh the problems already identified above in relation to the sites isolation from local services and amenities with poor levels of pedestrian connectivity, and therefore whilst on balance this element of the proposals is positive this does not overcome the overriding conflict with the Councils spatial strategy and policy framework.

In conclusion, the proposal would conflict with the Council's spatial development strategy for residential development and if allowed would undermine the local spatial strategy set out within the JLP. The location is not sustainable, has poor access to local services and amenities and due to the lack of adequate footways and poor connectivity would result in over reliance on the private motor car and cause potential conflict between pedestrians and car users along a busy A road.

Consequently, the proposal would not accord with Policies SPT1, SPT2, TTV1, TTV2 and TTV27 of the JLP. In addition to the above, the proposal would be inconsistent with the objectives of paragraphs 78 and 79 of the National Planning Policy Framework 2019, which

supports housing developments that reflect local needs and promote sustainable development in rural areas.

Design/Landscape:

Due to the proposals being made in outline only it is not possible to provide an assessment of their impact upon the character and appearance of the area and surrounding landscape. However, the site is not constrained by any policy or land use designations and it is considered that an appropriate design could be achieved at the site. The site is a sufficient size to accommodate the quantum of development proposed and issues of layout, scale, massing and design would be picked up at reserved matters stage. It is therefore considered that the proposals do not conflict with policy DEV23 (Landscape character) of the JLP.

Neighbour Amenity:

Whilst the exact layout and scale of the proposals are unknown at this stage, the site is relatively self-contained and the development is unlikely to result in significant amenity harm to the existing dwellings on the opposite side of Station Road (A386). Whilst some impact upon the amenities of these properties is inevitable due to the development of the site and increased use of the existing access which is positioned across the road from the existing dwellings, this would not be over bearing or significant. Due to the separation distance between the existing dwellings and the site no overlooking or overshadowing would be created and the application does not conflict with policy DEV1 (Protecting health and amenity) of the JLP.

Highways/Access:

Whilst all matters are reserved for future consideration, the proposals seek to improve and upgrade an existing access at the site in order to provide vehicular access to the proposed dwellings and community centre. The County Highways Officer has been consulted and provided the following comments:

The application is supported by a Transport Statement (TS) prepared by David Tucker Associates which was apparently without prior discussions with the highway authority. Unfortunately, there are some inaccuracies produced in the TS, some of which the highway authority has corrected in the following observations.

The A386 (not A428) which serves the site is a County Primary Route (not a trunk road) and is between 6 and 6.5 metres wide in the vicinity of the site with central 'hazard' road markings. On the western side of the road there is a group of semi-detached houses on the western side of the road, most of which do not have a vehicular access. On the eastern side of the road there are some contiguous widening areas which accommodate some off-street parallel parking spaces for the properties opposite.

The road is subject to a speed limit of 30 m.p.h. in the immediate vicinity of the site access and, contrary to the comment in the TS, there is a system of street lighting and a length of footway in front of the properties opposite the application site. There is no footway on the eastern side of the road and there are no footways to the north of the Tarka Trail access

opposite (shown on the application drawings) towards the village centre some 400 metres further to the north.

The County Council's collision data recording system shows a single accident from September 2015 between the site and the village which was categorised as 'serious'. This is report is included for information only.

The TS makes reference to a speed survey undertaken in 2017 but gives no details of the survey and refers to a 'maximum 85th percentile speed' (upon which sight lines and visibility splays are derived) but does not clarify whether these speeds are dry weather spot speeds or wet weather journey speeds, where exactly they were taken, or what sort of sample was measured to comply with TA 22/81. As a result, the highway authority did their own observations of vehicle speeds. Observations by the highway authority record vehicle speeds of about 35 m.p.h. southbound, but in excess of 40 m.p.h. northbound approaching the point of the proposed access.

Although it is accepted that exiting visibility from the access is acceptable, due to the location of the proposed access on the outside of the gradual bend, the forward visibility of vehicles turning right into the site access is seriously restricted (to only 50 metres, measured at 1 metre off the centre line). This is only 55% of the minimum forward visibility requirement for speeds of up to 43 m.p.h. Vehicles turning right into the site access, held up by approaching traffic, will therefore not be able to be observed from a suitable distance having regard to the approach speed of vehicles from that direction.

The TS has made no reference to the potential pedestrian trip generation from the application site, particularly the village hall element, which is unfortunate. As mentioned earlier, there are no footways beside the A386 County Primary Route between the site and the remainder of the village to the north. It is highly likely that the village hall will have the potential to generate pedestrian movements between the village and the site and the lack of footways to accommodate those additional pedestrian movements will be prejudicial to highway safety.

Further observations following receipt of plan HOW Rev 8

The issues concerning visibility at the proposed access raised in the highway authority's original observations have now been addressed by the substitution of the amended plan so one of the original recommended reasons for refusal has now been address. It is still recommended that the application is refused on the grounds that there are no adequate footway facilities in the area as outlined above and in the following recommended reason for refusal.

If the planning authority are nevertheless minded to approve the planning application as submitted it is requested that the highway authority are consulted again so that they may appropriate conditions can be imposed on any planning permission granted

Reason for refusal:

The proposed development will lead to additional pedestrian movements between the site and Meeth village, some 400 metres to the north, along a County Primary Route with no footways which will be prejudicial to pedestrian safety specifically and highway safety generally which will be contrary to the National Planning Policy Framework published 2019, particularly paragraphs 108 (b) and 109.

It is considered by officers that the above concerns regarding pedestrian safety and the lack of footways in the area and serving the site are important material planning considerations, and despite the application reserving access for future consideration there is only really one way of accessing the site and that is shown on the drawings provided within the application. For these reasons and the lack of pedestrian connectivity the proposals are contrary to policy DEV29 (Specific provisions relating to transport) of the JLP and the NPPF as identified by the County Highways Officer.

Letters of representation:

The letters of objection received do raise some material planning issues such as the suitability of the site for a community use given that its location is divorced from the main settlement, the fact the Council now has a 5 year housing land supply so doesn't have to consider applications for residential development that are not policy compliant, and the associated highways safety issues and over reliance on the private motor car. There are also letters of support that refer to the provision of affordable housing as a positive element of the application. These issues are all addressed in detail in the main Analysis section of the report (above).

Other Matters:

Some information in relation to drainage has been submitted and this is considered acceptable. The Council's Drainage Engineer is supportive of the application subject to conditions. Ecology and renewable energy issues would be addressed at reserved matters stage. The application is considered to be in accordance with policies DEV26 (Protecting and enhancing biodiversity and geological conservation), DEV32 (Delivering low carbon development) and DEV35 (Managing flood risk and Water Quality Impacts).

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

Planning Policy

Section 70 of the 1990 Town and Country Planning Act requires that regard be had to the development plan, any local finance and any other material considerations. Section 38(6) of the 2004 Planning and Compensation Act requires that applications are to be determined in accordance with the development plan unless material considerations indicate otherwise. For the purposes of decision making, as of March 26th 2019, the development plan for Plymouth City Council, South Hams District Council and West Devon Borough Council (other than parts South Hams and West Devon within Dartmoor National Park) comprises the Plymouth & South West Devon Joint Local Plan 2014 - 2034.

Following adoption of the Plymouth & South West Devon Joint Local Plan by all three of the component authorities, monitoring will be undertaken at a whole plan level. At the whole plan level, the combined authorities have a Housing Delivery Test percentage of 166%. This requires a 5% buffer to be applied for the purposes of calculating a 5 year land supply at a whole plan level. When applying the 5% buffer, the combined authorities can demonstrate a 5-year land supply of 6.5 years at the point of adoption.

Adopted policy names and numbers may have changed since the publication of the Main Modifications version of the JLP.

The relevant development plan policies are set out below:

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

SPT1 Delivering sustainable development
SPT2 Sustainable linked neighbourhoods and sustainable rural communities
SPT3 Provision for new homes
TTV1 Prioritising growth through a hierarchy of sustainable settlements
TTV2 Delivering sustainable development in the Thriving Towns and Villages Policy Area
TTV27 Meeting local housing needs in rural areas
DEV1 Protecting health and amenity
DEV8 Meeting local housing need in the Thriving Towns and Villages Policy Area
DEV9 Meeting local housing need in the Plan Area
DEV10 Delivering high quality housing
DEV15 Supporting the rural economy
DEV23 Landscape character
DEV26 Protecting and enhancing biodiversity and geological conservation
DEV27 Green and play spaces
DEV28 Trees, woodlands and hedgerows
DEV29 Specific provisions relating to transport
DEV32 Delivering low carbon development
DEV33 Renewable and low carbon energy (including heat)
DEV35 Managing flood risk and Water Quality Impacts

Other material considerations include the policies of the National Planning Policy Framework (NPPF).

