

West Devon Development Management and Licensing Committee



West Devon
Borough
Council

Title:	Agenda								
Date:	Tuesday, 28th July, 2020								
Time:	9.30 am								
Venue:	Remote Meeting - Skype								
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 Hoare Senior Case Manager - Democratic Services								

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 30 June 2020

5. Planning Performance Indicators

6. Planning Applications

5 - 36

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>

Start 9.30 am

WARD NAME	Bridestowe
APPLICATION NUMBER	1055/19/FUL
LOCATION	"Field at East Linnacombe Farm", Sourton Down, Okehampton
DEVELOPMENT	Erection of single-storey agricultural building for general agricultural storage using existing access

Not before 10.45 am

WARD NAME	Bridestowe
APPLICATION NUMBER	0806/20/FUL
LOCATION	Lobhill Cottage, Lewdown, EX20 4DS
DEVELOPMENT	Erection of dwelling in residential garden with associated works

(resubmission of 0160/19/FUL)

Not before 12 noon

WARD NAME

APPLICATION NUMBER

LOCATION

Tavistock South East

1919/19/VAR

"Land adjacent to Breckland", Down
Road, Tavistock, Devon

7. Planning Appeals Update

37 - 38

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Agenda Item 4

At a Meeting of the **DEVELOPMENT MANAGEMENT & LICENSING COMMITTEE** held via Skype on **TUESDAY** the 30th day of **JUNE 2020** at **9.30am**

Present: Cllr J Yelland – Chairman
Cllr T G Pearce – Vice Chairman

Cllr R Cheadle	Cllr P Crozier
Cllr S Hipsey	Cllr C Mott
Cllr D E Moyse	Cllr B Ratcliffe
Cllr M Renders	Cllr P Vachon

Head of Development Management Practice (PW)
Planning Case Officer (OG)
Solicitor (DF)
Senior Case Officer, Democratic Services (KH)

Other Members also in attendance:

Cllrs T Leech, J Moody

***DM&L 1 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. Cllr J Yelland declared a personal interest as the applicant of 3472/19/FUL knew her son, also as being the ward member. Cllr P Vachon declared a personal interest as being ward member for the same application. Cllr Hipsey declared a personal interest on application 4092/19/FUL as being the ward member.

***DM&L 2 URGENT BUSINESS**

There was no urgent business.

***DM&L 3 CONFIRMATION OF MINUTES**

The Minutes of the Development Management and Licensing Committee Meeting held on 3 March 2020 were confirmed and signed by the Chairman as a correct record.

***DM&L 4 PLANNING, LISTED BUILDING, TREE PRESERVATION ORDER AND ENFORCEMENT REPORTS**

The Committee proceeded to consider the applications set out on the agenda; the reports that had been prepared by the Development Management Specialists in respect of those applications; 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: 2232/19/FUL** **Ward: Okehampton North**

Site Address: Vicarage Gardens, Broadmoor Lane, Okehampton

Replacement of existing agricultural buildings with single residential dwelling

Speakers included: Supporter – Mr Rob Constant: local Ward Member
- Cllr Tony Leech: Town Councillor – Cllr Jan Goffey

RECOMMENDATION: Refusal

COMMITTEE DECISION: Refusal

(b) **Application No: 3472/19/FUL** **Ward: Okehampton South**

Site Address: 129, Station Road, Okehampton

Retrospective application for the construction of holiday accommodation

Speakers included: Supporter – Mr Steve Blakeman: local Ward Member – Cllr Paul Vachon: Town Councillor – Cllr Jan Goffey

RECOMMENDATION: Conditional Approval

COMMITTEE DECISION: Conditional Approval

Conditions

Approved plans
Holiday use
Details of signage
Management Plan
Drainage

(c) **Application No: 4092/19/FUL** **Ward: Tavistock North**

Site Address: Hurdwick Golf Club House, Hurdwick, Tavistock

Construction of new dwelling on site of redundant golf house

Speakers included: Supporter – Mr Peter Rowan: local Ward Member-
Cllr Jeff Moody

RECOMMENDATION: Conditional Consent

COMMITTEE DECISION: Conditional Consent

Conditions

Commencement
Approved plans
Tree protection
Landscape plan
Material sample
Drainage
Tamar Valley Mitigation Contribution

(The Meeting terminated at 12.57pm)

Chairman

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REQUEST TO DELEGATE PLANNING APPLICATION REPORT

Case Officer: Nicola Glanville

Parish: Sourton **Ward:** Bridestowe

Application No: 1055/19/FUL

Agent/Applicant:

Mr Paul Brookes
Brookes Powell Chartered Architect
Vale Down
Lydford
Okehampton, Devon
BS21 7QH

Applicant:

Mr Darrin Cole
Henscott
Tavistock
PL19 9QC

Site Address: Field At East Linnacombe Farm, Sourton Down, Okehampton, EX20 4HR

Development: Erection of single-storey agricultural building for general agricultural storage using existing access



Reason item is being put before Committee:

Called in by Cllr Mott: 'I am concerned that the field is separate from the main bulk of the holding and would not appear to be sited in the optimum location in relation to the functioning of the agricultural holding'.