Neighbourhood Plan

The Meeth Neighbourhood Plan is not sufficiently advanced in its preparation and is not therefore given any weight in the consideration process at present.

Considerations under Human Rights Act 1998 and Equalities Act 2010

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

Conclusion

The proposals are in outline only, for 8 new dwellings, a community centre and associated parking. The site lies outside of the settlement of Meeth, which itself is not identified in the settlement hierarchy as a location for new development, and is not well connected to the existing settlement, being linked by a busy road with no pavements and no street lighting.

It is considered that the proposal would conflict with the Council's spatial development strategy for residential development and if allowed would undermine the local spatial strategy set out within the JLP. The location is not sustainable, has poor access to local services and amenities and due to the lack of adequate footways and poor connectivity would result in over reliance on the private motor car.

Furthemore, it is likely that the proposals would lead to increased pedestrian movements on a busy A road that has no footways or street lighting, which would be prejudicial to pedestrian and highway safety. The application is contrary to policies SPT1, SPT2, TTV1, TTV2, TTV27 and DEV29 of the JLP. In addition to the above, the proposal would be inconsistent with the objectives of paragraphs 78 and 79 of the National Planning Policy Framework 2019.

The application is recommend for refusal.

Reasons for Refusal

1. The proposal would conflict with the Council's spatial development strategy for residential development by providing new development in an unsustainable location that is divorced from the nearest settlement and if allowed would undermine the spatial strategy set out within the JLP. The location is not sustainable, has poor access to local services and amenities and due to the lack of adequate footways and poor connectivity, would result in over reliance on the private motor car and cause potential conflict between pedestrians and car users along a busy A road. It is therefore contrary to policies SPT1, SPT2, TTV1, TTV2 and TTV27 of the JLP. In addition to the above, the proposal would be inconsistent with the objectives of paragraphs 78 and 79 of the National Planning Policy Framework 2019
2. The proposed development will lead to additional pedestrian movements between the site and Meeth village, some 400 metres to the north, along a County Primary Route with no footways which will be prejudicial to pedestrian safety specifically and highway safety generally which will be contrary to the National Planning Policy Framework published 2019, particularly paragraphs 108 (b) and 109.

PLANNING APPLICATION REPORT

Case Officer: Oliver Gibbins

Parish: Tavistock **Ward:** Tavistock South East

Application No: 2878/19/FUL

Agent/Applicant:

Mr Andrew Wilks - ADW Design Group
2 Winstone Beacon
Trematon
Saltash
PL12 4RU

Applicant:

Mr & Mrs Andrew & Georgia Thomas
4 Tilery
EX149LR

Site Address: Whitchurch Methodist Church, Whitchurch Road, Tavistock, PL19 9EG

Development: READVERTISEMENT (Revised Plans Received to remove external roof terrace) Conversion and alterations of former chapel to 2 No. dwellings and associated works



Reason item is being put before Committee

Councillors Sellis and Spettigue have requested this application be referred to the Committee for the following considerations to be assessed:

- Highway Safety;
- Loss of amenity due to overlooking.

Recommendation: Approve

Conditions

- Commencement;
- Approved drawings;
- Use of matching materials on external work;

Use of natural slates with hooks and copper nails.
Conservation Roof Lights;
Details of windows and doors to include materials, type of opening and vents;
CEMP (pre commencement)
Obscure Glazing on south east elevation with inward opening 150mm above 2m;
Cycle and refuse provision.
Habitat Mitigation Scheme.
No use of roof as terrace.

Key issues for consideration:

The key issues relate to the principle of the development, the impact on the character and appearance of the area, and the impact on residential amenity and highway safety.

Site Description:

The application site refers to a large detached redundant Methodist Church that is located on the south of Whitchurch Road, which is located on the entrance of Whitchurch a part of Tavistock.

The site is located within a Conservation Area but it is not listed.

The building is located in close proximity to residential properties at Anderton Close.

The Proposal:

This application is for planning permission to change the use of the building into two dwellings.

The works to the building will allow refurbishment and restoration of the original building. This will be achieved though re-slating the roof above unit 2 with natural slates, replacing existing lintels and brick work where required.

All the existing uPVC glazing will be replaced with timber or aluminium glazing.

1 car parking space will be provided in car port that fronts on to Whitchurch Road.

There will be refuse storage and bike storage within the building.

It is noted that the application has changed significantly through the application process in response to public consultation. The proposed roof terrace has been removed from the application and this was the subject of another full consultation.

Consultations:

- County Highways Authority – No objection
- Town/Parish Council – Object - Danger to highway from car accessing road from car port and no identified parking for potentially two cars to second home; Dev 10 - lacking outdoor amenities; Pedestrian access from the properties onto main road; no footpath available; Properties overlooking adjacent properties - condition of opaque glass being fitted to

windows. A site visit is strongly recommended. N.B. Councillor P Squire would like it noted that he opposed this decision.

- Conservation Officer – Support this application.

Representations:

As this application was the subject of two consultations all of the representations received are reported.

11 letters of objection are reported raising the following material planning considerations:

Car parking;
Access;
Highway safety;
Overlooking;
Noise and disturbance.
Request the need for obscure glazing.

Relevant Planning History

00223/2015 – Change of use/conversion of chapel to two residential units – Approved

0168/18/FUL - Change of use from redundant chapel to one dwelling – Approved

ANALYSIS

Principle of Development/Sustainability:

Policy TTV1 of the Joint Local Plan - Prioritising growth through a hierarchy of sustainable settlements identifies as settlement hierarchy. Part 1 of the hierarchy is The Main Towns – where it is identified that they will be prioritised for growth to enable them to continue to thrive, achieve strong levels of self-containment, and provide a broad range of services for the wider.

The application site is located within Whitchurch, which forms part of the settlement of Tavistock and as such the principle of residential development is supported in through Policy TTV1 of the Joint Local Plan.

Heritage/Design/Landscape:

The application site is located within a Conservation Area and as such Policy DEV21, Development affecting the historic environment, needs to be considered. This policy requires that development proposals need to sustain the local character and distinctiveness of the area by conserving and enhancing the historic environment, where appropriate.

The existing building, which although isn't listed, is an important building within the Conservation Area and is therefore a Designated Heritage Asset. The building is not occupied and although not in a state of disrepair is in need of investment to bring it back into

use. The fact that proposed development will bring the building back into use is critical in the preservation of this building as without a use it could deteriorate further and eventually be lost. As a result the principle of this supported through Policy DEV21 (5) which identifies development should help secure the long term future of a heritage asset. Furthermore Policy DEV21(2) indicates great weight should be given to the conservation of designated heritage assets.

There is a current planning permission for the building to be converted into a single dwelling as well as an expired consent for the building to be converted into two dwellings.

Turning to the works that are necessary to convert the building by and enlarge the works are internal. This will allow for the configuration of two residential dwellings. Externally the applicant has detailed that the works will be sensitively undertaken to maintain the historic fabric through replacing existing concrete lintels with natural stone, the re-roofing of part of the building with natural slate and replacing unsympathetic uPVC windows with timber or aluminium. New roof lights are proposed but these are conservation specification roof lights.

An enlarged window is being proposed on the north west elevation to facilitate the conversion this is a more modern window, this is on the second part of the building where there are other modern openings on the southern side. As a result this is considered acceptable and further details will be required via condition. It is also noted a window was permitted when planning permission was granted in 2018.

There is two windows proposed on the north east elevation. The new gothic style window would add to the visual interest of the building and subject to further details is acceptable.

A car port will also provide parking, this is integrated within the building and face out onto the road.

Overall the nature and type of repairs will conserve and enhance the character of the Conservation Area and is supported by Policy DEV21 of the Joint Local Plan.

In terms of the quality and standard of amenity provided Policy DEV10 identifies that new development should be of high quality in terms of its design and resilience, and provide adequate space to achieve good living standards. As already discussed the character and design of the proposal is of high quality for this Conservation Area.

The conversion of the building will provide spacious and well laid out flats. The larger unit 1 will provide 154 sq.m, which for a 3 bedroom 2 storey dwelling is 50% larger than the Nationally Described Space Requirement of 102 sq.m. The smaller Unit 2 that provides 2 bedrooms over 2 storeys provides 86 sq.m of floor space. This is in excess of the 79 sq.m that the aforementioned national guidance requires.

In terms of external space the Nationally Described Space Standards does not require external space. Instead the Council have an emerging Supplementary Planning Documents (SPD), which is not adopted and therefore can only hold limited weight. This guidance identifies that 50 sq.m of communal space is the minimum requirement, which includes conversions.

The opportunity for external amenity space for this development is limited given the constraints of the site and the limited curtilage the building sits within. A small area is

provided to the front of the building, which measures 23 sq.m, but this is shorter than the emerging guidance.

Whilst the shortfall is acknowledged part 4.139 of the SPD identifies that the sites location and proximity to parks and open space does need to be considered on a case by case basis. In this regard the site is on the edge of Whitchurch and there are public footpaths to the north east of the site providing access to Dartmoor as well as some amenity space and cycle paths in and around the village. As a result, and taking into account the generous sized flats, it is considered that this shortfall is not sufficient to justify the refusal of planning permission.

It is also worth noting that external amenity space was originally provided. This was subsequently removed following public consultation and a site visit which identified that the provision of an external terrace would have an unaccepted impact on amenity through over dominance, loss of privacy and noise and disturbance. A planning condition will also prevent the roof being used as a terrace in the future.

The internal space standard is just one element of requiring good standard of accommodation. In addition the layout and level of natural light it also important. In this regard the relationship with the existing residential properties along Anderson Close is a constraint. Whilst there are existing windows the residential land use would give rise to a different nature of occupation. As a result the windows will need to be obscurely glazed and fixed shut. This results in 2 of the 5 total bedrooms being obscurely glazed. This does mean that there will be no outlook but will allow for natural lighting. This is considered acceptable on balance. The remaining living areas will have windows fronting out of the property.

Finally Policy DEV8 requires a mix of homes, this development provides a 2 and a 3 bedroom dwelling and this is considered appropriate for this area. Furthermore the Council records show that there is a shortage of flats within Tavistock, with the data showing only 17% of development being flats and 31% of units being 2 bedroomed. Additionally there is limited scope within the physical size of conversion to alter the mix. As a result this mix of sizes is considered acceptable.

Overall it is concluded that this development will provide good quality development to meet the needs of future occupants.

Neighbour Amenity:

The site is tightly constrained by existing residential development which surrounds the site, including Anderton Close to the west. A site visit to two of the properties adjoining the west of the site was undertaken as part of the application process.

Following the site visit discussions where held with the applicant and concerns about the impact of the terrace on residential amenity were identified, and as a result the terrace was removed.

As previously discussed the building is constrained by existing buildings and gardens to the south along Anderton Close. Whilst the nature of the existing building does allow for existing overlooking the residential land use will increase the potential for overlooking. These windows will serve largely bedrooms and given the relationship between the site and 3 Anderson Close where there is potential for direct overlooking with limited separation

distance it is considered necessary to condition that these windows are obscurely glazed and non opening above head height, this will ensure that no overlooking can occur and protect amenity.

Whilst one of the letters of objection cited noise as a concern with windows being openable it also needs to be considered the existing land use could give rise to disturbance. As a result allow windows to be openable above head height to allow ventilation does strike a reasonable balance with residential uses being able to be accommodated next to one another as they are compatible land uses.

Concern from neighbours has been raised about impact during construction. Whilst there will be some local disturbance during construction there are fairly minimal works involved in a conversion compared to new build development. Nonetheless a Construction and Environmental Management Plan (CEMP) restricted to details of contractor parking, details of any scaffold, construction waste disposal, working hours and method of delivery will be required.

Overall subject to conditions it is considered that this development will not give rise to a significant loss of residential amenity.

Highways/Access:

Access to the development together with car parking has resulted in a significant level of objections to this application. Land ownership and access rights are a civil issue between the applicant and landowner. The building does have access to the public highway and rights of access to the area of land to the north will need to be considered though separate negotiation.

Policy DEV29 of the Joint Local Plan requires that new development will be required to contribute positively to the achievement of a high quality effective and safe transport system. The Council currently has no adopted car parking standards within a Policy within the Joint Local Plan. Instead the emerging Supplementary Planning Document (SPD) provides some guidance to Policy DEV29 and identifies parking standards.

Part 8.7 of the SPD identifies that 2 spaces each are required for a 2 bed dwelling and 3 bed dwelling. This development provides a single parking space in total. Whilst this is a shortfall the Highway Authority have identified that the parking arrangements are the same as planning application that was approved under application 0223/15, and that consideration was given to the existing land use and the potential for parking.

This point is particularly relevant to this application as a D1 use such as a Methodist Church would create a parking demand. Based on the Council's SPD this would be 1 space per 22 sq.m. Based on the floor area original floor area of 110 sq.m this would be a parking demand of 5 spaces, compared to a demand of 4 as proposed by this development. As a result it is considered there is not a significant change in parking pressures proposed by this development. This view is consistent with the view of the Local Highway Authority. Despite this it is important to identify the conflict of the development from the emerging SPD.

Turning to the highway safety concerns the Local Highway Authority has advised: *The formation of an access in this location is not straightforward due to the gradient and slightly restricted forward visibility for right turning entering vehicles. Exiting visibility will be fine as it is located on the outside of the bend. On balance though, I would say that the*

proposed parking space is more acceptable in principle from a highway point of view than the prospect of a vehicle parked on the carriageway at this location. This is also having regard to the parking potential of the existing authorised use of the site as a place of worship.

As result it is concluded that whilst there is a shortfall in parking provision compared to the SPD the access proposed does not give rise to significant highway safety concerns.

Other Matters:

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

The applicants have confirmed with South West Water that the scheme can connect to the foul sewerage system. In terms of surface water drainage as this is a conversion and there are no new areas of hard surfacing or building it will not materially impact on the surface water system.

The application has been submitted with a high level contaminated land assessment. An unexpected contamination conditions will be used.

The application has been submitted with a Wildlife Trigger table, which demonstrated that no ecological report was required.

Conclusion and planning balance.

This development will provide a new use to a designated heritage asset that will provide a long term and viable use for the building. The development will provide two good sized new dwellings that will provide a good standard of amenity for future occupants in a sustainable location. Whilst there is a conflict with the level of car parking provided compared to the SPD this is outweighed by the benefits the development will deliver. Furthermore the SPD is not adopted and as such can hold limited weight.

This application has been considered in accordance with Section 38 of the Planning & Compulsory Purchase Act 2004 and with Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Planning Policy

Section 70 of the 1990 Town and Country Planning Act requires that regard be had to the development plan, any local finance and any other material considerations. Section 38(6) of the 2004 Planning and Compensation Act requires that applications are to be determined in accordance with the development plan unless material considerations indicate otherwise. For the purposes of decision making, as of March 26th 2019, the development plan for Plymouth City Council, South Hams District Council and West Devon Borough Council (other than parts South Hams and West Devon within Dartmoor National Park) comprises the Plymouth & South West Devon Joint Local Plan 2014 - 2034.

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Adopted policy names and numbers may have changed since the publication of the Main Modifications version of the JLP.

The relevant development plan policies are set out below:

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

SPT1 Delivering sustainable development
SPT2 Sustainable linked neighbourhoods and sustainable rural communities
SPT3 Provision for new homes
SPT7 Working with neighbouring areas
SPT8 Strategic connectivity
SPT9 Strategic principles for transport planning and strategy
SPT10 Balanced transport strategy for growth and healthy and sustainable communities
SPT11 Strategic approach to the Historic environment
SPT12 Strategic approach to the natural environment
SPT13 Strategic infrastructure measures to deliver the spatial strategy
SPT14 European Protected Sites – mitigation of recreational impacts from development
TTV1 Prioritising growth through a hierarchy of sustainable settlements
TTV2 Delivering sustainable development in the Thriving Towns and Villages Policy Area
TTV3 Strategic infrastructure measures for the Main Towns
DEV1 Protecting health and amenity
DEV2 Air, water, soil, noise, land and light
DEV8 Meeting local housing need in the Thriving Towns and Villages Policy Area
DEV9 Meeting local housing need in the Plan Area
DEV10 Delivering high quality housing
DEV20 Place shaping and the quality of the built environment
DEV21 Development affecting the historic environment
DEV22 Cornwall and West Devon Mining Landscape World Heritage Site
DEV26 Protecting and enhancing biodiversity and geological conservation
DEV27 Green and play spaces
DEV28 Trees, woodlands and hedgerows
DEV29 Specific provisions relating to transport
DEV30 Meeting the community infrastructure needs of new homes

DEV31 Waste management
DEV32 Delivering low carbon development
DEV33 Renewable and low carbon energy (including heat)
DEV34 Community energy
DEV35 Managing flood risk and Water Quality Impacts
DEV36 Coastal Change Management Areas
DEL1 Approach to development delivery and viability, planning obligations and the Community Infrastructure Levy

Other material considerations include the policies of the National Planning Policy Framework (NPPF) including but not limited to paragraphs 11 and guidance in Planning Practice Guidance (PPG). Additionally, the following planning documents are also material considerations in the determination of the application: Emerging SPD.

Neighbourhood Plan

Until adopted the Tavistock Neighbourhood Plan cannot hold significant weight.