Recommendation:
Conditional Approval

Pre-Commencement Conditions

Archaeological Written Scheme of Investigation – Agreed 11 May 2020
Surface Water Drainage Details – Agreed 11 May 2020

Conditions

Time limit
Accord with plans
Materials to be Dark Grey roofing and Dark Brown cladding and doors
No external lighting
Remove if no longer required for agriculture

Key issues for consideration:

Agricultural justification, landscape and visual impact, surface water drainage.

Site Description:

This site is a linear 2 acre field situated between the A30 and the West Devon Drive (old A30 road) at Sourton Down. The site is south of the south bound A30 slip road.

The proposed barn is to be sited against the rear treed hedge boundary with the A30. It is accessed via a 5-bar gate off a layby immediately alongside the West Devon Drive, sited at the south-west corner of the field. The boundaries are fully screened from all sides by mature hedging and trees with the addition of a bank to the west and a ditch to the south. The boundary is defined by a post and rail fence running inboard of the hedging right around the site.

The site is not in any designated area of landscape protection, but close to the National Park boundary. There are no dwellings or Listed buildings within the vicinity of the proposed building.

Proposal:

The proposal is for a general purpose agricultural building to provide secure storage for farm machinery and equipment. The proposed building measures 20m x 15m with blockwork and metal cladding walls under a 10 degree pitched metal cladding roof, which is 5.5m to its ridge. It will be served by overhead rolling/ sectional doors to allow loading and unloading within the building. Officers have requested that the sides of the building are clad in brown steel sheeting rather than green coloured sheeting, as it is felt that this would be less visually intrusive.

The existing access will remain and this access will be hard surfaced, but only in a crushed stone/ hardcore material to ensure the surface is fully drained whilst still providing stability for vehicles.

The building has been sited within this parcel of land as it has good road access. The building is intended to serve a separate parcel of land to the north of the A30. This land is marshy and the applicant owns no other farm buildings on this land. The proposed building would act as a hay and feed store, in order to reduce the requirement for transportation between the site and the applicants main farmlands at East Linnacombe, Lydford and Sourton. The building will also provide a lockable storage area for small farming machinery. There are 170 acres of land at Sourton which is approximately 5 miles from the main Farm and Farm storage areas.

Consultations:

- County Highways Authority - No Highways implications
- Environmental Health Section - No comments
- Parish Council - Object

Sourton Parish Council objects to this application because of the sheds inappropriate scale. The shed is too big for the site. It is too high and will be visible from the boundary roads and the moor. It is disproportionate to the size of the field. Access will also be poor.

Representations:

None received.

Relevant Planning History – None relevant

ANALYSIS

Principle of Development/Sustainability

As the site falls within open countryside, all new agricultural buildings must be justified with regard to policy TTV26 and “respond to a proven agricultural, forestry and other occupational need that requires a countryside location”. TTV26 is to be read alongside Policy TTV2. TTV2 provides that the specific objectives of rural sustainability that are to be supported include the development of agricultural businesses. In addition, policy DEV15 provides support for the rural economy where proposals “meet the essential needs of agriculture”. The building is proposed for use as a secure agricultural store for farm machinery and feed stuffs. The new building is sited some 5 miles distance from the main farm holding at Lydford, but the applicant also owns land at Sourton and to the north of the site and A30, which is without its own buildings and thus this new building is justified on the basis that it is the most practical option for siting a building close to their northern land holdings, with good access and road links to the other parcels of land. It is also a drier, less marshy site than the farm land to the north.

On this basis, the proposed building is considered reasonably necessary for the purposes of agriculture as part of an existing and well established farm and as such, is considered to accord with the provisions of TTV26 and DEV15. However, it is considered necessary to impose a planning condition requiring the removal of the building if no longer required for the purposes of agriculture, as the development is permitted in this countryside location on the basis of an established agricultural need without which permission would not have been granted.

Design/Landscape

The site falls within open countryside but not within any protective landscape designations. It is however close to the National Park boundary and as such landscape quality is still a key consideration, with policy DEV23 requiring that proposals are “located and designed to respect scenic quality and maintain an area’s distinctive sense of place and reinforce local distinctiveness” and that they “conserve and enhance the characteristics and views of the area along with valued attributes and existing site features”.

The Parish Council have objected to the scale, size and height of the proposed building and feel that it is too big for the site, being visible from the boundary roads and the moor. They are concerned that it is disproportionate to the size of the field and consider access to be poor.

The building measures 20m x 15m and is 5.5m in height. Officers do not consider this to be excessive in scale and given the justification for the building on a small parcel of land ie to serve other separate parcels of land from one midway location, it is felt to be reasonable.