Considerations under Human Rights Act 1998 and Equalities Act 2010

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

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PLANNING APPLICATION REPORT

Case Officer: Anna Henderson-Smith

Parish: Gulworthy **Ward:** Bere Ferrers

Application No: 3154/19/HHO

Agent/Applicant:

Mr Jeremy Maddock - Elford Maddock
Architect'I Practice
23 Fore Street
Bere Alston
Yelverton
PL20 7AA

Applicant:

Mr & Mrs Backaller
1 Morwellham
PL19 8JL

Site Address: 1 Morwellham, Tavistock, PL19 8JL

Development: Householder application for proposed 2 storey rear extension and replacement detached garage (Resubmission of 2537/19/HHO)



Reason item is being put before Committee

Cllr Musgrave:

'I fully understand your reasons for recommending refusal but I have real concern regarding the following issues:

- The existing property is small and unsuited for family accommodation.*
- There are nine representations all supporting the application*
- An identical development to a neighbouring property was approved by the council in August last year. '*

Recommendation:

REFUSE

Reasons for refusal

The proposed extension, by reason of its prominence, size, design and requirement for changes to the property's internal configuration, is not considered acceptable given the cottage's clear contribution to the Outstanding Universal Value of the World Heritage Site. as such it is considered contrary to policy DEV22 of the Joint Local Plan, the Cornwall Mining World Heritage Site SPD and Management Plan, and the NPPF, in particular paras 184, 189 and 194.

Key issues for consideration:

The impact of the development upon the World Heritage Site designation

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

n/a

Site Description:

The site is a terraced two-storey dwelling in the World Heritage Site within Morwellham Quay. The building is grey roughcast render with a slate roof, white UPVC windows and a substantial shared chimney, it has a small flat roof single storey rear extension at present and stone outbuilding. The building is in the same style as the many other workers cottages built across the borough during the mining boom of the 19th C which is the basis for the UNESCO inscription as a WHS. These cottages are mid 19thC and are in a similar style to Westbridge Cottages in Tavistock and those on Parkwood Road, all built around the same time. In this Morwellham location there are 5 groups of 4 identical cottages (20 original cottages).

The site is also within the Tamar Valley Area of Outstanding Natural Beauty, forms part of the setting of several listed buildings and is close to a public right of way (which follows a portion of the access to the dwelling past the listed properties).

The Proposal:

Two-storey rear extension to mid-terrace dwelling and replacement detached garage

Consultations:

- County Highways Authority – no comments to make
- Environmental Health Section - no comments made, (however unsuspected contamination condition would be applied if approved)
- Gulworthy Parish Council – support 'the appearance of the proposal would be more consistent with the neighbouring buildings/property)

- Cornish Mining World Heritage Site Officer – Considers the scheme should be refused
- Heritage Specialist – Can't support the scheme, objects
- Historic England – *'the proposal will have an impact on the scheduled remains of Morwellham Quay and on the Outstanding universal Value of the Cornwall and West Devon Mining Heritage WHS within which the complex sits. Morwellham Quay ranks as one of the country's most complete C19 inland ports and it retains clear evidence for the C18 and C19 expansion of a medieval river port. It is an industrial complex that retains great integrity and the unintensive use of the site since it ceased as a mining port in the early C20 has resulted in few modern modifications. Morwellham's principal significance lies in its role in the development of the orefields in the C18 and C19; it was probably the most important copper ore exporting centre in Europe during the mid –C19. It survives in an unusually complete state and many of tis archaeological features reflect this significant period in the site's history.*

The extensive range of docks and quays in particular provides evidence that the port was a key interface between the mines of West Devon and global trade. Much of the integrated transport infrastructure survives well as either surface or buried remains including the sub surface remains of in situ early- C19 platways and turntables which are particularly rare and significant survivals nationally. The Tavistock Canal is considered to be a good example of a mineral canal and its associated incline is the only known extant example of a water powered inclined plane in the country. The site of the manganese mill is of particular importance as possibly the only known surviving in the SW and it will retain buried evidence for the technology and processes used in this industry in addition there is a considerable archive of documentary material relating to the history of Morwellham; it is accessible to the public and thus serves as an important educational resource and amenity.

The proposal will result in a significant addition to the formerly modest cottage, which may serve to detract from visitors understanding of the modest nature of these cottages and the settlement as a whole. This will be more evident being the final cottage of the row and although the extension would mirror that underconstruction at number 2, it does have the potential to intrude on the primacy of the main, frontal elevation. The extension at number 2 being approved under previous policy. We do, however, recognise that the proposal will, alongside the approved extension at number 2, preserve an element of the original symmetry of the cottages.

Historic England have noted the above points referred to previously by other consultees and would echo those concerns, urging your authority to determine the application with national and local policy and specialist advice from your conservation officer. We do not object to the proposed garage.

Recommendation –

Historic England has concerns regarding the application on Heritage Grounds.

We consider that the issues and safeguards outlined in our advice need to be addressed in order for the application to meet the requirements of paragraphs 190, 192, x193, 194, 196 and 200 of the 200 of the NPPF.

Your authority should take these representations into account and seek amendments, safeguards or further information as set out in our advice.'

Representations:

9 letters of support received outlining the following:

- The back of the cottage has seen all sorts of additions designed for working families, appropriate for its original use
- Will not adversely affect the appearance of the rear of the cottage
- It will not be visible from the front
- 3-4 already has a rear extension, this would balance the buildings and make them affordable homes suitable for families
- This would be an improvement, removing the flat roof extensions and renovating and preserving the historic outhouses
- The community relies on younger families as part of the mix, and for anyone older/infirm a first floor bathroom is essential
- The cottage needs bringing up to modern living standards
- Similar to existing extensions
- Many of the cottages in the road have been combined to form 3 bed residences, the remaining four single cottages can't cater for growing families or those with mobility issues
- These cottages often has one family staying in them for several censuses. Allowing the extension would a family to live in the village and perpetuate this history
- Valuable enhancement to the village
- A change which will support future generations
- Would like to see the village community survive rather than turn to holiday homes and as such this extension is necessary to make it a family home
- In the interests of the community as a whole to allow it
- Will be symmetrical with the neighbouring property
- Will improve the housing stock be reducing carbon emissions

Relevant Planning History

Number 1:

2537/19/HHO- Householder application for proposed two storey rear extension and replacement detached garage – refused 24/9/19 reason as follows:

'The proposed two storey extension will harm the character and authenticity of the heritage asset. Therefore the development is contrary to the aims of Joint Local Plan policy DEV22, P3 of the World Heritage Site Management Plan and paragraphs 189, 193, 196 of the National Planning Policy Framework.'

Number 2 :

1967/18/HHO - Householder application for a two-storey rear extension and detached garage – approved 22/8/18

2345/19/HHO- householder application for proposed 2 storey rear extension and detached garage - refused

Others in the row:

1818/19/HHO - Householder application for demolition of existing flat-roofed rear extension and construction of new two storey extension, construction of new single garage and studio in garden (number 8) – refused 24/9/19

1817/19/HHO - Householder application for demolition of existing flat-roofed rear extension and construction of new two storey extension, construction of new single garage and studio in garden (number 7) - refused 24/9/19

ANALYSIS

Principle of Development/Sustainability:

The principle of an extension of this size to the rear of a residential property is not contrary to policy in principle, however due to the constraints of the site, building and the areas significance (discussed below) there are in principle issues with the proposal. Essentially this is an application that may ordinarily be seen as acceptable were it not for the heritage context. There have been other similar approvals in the vicinity and the applicant has cited these as justification for this proposal, including on adjacent and adjoining properties. For this reason the following gives a brief summary of the current policy context within which this application must be considered.

Local and national policy

The policy context for the World Heritage Site (WHS) has been changing in recent years with clarification and additional emphasis on WHS being put in place by the NPPF and the adoption of the Joint local Plan (JLP) with a specific policy DEV22. NPPF para 184 adds weight to the previous version by stating that WHS inscription is of the 'highest significance', this is reiterated in para 194 which places WHS status alongside that of scheduled monuments and the highest graded listed buildings.

JLP policy DEV22 states:-

Development proposals within the Cornwall and West Devon Mining Landscape World Heritage Site or its setting will conserve or where appropriate enhance the Outstanding Universal Value of the site. In particular, regard should be given to the following:

- (1) The historical and cultural significance of the seven key attributes that express the Outstanding Universal Value of the Site as well as other key buildings or other features and their contextual setting as may contribute to this significance.*
- (2) The need to conserve and maintain existing historic fabric and to retain and reflect locally distinctive features in the design of buildings, layouts and landscape to ensure the authenticity and integrity of the World Heritage Site is maintained.*
- (5) The need to be in accordance with the principles and objectives of the relevant Cornwall and West Devon Mining Landscape World Heritage Site Management Plan and other guidance/ adopted documents, including the World Heritage Site Supplementary Planning Document.*

(6)Proposals that would result in harm to the authenticity and integrity of the Outstanding Universal Value should be wholly exceptional. Less than substantial harm must be justified. Proposals causing harm will be weighed against the substantial public, not private, benefits of the proposal and whether it has been demonstrated that all reasonable efforts have been made to mitigate the extent of the harm....