In this instance, the application is set in between existing mature hedges and tree screening, in the context of a small parcel of agricultural land that is situated between the A30 and West Devon Drive - a hard landscaped environment, with wide open fields and moorland beyond. It is considered that the existing natural screening will serve to limit wider views of the development and soften the visual impact of the proposal. In this context, it is considered that the proposal will have a neutral impact on the characteristics and views of the area, thereby conserving the scenic quality and distinctive sense of place. Brown, rather than green cladding has been secured by a materials condition, as it is felt this will be visually less obtrusive. It is also considered necessary to restrict external lighting by condition, in order to protect the countryside from intrusive development. On this basis, the proposal is considered to accord with the provisions of DEV23.

Neighbour Amenity

There are no near neighbours to the site, therefore it is not considered that the proposal would give rise to detrimental impacts on neighbour amenity. It is therefore considered that the proposal accords with the provisions of DEV1.

Highways/Access

The proposal does not seek to make any changes to current access arrangements. It is likely that there will be an increase in traffic movements from the site access from the use of the proposed agricultural building, especially as it is to be used as a store associated with the wider agricultural operation between the separated parcels of land. As the agent has stated: 'The site has been chosen as it is easily accessible from the main roads, Okehampton and the A30 allowing easy access for transport to and from the site. This negates any need for large vehicles to use the narrow country lanes around the rest of the farm. Distribution of the feedstuffs both to and from this building will then be carried out via tractor and trailer, or truck, to the rest of the farm... the building would act as a hay and feed store, in order to reduce the requirement for transportation between the site and the main Farm at East Linnacombe. The building will also provide a lockable storage area for small farming machinery. The building is ideally located in the position identified, as it is easily accessible from both areas of land in Sourton and it is the closet area of land to Sourton Tor for gathering purposes.'

The existing field access via a 5-bar gate is to the rear of an existing road layby, providing a good off-road pull-in, with good visibility in either direction along a straight stretch of highway. On this basis, the proposal is unlikely to result in an increased risk to highways safety and is considered to accord with the provisions of DEV29.

Surface Water Drainage

The Council's Drainage Engineer has reviewed the proposal and has recommended a surface water drainage condition. It is a low risk site and therefore it is considered appropriate to secure these details by condition to ensure surface water runoff does not increase to the detriment of the public highway or other local properties as a result of the development. The condition must be discharged prior to commencement as the application

site is located within a Critical Drainage Area. The applicant accepted the condition in writing on 11 May 2020. On this basis, the proposal is considered to accord with the provisions of DEV35 and is acceptable.

Archeology

The site coincides with the known position of the Roman road westward from Okehampton towards Cornwall. This road has been recorded by excavation during the A30 road scheme in the 1980s and 1990s. As groundworks for the creation of the new building may cut into and destroy the Roman road. The Historic Environment Team has recommended that this application should be supported by the submission of a Written Scheme of Investigation (WSI) setting out a programme of archaeological work to be undertaken in mitigation for the loss of heritage assets with archaeological interest. A WSI has therefore been secured by condition. The condition must be discharged prior to commencement. The applicant accepted the condition in writing on 11 May 2020.

Conclusion

The proposal is considered to be reasonably necessary for the purposes of agriculture and is located so as to minimise its impact within the wider landscape. On this basis, it is therefore recommended that the application be granted approval, subject the conditions outlined above.

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 26 March 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 21 March 2019 and West Devon Borough Council on 26 March 2019.

SPT1 Delivering sustainable development
SPT2 Sustainable linked neighbourhoods and sustainable rural communities
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
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
DEV31 Waste management
DEV32 Delivering low carbon development
DEV35 Managing flood risk and Water Quality Impacts

Other material considerations include the policies of the National Planning Policy Framework (NPPF) and guidance within the Planning Practice Guidance (PPG). Additionally, the following planning documents are also material considerations in the determination of the application: Draft Plymouth and South West Devon Joint Local Plan Supplementary Planning Document 2019.

PLANNING APPLICATION REPORT

Case Officer: Oliver Gibbins

Parish: Lewtrenchard **Ward:** Bridestowe

Application No: 0806/20/FUL

Agent/Applicant:

Mr Chris Burton - Sutherland PLS Ltd
1 St Floor
1 Stamford Fort Cottages
Stamford Road, Plymouth
PL9 9SQ

Applicant:

Mr & Mrs J Spooncer
C/O Agent

Site Address: Lobhill Cottage, Lewdown, EX20 4DS

Development: Erection of dwelling in residential garden with associated works (resubmission of 0160/19/FUL)



Reason to be taken to Committee:

Called in by Cllr Southcott - I wish to bring this reapplication application to committee for consideration due to the pre-application advice given, time line and history of this application. I believe it will also enable the applicant and his agent an opportunity to put their case and ensure all factors have been fully explored.

Cllr Southcott's supporting reasons for call in:

The JLP does not consider adequately needs of local people / family groupings / family care. There is currently a considerable amount of development being carried out around Lewdown none of which to date would be suitable for this applicant due to the housing mix not containing bungalow style accommodation that will be built with mobility problems in mind.

As the applicant is already owner of the land, the development could be considered, a self-build and, affordable for the applicant.

Access to the site is good. Highways have no issue, as there is already an access gate onto the road. On the opposite side of the road to the development there is a good quality footpath with street lighting, that leads all the way through Lewdown and beyond, giving access to all the village facilities of school, village hall, Pub and shop/post office even if in a wheelchair.

As stated, there is public transport that will take people to the nearby towns if required. (Should there be any sufficient use of this public transport the area may lose it in total)

This development will not be on its own in the countryside it is adjacent to the rest of the area known as Lobhill Cross and is considered by locals as part of the village of Lewdown

Recommendation: Refusal.

Reason for refusal

The proposed development will result in the provision of a new dwelling in the countryside in a location that fails to have reasonable access to a vibrant mixed use centre, which meets daily community needs for local services and is not well served by public transport, walking and cycling opportunities and will fail to protect the special characteristics and role of the countryside. The development is therefore an unsustainable form of development and contrary to Policies SPT1, SPT2, TTV1 and TTV26 and DEV29 of the Plymouth and South West Devon Joint Local Plan and the emerging JLP SPD.

Key issues for consideration:

The sustainability of the site and impact on the character and appearance of the area.

Site Description:

The application site refers to the residential garden which adjoins Lobhill Cottage.

It is located to the south of the main road which connects to Lewdown, which is the closest village.

The site is not in a Conservation Area and not within the curtilage of a listed building.

The site is set down beneath road level.

The Proposal:

This application is for full planning permission for a new detached dwelling within the curtilage of Lobhill Cottage.

Access would be directly on to the road to the north.

The dwelling would be a single storey pitched roof building with living space in the roof. With UPVC windows and doors, a natural slate roof and cement weatherboarding and rendered finish.

A wooden carport and porch are also proposed.

Consultations:

- County Highways Authority - No highway objection
- Environmental Health Section - None
- Parish Council- Support

Representations from Residents

2 letters of objection have been received raising the following material planning objections:

Access, wildlife, sustainability and out character, over dominance, highway safety

Relevant Planning History

0160/19/FUL - Erection of dwelling in residential garden with associated works – Refused

ANALYSIS

Principle of Development/Sustainability:

The adopted development plan sets a strategy for accommodating new development and a settlement pattern that is a key driver of prosperity and sustainability of the area. Strategic Objective SO8 Maintaining the vitality and viability of the Smaller Towns and Key Villages identifies the objective of the promotion of homes, jobs, services and community infrastructure sufficient to enable smaller towns and key villages to continue to play their important role as local service centres for their surrounding areas.

The adopted Joint Local Plan establishes a hierarchy of settlements through defining Smaller Towns and Key Villages which will provide an essential mix of services and amenities that support a number of surrounding rural communities, and support the roles played by Main Towns. The development plan identifies that these communities have strong local identities and connections with rural hinterlands they support. Paragraph 5.112 of the development plan identify that planning for some growth within Smaller Towns and Key Villages should ensure that levels of services and amenities are maintained and where possible enhanced. Policy TTV1 Prioritising growth through a hierarchy of sustainable settlements identifies that growth and development of new homes and jobs will take place within a hierarchy of settlements. This is identified as follows:

1. The Main Towns, which 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 area;
2. Smaller Towns and Key Villages, which will receive support for growth commensurate with their roles in supporting the small villages and hamlets;
3. Sustainable Villages, where development to meet locally identifies needs and to sustain limited services and amenities will be supported;
4. Smaller villages, Hamlets and the Countryside, where development will be permitted only if it can be demonstrated to support the principles of sustainable development and sustainable communities.

The six Main Towns are identified as Dartmouth, Ivybridge, Kingsbridge, Okehampton, Tavistock and Totnes.

The settlements identified as Smaller Towns and Key Villages within paragraph 5.9 of the development plan are: Bere Alston, Dartington, Hatherleigh, Lifton, Modbury, North Tawton, Salcombe, Stokeham,/Chillington and Yealmpton.

The Sustainable Villages are identified as: Berry Pomeroy, Blackawton, Bratton Clovelly, Bridestowe, Broadwoodkelly, East Allington, Emrington, Exbourne, Folly Gate, Halwell, Harberton, Harbertonford, Highampton, Inwardleigh, Lamerton, Lee Mill, Lee Moor, Lewdown, Marldon, Milton Abbot, Monkokehampton, Morleigh, Northlew, Rattery, Sampford Courtenay, Sparkwell, Spreyton, Staverton, Stowford, Ugborough, Woolston Green and Wotter.

Although Lewdown is identified as a Sustainable Village, the application site is located in the region of 1500m from the limited services at Lewdown. In Policy terms the site is considered unsustainable.

When applying paragraph 5.5 of the JLP, the site is considered to be in the Countryside, as it is clearly beyond the built form of Lewdown. The proposal site may have a loose association with the scattered buildings grouped around an area known as 'Lobhillcross', but this is not a named settlement in the adopted plan, and as such the proposal site sits clearly within tier four of the settlement hierarchy. Policy TTV1 identifies that development will only be permitted if it can be demonstrated that it supports the principles of sustainable development and sustainable communities. Considerations identified are Policies SPT1 and 2 and Policies TTV26 and TTV27.