The WHS Management Plan (MP) identifies the attributes which led to UNESCO inscription. Morwellham is a key centre of the WHS and represents a condensed site with multiple attributes (of the seven upon which inscription was based) relating to i) actual mining, ii) transportation, iii) preparation and shipment of ores, iv) ancillary industries and v) mining settlement. The cottages fall into that last attribute having been built for valued workers whether miners or working in other associated activities. The provision of quality housing for workers is a significant component of the Tamar valley and Tavistock area within the WHS and the essential character of these cottages is that they were modest in scale. Each cluster of cottages has a group value which needs to be evaluated, understood and protected from harmful change.

The commitment of the local planning authorities is to strive to ensure that 'integrity' and 'authenticity' are preserved and this is contained in MP Policy P3: 'Planning authorities will ensure that new development protects, conserves and enhances the Site and its setting.'

In response to concerns from UNESCO and ICOMOS regarding some planning decisions in the WHS, the WHS team prepared a Supplementary Planning Document to assist applicants in preparing and presenting their proposals. It is also a tool for officers and Council Members in assessing proposals. This was adopted by WDBC in May 2017. Section 6 of the SPD is particularly useful for applicants and agents making planning applications in the WHS.

As such the policy matrix for determining development proposals within the WHS has become more robust in the last couple of years and elevated and clarified the importance and status of WHS designations.

Design:

Heritage:

The Heritage Specialists consideration of the proposal is as follows:

'The proposal echoes an approval on the adjoining cottage. The application does not adequately assess the contribution of the cottages to the Outstanding Universal Value of the WHS and so falls short of the level of heritage assessment required by NPPF189.

The concerns I wish to raise can be summarised as follows:-

- 1 – Two storey additions will progressively erode the integrity and authenticity of the cottages by making them much larger than designed and built.*
- 2 – The extent of the extension links the cottage to the outhouse, thereby breaking down the differentiation and legible relationship between home and service block.*
- 3 - The proposal involves substantial demolition of the rear wall upstairs and removal of the existing (I assume original?) staircase and replacement with a different configuration. Whilst internal changes do not require permission on an unlisted building the reason for that change is the extension of the dwelling.*
- 4 – That re-configuration to add a bedroom in the rear corner also results in an additional window to the SW elevation that unbalances the existing authentic appearance. Whilst*

additional windows do not require permission on an unlisted building the reason for that change is the extension of the dwelling. (If the windows were done under PD they would have to be obscured and non-opening).

The garage, like other outbuildings to the cottages is located on land which was not associated with the dwellings until (it seems) WWII when the land became allotments as part of 'dig for victory'? Whilst this is of social historic interest it is not associated with the attributes which led to UNESCO inscription. So long as the 'profiled sheeting' is authentic 3 inch corrugated iron, reflecting the use of that material in the local vernacular for functional buildings, I would have no objection to that part of the application.

My conclusion is that the proposal represents less than substantial harm to an heritage asset which has WHS attributes and, therefore, contributes positively to the OUV of the Cornwall and West Devon Mining Landscape WHS. Whilst the harm is in the moderate range of 'less than substantial' it is certainly not insignificant. This harm has to be outweighed by public, not private benefits and I cannot see any such benefit.

In light of changes to the NPPF and adoption of the JLP I am unable to offer support for this proposal.'

In addition to these, the WHS Office would not normally comment on such an application, leaving it instead to WD officers, however in this instance they have felt they wish to offer the following comment/advice:

'These cottages can be viewed from both front and rear in a way that more densely packed miner's terraces generally cannot. Equally they remain relatively unscathed by alterations and they are also so very prominent in the context of Morwhellham being a standalone cluster that is readily legible when entering the site.

The main issue is one of cumulative harm. The fact that one extension follows that as previously approved so soon afterwards lends weight to that line of argument.

In the most recent changes to the NPPF the raising of the WHS to the first paragraph of section 16 confirms the importance of the WHS as a heritage asset of the highest significance.

The WHS office would also suggest that the Heritage Statement as submitted whilst seeking to meet the terms of paragraph 189 of the NPPF does not employ a recognised methodology for heritage assessment in relation to a WHS such as the ICOMOS 2011 HIA guidance or the adopted WHS SPD of 2017.

The assessment of harm in relation to WHS attributes is therefore not undertaken in a manner that would comply with a recognised methodology for the weighing and grading of impacts to an attribute that expresses the OUV of the WHS or the wider WHS context in which the site sits.

It is noted that as well as the more recent application adjacent to this this one the HS makes reference to the approved application 4312/2003/TAV, which is of course, prior to WHS inscription in 2006. Both planning policy and requirements for heritage impact assessment have altered markedly since 2003.

Reference to such anomalous development cannot be a reason to grant further such development. An Inspector dealing with an appeal for a site called "Osocozy" in St Agnes (to which the WHS had objected) used the following wording;

"I would note here that the existence of permissions to develop on mineworkers' smallholdings elsewhere does not justify development that would be unacceptable in the present." (APP/D0840/W/16/3153446)

Clearly then there is confirmation that past harmful development within the WHS cannot be a justification for allowing it now.

It is also noted that harm has been identified in the context of the WHS as a designated heritage asset and that such harm has to be outweighed by public, not private benefits. In the absence of such benefits then the scheme should be refused when employing the titled balance as established in case law."

As such then it is evident from the comments of the heritage specialist, WHS officer and those of Historic England that this proposal is not considered by those specialists to be compliant with the various national and local policies and guidance relating to development within the WHS and the accompanying documentation with the application fails to properly consider and justify the proposal and its impacts on the OUV of the WHS.

It is recognised that the adjacent property at number 2 had a similar proposal approved last year, however the policy landscape and context for decision-making has moved on since then.

It is also recognised that these cottages are relatively small and that they may not be of a size and layout expected today for a family, however they are heritage cottages of great value to the World Heritage Site designation and are not simply an old cottage than can be altered and adapted to change with the times with no consequence. These cottages and the WHS have a value of a certain period of time, associated with a certain period and event in history and as such this renders the cottages less able to absorb change without eroding their value and contribution to the world-wide heritage recognition.

Amenity:

There are not considered to be any amenity issues insofar as residential privacy with this proposal, it echoes the approved scheme at the neighbouring property and is not considered to cause undue harm to privacy or neighbour amenity in general.

Highways/Access:

No issues, the proposed garage is acceptable and replaces an existing garage in the same location.

Other Matters:

Landscape – the site lies within the AONB, however it is not considered that the proposal would have a significant detrimental effect upon the landscape, and would be read against the existing built form of the properties.

The proposed garage is in close proximity to the adjacent hedge and mature tree, were this proposal to be approved, conditions to ensure the demolition of the existing garage and construction of the replacement did not damage these in the short term or in the future following additional growth, would be required.

Biodiversity – a report and investigation was undertaken and no bats, owls or nesting birds were found.

The site falls within the Zone of Influence for new residents have a recreational impact on the Tamar European Marine Site (comprising the Plymouth Sound and Estuaries SAC and Tamar Estuaries Complex SPA). This Zone of Influence has recently been updated as part of the evidence base gathering and Duty to Cooperate relating to the Joint Local Plan. A scheme to secure mitigation of the additional recreational pressures upon the Tamar European Marine Site can be appropriately secured by condition, and this approach has been agreed by Natural England, however this is not necessary for applications of a householder nature such as this one.

Conclusion:

The proposed extension would harm the historic accuracy of the cottage and the purpose for which it was built. In turn this would erode the contribution that the cottage and the group as a whole make to the OUV of the World Heritage Site. There is no over-riding public benefit associated with this proposal and as such it is considered to be non-compliant with national guidance, planning policy and the Joint Local Plan. The garage, with conditions, would be acceptable in principle, however it is not possible to only approve one element.

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

Planning Policy

Section 70 of the 1990 Town and Country Planning Act requires that regard be had to the development plan, any local finance and any other material considerations. Section 38(6) of the 2004 Planning and Compensation Act requires that applications are to be determined in accordance with the development plan unless material considerations indicate otherwise. For the purposes of decision making, as of March 26th 2019, the development plan for Plymouth City Council, South Hams District Council and West Devon Borough Council (other than parts South Hams and West Devon within Dartmoor National Park) comprises the Plymouth & South West Devon Joint Local Plan 2014 - 2034.