Policy SPT1 identifies a broad range of principles which define sustainable development. The location of this development by reason of being dependent on the private motor car with no significant local shops or services located nearby is therefore considered as being unsustainable.

Policy SPT2 identifies a wide range of considerations to guide development. As this site is located in a location without a reasonable range of access to good and services the location cannot support the needs of the local community and is not well served by public transport. The site is therefore not considered to be sustainable to support further residential development.

The applicant has detailed that the site is located on a bus route but the limited frequency of service does not result in the site being well served. With the exception of the primary school the main facilities in Lewdown are located 1.5km from the site.

This assessment of sustainability has also been assessed under APP/Q1153/W/19/3241325 for an appeal at another Lobhill Cottages located about 300m from the application site. In this decision it was concluded that the site did not have a reasonable level of access to a mixed use centre and would be reliant on private motor cars and the appeal was dismissed for this reason. Although this new site is slightly closer than the aforementioned appeal site to Lewdown it is still in an unsustainable location.

The applicants have sought to justify this development based on local need and the particular circumstances of the applicant. In the planning appeal referenced in the previous paragraph, the inspector was also asked to consider the personal circumstances of the applicant, and concluded "The Appellant has put it to me that the proposed development would be required in order to provide ongoing care to his parents who reside at the adjacent Lobhill Cottage. Whilst I sympathise with the Appellant's desire to be located close to his parents, in my experience granting planning permission solely on grounds of personal circumstances will rarely be justified in the case of permission for the erection of a permanent building. It is likely that if the appeal were allowed that the development would be significantly longer lasting than the personal circumstances used to justify it."

It is not considered that a unrestricted, open market dwelling in this location will be meeting a local housing need, and there have been no mechanisms proposed in order to secure a local benefit as part of this proposal. Furthermore planning permission has been recently granted for residential development at Jethros which is in the settlement of Lewdown and would meet housing need by delivering a range of accessible house sizes, types and tenures, in a location that forms part of the built form of the village.

Policy TTV26 of the adopted Joint Local Plan sets a set of criteria for allowing development in the countryside, and identify that it will only be permitted in exceptional circumstances. Taking into account the Braintree judgment that isolated in this context has its ordinary and straightforward meaning as referring to physical isolation, this site is not isolated as it located opposite existing dwellings.

As such, the proposal is considered against the second part of policy TTV26, which applies to proposal sites in the countryside that are not considered to be isolated. TTV26.2 identifies a number of criterion that would need to be satisfied in order to permit a dwelling in a location that does not accord with the wider aims of the spatial strategy, and it is not considered that this proposal meets these policy requirements. In particular, the proposal is not seeking to re-use a traditional building (TTV26.2(ii)) or responding to a proven agricultural, forestry and other occupational need that requires a countryside location (TTV26.2(iv)).

The applicant has suggested the site should be considered as a previously developed land in accordance with the judgment in *Dartford Borough Council v The Secretary of State for Communities and*

Local Government & Ors [2017] EWCA Civ 141. (The Court of Appeal held that the exclusion of private gardens from the definition of "previously developed land" for the purposes of the NPPF did not apply to land that was not in a built-up area). Whilst the site is in the countryside and not within a built up area the fact that it is defined as previously developed land does not outweigh the concerns regarding the conflict with the spatial strategy, the poor relationship with the rural settlement pattern or the lack of access to local services and facilities.

Policy TTV27 identifies that proposals for residential development adjoining or close to existing settlements may be permitted where it can be demonstrated that it meets the needs for affordable housing for local people and includes a mix of affordable and market housing that is maintained in perpetuity. This is an unrestricted, open-market market dwelling and does not meet the criteria of this policy.

The appeal decision relating to the proposal at nearby Lobhill Cottages concluded that any new dwellings in this location would rely heavily on private car use in order to access services and facilities, due to the lack of alternative transport modes in this area. Notwithstanding a limited rural bus service, people living at this distance from the limited facilities of Lewdown and Letrenchard will be left with little alternative but to drive to access medical facilities, shops and places of employment. Once in their car, the more likely destination will not be the local shop at Lewtrenchard but Lifton (6km away) or Launceston (11km away). This results in an unsustainable pattern of movement and an increase in carbon emissions, resulting in conflict with policy DEV29 of the JLP which seeks to locate new development in locations that benefit from safe and secure walking and cycling access to local facilities.

As a result the location of the proposed dwelling is not considered to be sustainable and is therefore contrary to Policies SPT1, SPT2, TTV1, TTV26 and DEV29 of the adopted Joint Local Plan. As a result the development cannot be supported in principle.

Design/Landscape:

The development could be accommodated without causing undue harm to the character and appearance of the area. As the site is set down from the road and will not appear prominently within the landscape. However its addition will further develop this area and without justification for its siting, its built form is an uncharacteristic addition to the rural character of the area.

Neighbour Amenity:

No significant loss of residential amenity will occur as a result of this development.

Highways/Access:

No Local Highway objection is reported.