Following adoption of the Plymouth & South West Devon Joint Local Plan by all three of the component authorities, monitoring will be undertaken at a whole plan level. At the whole plan level, the combined authorities have a Housing Delivery Test percentage of 166%. This requires a 5% buffer to be applied for the purposes of calculating a 5 year land supply at a whole plan level. When applying the 5% buffer, the combined authorities can demonstrate a 5-year land supply of 6.5 years at the point of adoption.

Adopted policy names and numbers may have changed since the publication of the Main Modifications version of the JLP.

The relevant development plan policies are set out below:

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

SPT1 Delivering sustainable development
SPT11 Strategic approach to the Historic environment
SPT12 Strategic approach to the natural environment
SPT14 European Protected Sites – mitigation of recreational impacts from development
TTV1 Prioritising growth through a hierarchy of sustainable settlements
TTV2 Delivering sustainable development in the Thriving Towns and Villages Policy Area
TTV26 Development in the Countryside
TTV27 Meeting local housing needs in rural areas
TTV29 Residential extensions and replacement dwellings in the countryside
DEV1 Protecting health and amenity
DEV2 Air, water, soil, noise, land and light
DEV20 Place shaping and the quality of the built environment
DEV21 Development affecting the historic environment
DEV22 Cornwall and West Devon Mining Landscape World Heritage Site
DEV23 Landscape character
DEV25 Nationally protected landscapes
DEV26 Protecting and enhancing biodiversity and geological conservation
DEV28 Trees, woodlands and hedgerows

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

Considerations under Human Rights Act 1998 and Equalities Act 2010

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

Considerations under Human Rights Act 1998 and Equalities Act 2010

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

DELETE THIS SECTION IF A COMMITTEE REPORT

The above report has been checked and the plan numbers are correct in APP and the officers report. As Determining Officer I hereby clear this report and the decision can now be issued.

Name and signature:

Date:

Ward Member - Date cleared - Comments made -	Ward Member – Date cleared Comments made -
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Application to work on Trees within a Conservation Area Assessment and Recommendation



Tree Preservation Order : S52 A2 Redmoor Close, Tavistock

Site Address: 21 Redmoor Close Tavistock PL19 0ER

Application Register No : 3420/19/TPO

Applicant: Mr (Cllr) Steve Hipsey, 21 Redmoor Close Tavistock PL19 0ER

Proposed works: Ash with die-back identified as risk to highway users by DCC 30/09/2019. (Highway Tree Safety Inspection Report ELM-HI-6887-16477). Recommends Sectional Fell/Dismantle.

Tree subject to TPOs S52 and S97. Please note that applicant is a member of WDBC for Tavistock North Ward.

Date of Application : 22/10/2019

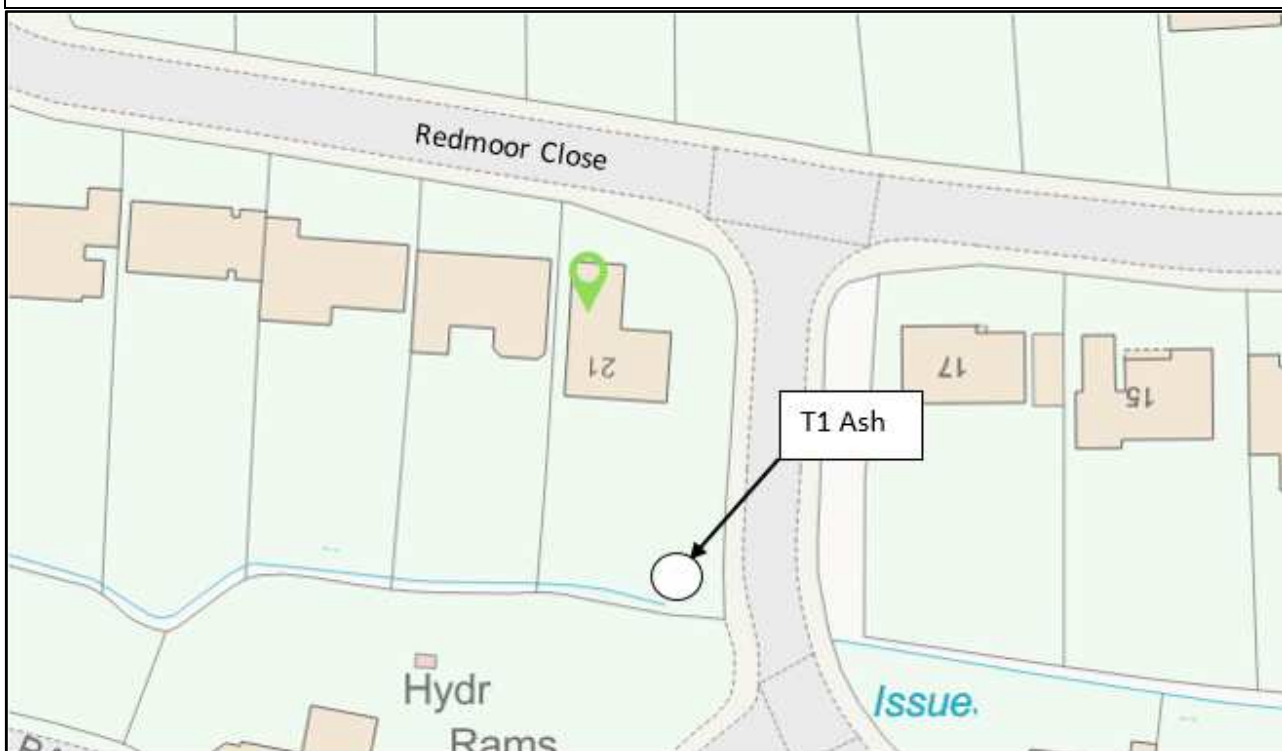
Representation Period ends: 19/11/2019

Target Decision Date : 17 December 2019

Reason item is being put before Planning Committee: The applicant is a member for WDBC Tavistock North Ward

Site assessed by : L Marshall

Date : 19/11/2019 & 03/12/2019



Recommendation: The Council grants consent for the felling of T1 Ash

Requirements of consent:

The removal of the above tree is granted, but a condition for the removal is that the tree be replaced with 1 x *Quercus robur* 8-10 cm Girth Selected Standard which is to be planted as close as practically possible to where the tree was removed.

The replacement tree to be planted in accordance with the above conditions is to be planted in the next planting season following the felling or in accordance with the British Standards below if planted outside of the normal planting period.

The planting and aftercare of the tree shall be carried out in accordance with BS 8545:2014 Trees: from nursery to independence in the landscape recommendations and BS 4043: 1989 Transplanting root-balled trees. Provision of watering should be made within summer months to ensure establishment of the tree.

The Local Authority is required to be sent images of the planted tree as soon as practically possible following the successful planting to confirm the Condition has been discharged.

If within a period of 5 years from the completion of the new planting, as Condition 1, the tree is cut down, felled, uprooted, removed, destroyed, or dies or becomes in the opinion of the Council, seriously damaged or defected,

- (a) The Council shall be notified as soon as reasonably practicable; and
 - (b) Another tree of the same size and species shall be planted at the same location, at a time agreed in writing by the Council,
- Unless the Council agrees in writing to dispense with or vary the requirement.

Any duty to replace trees felled under TPO or Conservation Area legislation transfers to a new owner if the land changes hands; and when not discharged is liable to exist as a charge upon the land, revealed during conveyancing searches.

Reason

To ensure the continuity of succession tree planting which serves to contribute significantly to the public visual amenities of the local and wider landscape in accordance with Section 206 of the Town and Country Planning Act 1990.

Key issues for consideration:

The impact on the local amenity and character of the area if the tree is felled in accordance with the prescribed works as required under the County Council Highway Notice Ref ELM-H14-6887-16477

The proposal:

The application seeks consent for the felling of T1 Ash.

Appraisal:

During the site visit it was noted that the crown showed poor vigour and that extending areas of the crown were becoming devoid of smaller branches and viable buds were not clearly visible through the trees entire crown. Deadwood areas were greater than would be expected for a tree in this age range.

It is recognised that diagnosis and visual observation of the disease is difficult when the leaves are not present. Study of the images supporting the County Council tree report (see below) show a significantly declining crown, which is corroborated by study of bud density and areas of deadwood during my site visit.



Image 1: DCC image replicated showing crown decline

The report issued by the County Council was checked for veracity during the site visit and its conclusions are agreed with in respect of the high probability of the trees decline being in respect of presence of Ash dieback.

Whilst it is possible the tree may be safely retained at a reduced size it is likely that the disease will continue its effect of killing off crown areas and increasing the attendant risk to the Highway users and occupiers of the property alike of large part tree failure. Furthermore this course of action would adversely affect the visual amenities of the area.