Bio diversity and drainage

It is considered that the use of planning conditions could adequately deal with biodiversity and drainage. If there is notifiable species as yet unidentified on the site then there is separate legislation which seeks to mitigate the risks.

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
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
TTV29 Residential extensions and replacement dwellings in the countryside
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
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
DEV30 Meeting the community infrastructure needs of new homes
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) including but not limited to paragraphs 191 and guidance in Planning Practice Guidance (PPG). Additionally, the following planning documents are also material considerations in the determination of the application: Joint Local Plan and supporting evidence base.

Neighbourhood Plan

Bridstowe and Sourton Neighbourhood Plan has reached regulation 14 stage until adopted it can not be given the full weight of the development plan.

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.

PLANNING APPLICATION REPORT a

Case Officer: Anna Henderson-Smith Parish: Tavistock Ward: Tavistock South East

Application No: 1919/19/VAR

Agent:
Mr Edward Persse
EJFP Planning Ltd
49 Bannawell Street
Tavistock
PL19 0DP

Applicant:
Mr Gray
Unit 2 Pixon Court
Tavistock
PL19 9RL

Site Address: Land adjacent to Breckland, Down Road, Tavistock, Devon, PL19 9AG

Development: Variation of conditions 1 (plans) and 3 (vegetation border) of planning permission 2138/18/FUL (Erection of 2 dwellings)



Reason item is being put before Committee

Cllrs Sellis and Spettigue:

'Further to our discussion this morning re planning application 1919/19/var (Breckland) I would like to request that this application be called in to committee.

Material grounds being the concerns of over dominance for the residents of Deerleap.'

Recommendation: Delegate to Head of Development Management for conditional approval once acceptable S106 agreement securing the Tamar Valley EMS payment is completed.

Conditions: (list not in full)

Time limit to reflect original approved full permission 2138 timings, 3 yrs from 12/12/18

Adherence to plans

Removal of PD for additional extensions or windows in/off the NW elevations of either property

Dwarf wall re headlights to be erected in full prior to first occupation and retained as such

Tree protection plan prior to commencement (already on previously approved scheme)

Construction management plan

Addition of all conditions as per previous planning permission 2138

Tamar Valley EMS biodiversity unilateral undertaking (S106)

Key issues for consideration:

As the principle of two dwellings has been previously accepted here recently by officers and Members, the main issue for consideration is that of the altered access arrangement as proposed, and the alternative house design/position/size – particularly in relation to neighbour amenity.

Site Description:

The application site is a plot of land currently forming part of the extensive garden amenity area of the dwelling Breckland to the north-east, occupied by a stable and bordered by trees. The land is accessed via a private narrow single track lane from Down Road to the south. The site lies behind the dwellings fronting/ accessed directly off Down Road within the redeveloped grounds of the former Fallowfield (now occupied by two properties Penrith and The Bedfords).

To the east, across the shared access drive, set at a higher level is Dalfors, a dormer bungalow. To the north-west, set at a lower level are two storey modern dwellings within a cul-de-sac fronting Deer Leap.

In addition to Breckland, Dalfors and the proposed dwellings, the current access lane also serves two further dwellings Rising Hill and Oakleigh House.

The topography is sloping, stepping down south-east to north-west, towards the direction of the properties in Deer Leap.

The site is subject to a Tree Preservation Order (TPO), with trees principally located on or close to the site boundaries, with the central area being largely open, sloping grassland.

The wider area is characterised by large dwellings set within generous plots, with more recent modern development at higher densities, including at Deer Leap to the west/ north-west and the redeveloped Penrith/ The Bedfords plot immediately to the south. The later, more modern properties generally have, on average, smaller gardens, though many still have

relatively generously proportioned plots compared to some other parts of Tavistock. The character and quality of the area is good, characterised by the variety of dwellings and the wealth of trees, greenery and a feeling of openness.

The access drive serving the four existing properties has become narrow over the passage of time as the vegetation has matured such that it is now single vehicle width with no passing opportunities, having become overgrown until reaching the application site.

No Public Rights of Way (PRoW) are affected by the development. The site is within flood zone 1, at lowest risk of flooding and not within a critical drainage area.

There are no listed buildings within the vicinity of the site nor is it located in any protected landscape.

The Proposal:

The proposed application is looking to vary conditions 1 (plans) and 3 (vegetation border) of planning permission 2138/18/FUL (Erection of 2 dwellings)

Permission is thus once again sought for the erection of two detached four-bedroom dwellings, together with off-street parking. In contrast to the previous approved scheme where an existing access was used for one property and another made for the other, the proposal now is for one single shared access for both properties.

The site has been subject to a considerable number of past applications (see planning history section of this report), most recently having obtained outline approval with all matters reserved for one dwelling and then later the 2138 full approval for 2 dwellings.

Following the original submission of amended plans on this current variation application, concerns were raised by officers about mass dominance on Deer Leap and windows in the facing elevation. There was also a concern about headlight shine and sweep towards the 1st floor of Deer Leap from the relocated drive. As such a second set of plans and consultation took place removing all windows from the NW elevations, moving one plot slightly away from the boundary (as far as the TPO root protection area would allow) and introducing a low wall between the properties to screen Deer Leap from headlights at night.