Figure 2: T1



Figure 3: area of spreading deadwood over road.

Consultations:

- Tavistock Town Council
- County Council Highways
- Site Notice put up

Consultation responses (as of 04/02/2019)

- A neutral view referring to the Landscape officer's opinion was received.

Conclusion

Due consideration has been given to the amenity value of T1 and its contribution to the local character. Officers are satisfied that whilst the impact of the proposed works will adversely affect local visual amenity that the works are necessary in the interests of safety and good tree management.

The proposed replacement tree condition will address the net loss of ecological and visual attributes in the long term.

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APPEAL DECISION DATE:

APPLICATION NUMBER : **2694/18/PIP** APP/Q1153/W/19/3224643
APPELLANT NAME: Mr Anthony Morris
PROPOSAL : Permission in principle for development of land for up to 3 houses.
LOCATION : Land at SX 624 101 Sampford Chapple Sampford Courtenay Okehampton
APPEAL STATUS : Appeal decided
APPEAL START DATE: 11-July-2019
APPEAL DECISION: Dismissed (Refusal)
APPEAL DECISION DATE: 14-October-2019

Ward Milton Ford

APPLICATION NUMBER : **3616/18/OPA** APP/Q1153/W/19/3241853
APPELLANT NAME: Mr & Mrs L & S Scott
PROPOSAL : Outline application with some matters reserved for erection of 4 dwellings
LOCATION : Land to the East of Burnshall Cottages Road Past Four Down Farm Chillaton Devon
APPEAL STATUS : Appeal Lodged
APPEAL START DATE: 16-December-2019
APPEAL DECISION:
APPEAL DECISION DATE:

Ward Okehampton North

APPLICATION NUMBER : **3441/17/OPA** APP/Q1153/W/19/3225836
APPELLANT NAME: Ms Kim Hawkins-Sampson
PROPOSAL : READVERTISEMENT (Revised Description) Outline application with some matters reserved for the construction of 23 dwellings, associated car parking, access and estate road, private amenity space and public openspace
LOCATION : Proposed development site at SX573976 Folly Gate Okehampton
APPEAL STATUS : Appeal decided
APPEAL START DATE: 15-May-2019
APPEAL DECISION: Dismissed (Refusal)
APPEAL DECISION DATE: 16-October-2019

Ward Tamarside

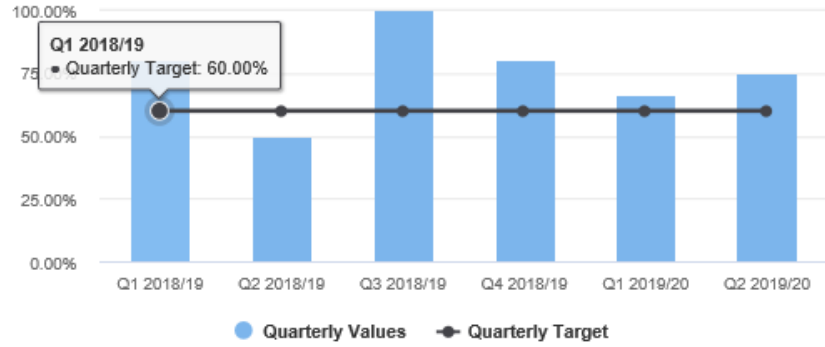
APPLICATION NUMBER : **3337/18/OPA** APP/Q1153/W/19/3234249
APPELLANT NAME: Mr P Sergeant
PROPOSAL : Outline planning permission for three dwellings (2 in the grounds of the former carpark and one (log cabin) in the grounds of the existing stables)
LOCATION : Royal Exchange Inn Lewdown EX20 4BX
APPEAL STATUS : Appeal decided
APPEAL START DATE: 21-August-2019
APPEAL DECISION: Dismissed (Refusal)
APPEAL DECISION DATE: 13-December-2019

Ward Tavistock North

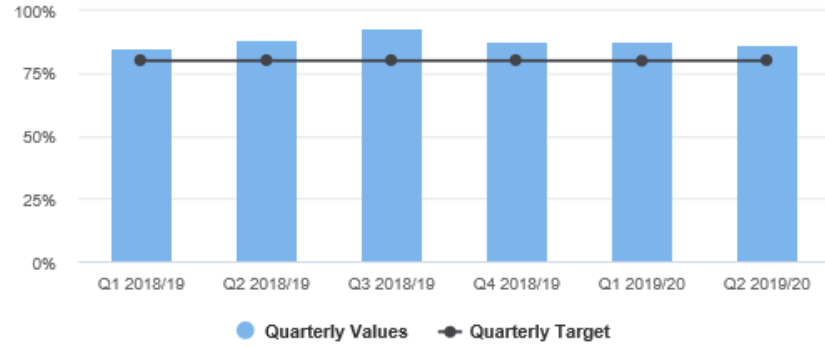
APPLICATION NUMBER : **3267/18/FUL** APP/Q1153/W/19/3231909
APPELLANT NAME: Ms I Chambers
PROPOSAL : Change of use of barn approved for domestic ancillary use to dwelling
LOCATION : The Milking Parlour Higher Wilminstone Farm Wilminstone Tavistock PL19 0JT
APPEAL STATUS : Appeal decided
APPEAL START DATE: 20-August-2019
APPEAL DECISION: Dismissed (Refusal)
APPEAL DECISION DATE: 26-November-2019

APPLICATION NUMBER : **4122/18/FUL** APP/Q1153/W/19/3239298
APPELLANT NAME: Mr T Faircloth
PROPOSAL : Proposed change of use of part of field to storage of vehicles (resubmission of 2205/18/FUL)
LOCATION : Higher Wilminstone Farm Wilminstone Tavistock PL19 0JT
APPEAL STATUS : Appeal Lodged
APPEAL START DATE: 03-December-2019
APPEAL DECISION:
APPEAL DECISION DATE:

WD-P1 Major Apps on target



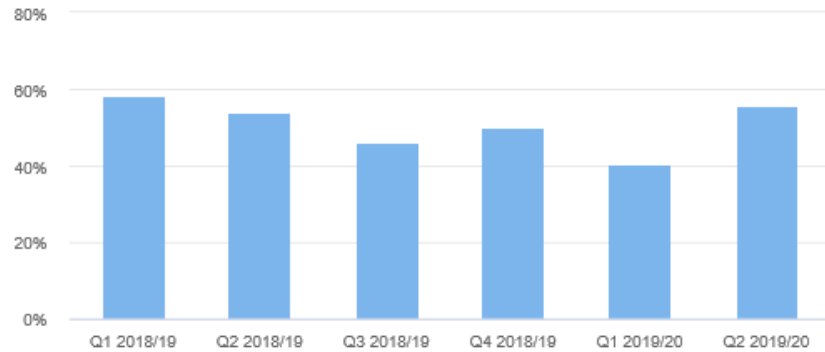
WD-P2 Non-Major apps on target



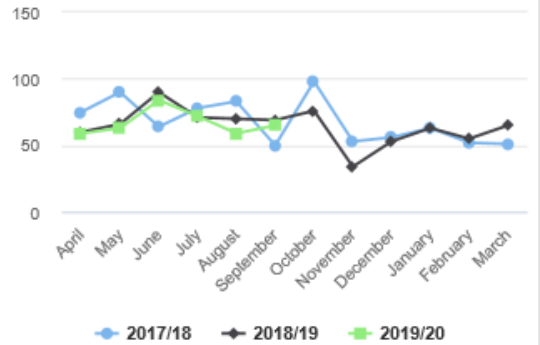
WD-P4 Major applications on target without eot



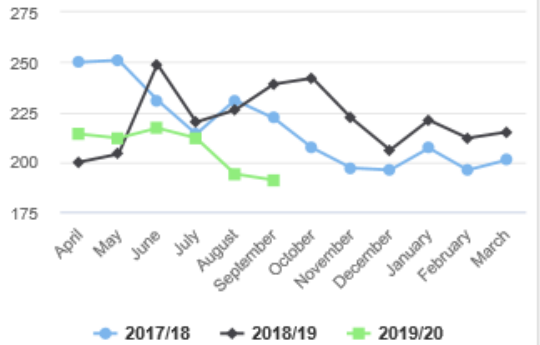
WD-P5 Non-Major apps on target without eot



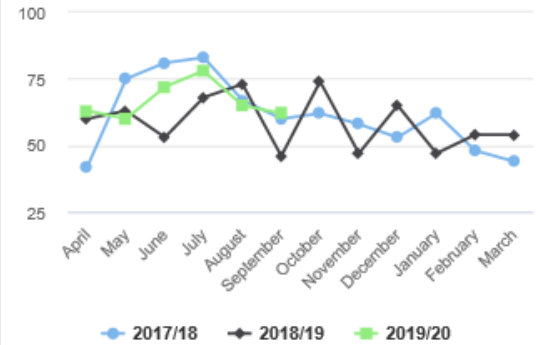
WD-P7 No of planning applications registered



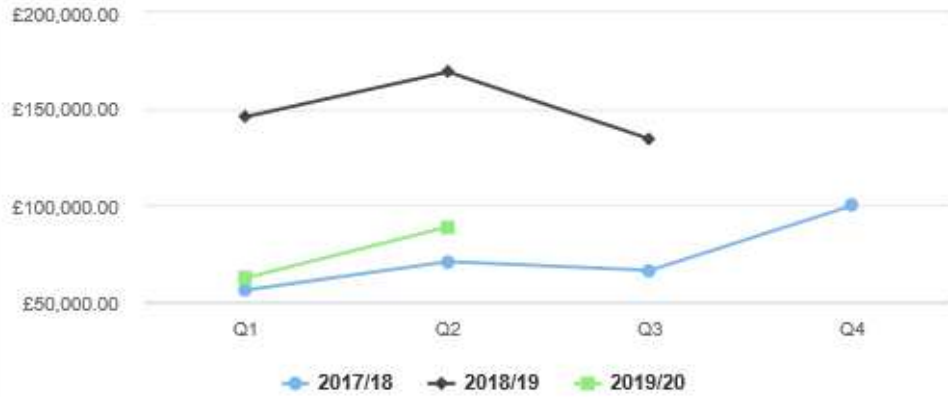
WD-P8 Planning Workload



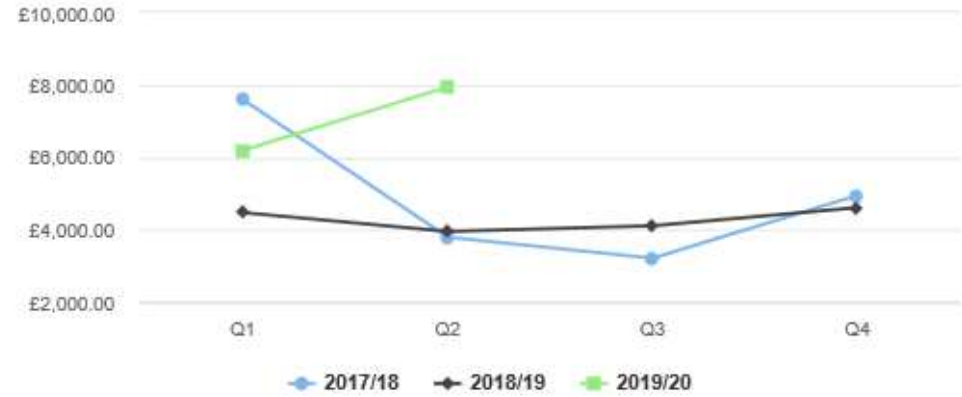
WD-P9 Applications determined



WD-P10 Fee Income from Planning Applications



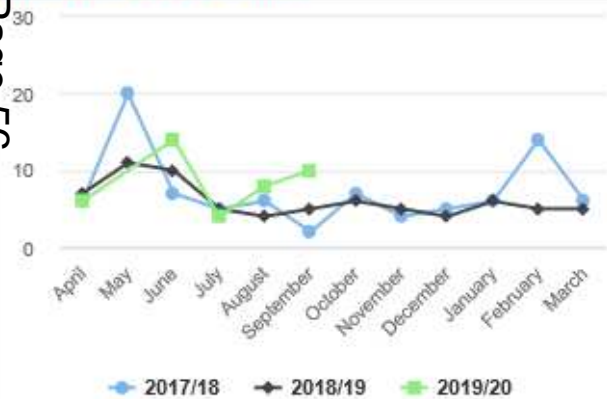
WD-P11 Fee Income from Pre-Apps



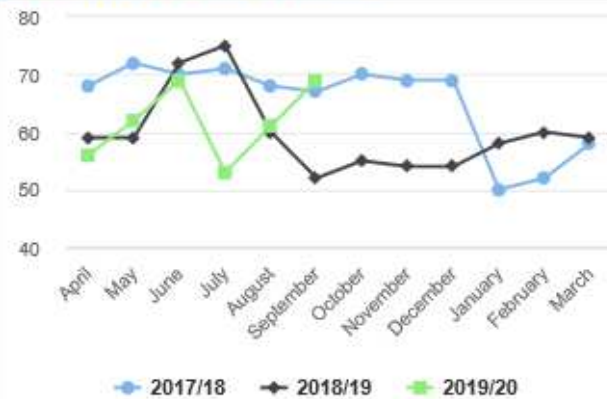
WD-P12 Pre-Apps Received



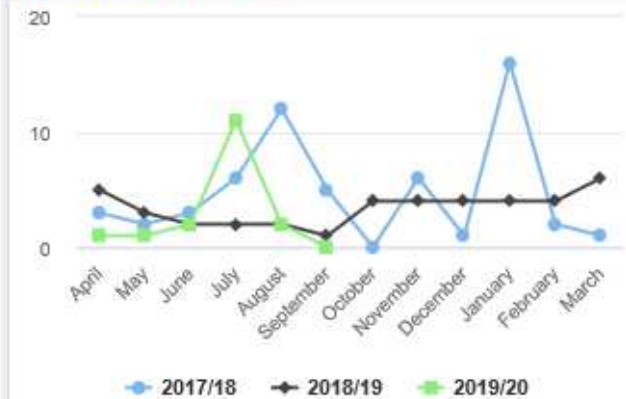
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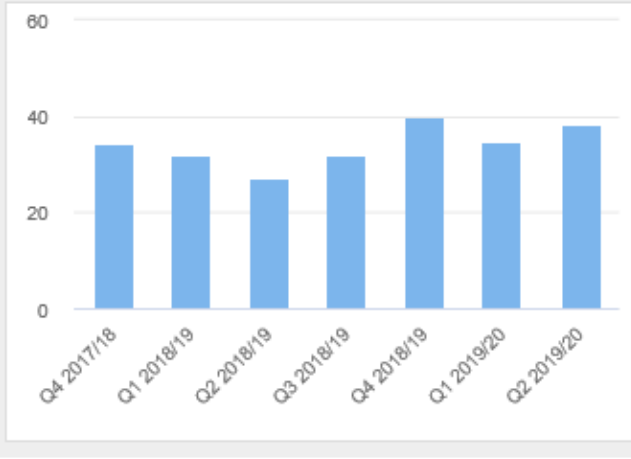
WD-P13 Pre-Application workload



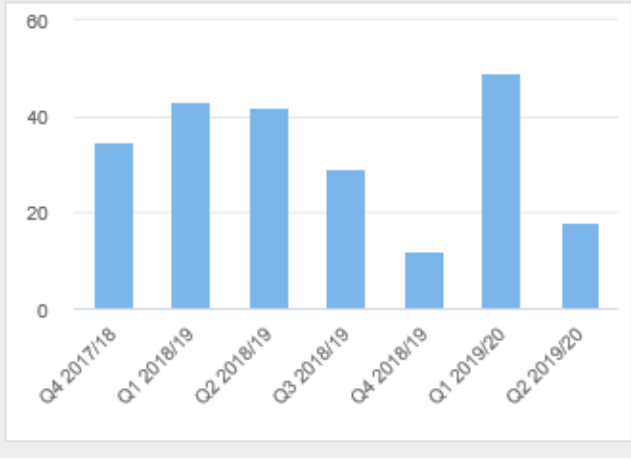
WD-P14 Pre-Apps closed



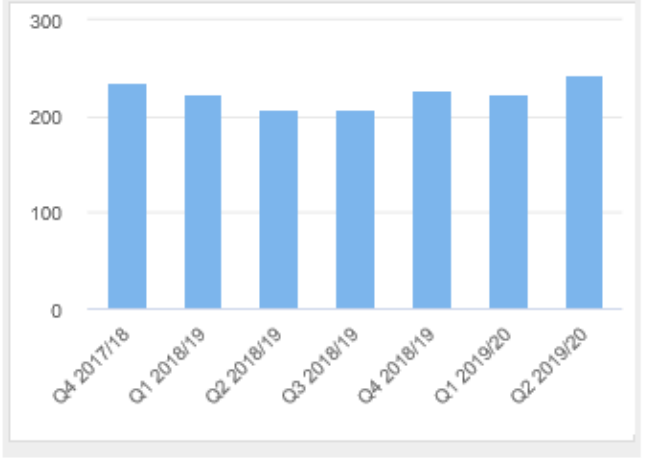
WD-E3 Enf Cases Received (since March 2016)



WD-E4 Enf Cases Closed (since March 2016)



WD-E5 Enforcement Cases Outstanding



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