Consultations:

County Highways Authority- no highway related comments to make/implications

Tree Officer- recommend approval of the revised layout subject to confirmation of an approved Tree Protection Plan, or submission of such for review

Town/Parish Council – Object -

- Significant change to the original planning approval:
- Concerns the proposed changes would dominate neighbouring properties in Deer Leap;
- Contrary to DEV 10 of the Joint Local Plan, in that housing developments should be designed to be integrated with the adjacent developments.

Representations:

5 objections were received to the initial application. Revised plans were then submitted, with five representations received objecting to the amended scheme, along with one comment about the accessibility of some of the information online.

2 later additional objections were also then received.

The objections can be seen in full on the Council website, but the reasons for objecting can be summarised as follows:

Potential overlooking/overshadowing and loss of privacy to neighbouring dwellings in particular those on Deer Leap

Disturbance caused by construction process- noise, lights, disturbance

There have been previous refusals on the site and objections not taken into account

Impact on nature conservation and trees

Relocating plot 1 does not address previous concerns

Queries about labelling of sewer plans

Plans now appear to resemble previously refused scheme

Overdevelopment on an elevated site

Installation of chimneys contrary to low-carbon objectives

Not easy to read/interpret plans online, some documents appear to have been removed

The approved scheme should get on and be built rather than wasting time with amending it

Poor access to the site cannot cope with additional traffic

No area for storage of refuse for the properties

Relevant Planning History

2138/18/FUL – erection of two dwellings – approved by planning committee – 12/11/18

2764/17/FUL - Application for the erection of 2 dwellings – withdrawn 17/8/17

4172/16/OPA - READVERTISEMENT (revised plans and information received). Outline application for the erection of one single dwelling with all matters reserved – Granted 21.6.2017

4250/16/OPA - Outline planning application with some matters reserved for the erection of 2 dwellings – Withdrawn

13282/2009/TAV - Application to carry out works under Tree Preservation Order for the crown lifting of 1 Blue Atlas Cedar and 1 Deodar Cedar, the removal of 1 Rowan, the reduction and thinning of 1 Willow and the removal of 2 Hollies at Breckland – Conditional Approval

12305/2008/TAV - Erection of 2 dwellings - Conditional Approval (Outline with all matters reserved)

6851/2004/TAV - Renewal of planning permission for the erection of a dwelling - Conditional Approval

2503/2002/TAV - Renewal of Planning Permission 1400/98/8141/03 for erection of dwelling - Conditional Approval

RN/3/50/1400/1998/Unknown - Renewal of permission 8141/002 for erection of one house - Conditional Approval

RN/1998/8141/008 - Renewal of permission for erection of one house – Conditional Approval

RN/3/50/1363/1995/Unknown - Renewal of outline permission RN.3.50/1439/92/8141/1 for erection of one dwelling - Conditional Approval

RN/3/50/1439/1992/Unknown - Renewal of outline permission for erection of one dwellinghouse - Conditional Approval

RN/1992/8141/01 Renewal of outline permission for erection of one dwelling house Conditional Approval

8141/0 Provision of one building plot Conditional Approval 12.1.1990

Tree preservation Order (TPO) S251 dated 30.6.1988

ANALYSIS

Principle of Development/Sustainability:

The starting point for consideration is the development plan and the requirements of Section 38(6) of the Planning and Compulsory Purchase Act 2004 that decisions made should be in accordance with the development plan unless material considerations indicate otherwise.

The proposed development would need to be in conformity with the Development Plan to be acceptable in principle.

The principle of developing the site for residential use has been accepted historically under a number of previous planning applications, with a series of planning approvals dating back at least to 1990. However, none were implemented and all previous permissions had expired until June 2017 when outline approval with all matters reserved was granted for the erection of a single dwelling (Ref: 4172/16/OPA Granted 21.6.2017). Following this, as set out above, a full permission for two dwellings was approved in December 2018

As above this application does not seek to re-open the principle of the development, merely the design details. The permission from 2018 is extant and the adoption of the JLP does not alter that the principle of 2 dwellings in this location is considered acceptable as the scheme remains in compliance with relevant policies such as SPT1 and TTV11

Landscape:

The land falls within the Main towns/villages landscape character type (LCT). The scheme remains compliant with the newly adopted JLP landscape policy Policy DEV23 Landscape Character. The alterations to the landscaping sought by this application are to accommodate the shared access. Previously sought landscape conditions will remain in place on any approval to ensure a good on-site landscape strategy and treatment of the access point finish.

Trees:

As the site is bounded by several group TPOs, it is important to assess that the application site can continue to accommodate the two dwellings as now proposed without undue detriment to the trees adjacent to the site.

A number of objections reference the loss of some of the trees. A tree survey was previously submitted and a site meeting taken place between the agent, WDBC tree specialist and planning officer. Relocation of the units further away from Deer Leap was discussed in relation to the TPOs, their crowns and roots and as a result the plots have been located as far to the South as possible without interfering with the southern TPO grouping. The Tree Specialist is content with the location as now submitted but could not support the eastern plot moving any further to the south. As such there remains no objection to the scheme subject to conditions with regards to trees.

Design:

There are some aesthetic design changes proposed to the external facades and their treatments, plus window styles etc, however the overall design is not significantly different to that approved in that they remain 2 storey dormer properties with split levels, the main exterior materials are the same with natural slate roofing, render and stone but now with some weather-boarding introduced. There is no rigid design style in this location and overall the designs in themselves are considered acceptable in this area and secluded location.

The units are relocated on the site, with both being slid towards the NW boundary in order to accommodate integral garages which the approved schemes did not include. This has moved the back corner of plot 2 closer to the rear boundary slightly, but has moved the NW elevation of plot 1 towards the NW by in the region of 3 metres closer to accommodate the garage width.

The ridge heights remain very similar to that approved, with plot 1 proposed to go from 150.48 down to 150.04 (-44cm) but plot 2 rising slightly from 148.78 to 149.24 (+46cm).

The approved scheme utilised an existing access for one property and created a new access of 4m wide for the other, however this new proposed arrangement has a shared single access of 9005mm so the hedge loss is in the region of 1m greater than previously approved but in a single opening.

PD rights would still need to be removed to protect root protection areas, and to ensure no extensions or additional apertures were added to the NW elevations towards Deer Leap.

Overall though these properties are considered to still be acceptable in design terms and detailed landscaping design, access finish (where the punch is occurring in the bank) can be secured by condition and as such the scheme is still considered to be in accordance with policy DEV28, DEV23, DEV10 and DEV20 bearing in mind the fall-back position of an extant approval.

Neighbour Amenity:

This is one of the key consideration of this proposed variation. It is the subject of much of the previous revisions to previous schemes and was considered in detail during the consideration

of the last approval. Objections have again been raised on this current variation similar to those raised previously regarding proximity, overshadowing overlooking and overdominance.

For completeness, the full section on amenity from the previous approval is inserted below:

'The amenity of neighbouring occupiers has been at the forefront of discussions and negotiations. The impacts on the amenities of surrounding occupiers is considered in detail below. The concerns of objectors are available to view in full on the website and summarised under the representations section above. Around 30 submissions and sketches have been received from the occupiers of 11 different nearby properties.

In seeking approval for a two storey development, past schemes were considered likely to adversely impact on the amenities on neighbouring residents, notably those at a lower level in Deer Leap to the west, the closest and potentially most affected being 12 Deer Leap, and were not supported as resulting in an unneighbourly development. Significant concerns were raised by neighbouring residents in relation to overlooking, loss of privacy and increased sense of enclosure among other concerns, which were justified. These neighbour concerns and objections remain in relation to the submitted scheme as revised.

Overlooking and the perception of overlooking, loss of privacy, increased sense of enclosure and overshadowing/ loss of daylight are all considerations and a scheme on this land has the potential to seriously impact on the living conditions of neighbouring occupiers, notably, but not exclusively to the west and south.

Neighbourliness is a reasonable yardstick by which to judge development. It is fully appreciated that this is subjective. It is clear from representations, including the sketch perspective submitted (not verified for accuracy), that neighbouring occupiers are concerned at perceived impacts. Impacts can though be more accurately gauged from the submitted scaled plans, elevations and sections.

It is a factor of the way the land is sloping that the closer the development is towards Deer Leap, the lower it would be, the further from it, the higher it would be. It is considered preferable to set the development as far from Deer Leap as reasonably practical, notwithstanding that this means it is higher up the slope/ ridges will be higher.

Because of how close 12 Deer Leap (to north-west) and The Bedfords (to the south) are to the site boundary, they effectively borrow to an extent for their amenity from across the application site. This should be factored into considerations and should not sterilise the site.

The proposed dwellings have been set away from boundary trees and from neighbouring dwellings as far as practical while maintaining a reasonable front to front separation distance.

Deer Leap

The buildings are now set end on towards the lower properties in Deer Leap, over 23m away (building plot 2 to no. 12) at the closest point. The dwellings have been re-designed to be lower where they are closest to Deer Leap, stepping up further up the site towards the east.

The eaves of plot 2 [closest to 12 Deer Leap] is only circa 3.6m above existing ground level, with a door (with no window) serving a utility room on the ground floor and a small velux window serving a bathroom, set in the roof slope at first floor, facing towards no. 12. No overlooking of Deer leap would occur.

The building rises higher further away from no. 12 such that at its highest point, at its closest position to no. 12, the ridge is 6.5m [ridge level 148.78] above existing ground level at a point nearly 28m away from the rear of no.12. The ridge of plot 2 is 5.43m higher than that of no. 12. This is achieved through having rooms set in the roof space.

Impacts between plot 1 and no. 11 Deer Leap are less than between plot 2 and no. 12. Despite having a higher ridge, plot 1 is further from no. 11, 29m at the closest point.

It is fully appreciated that the building will be visible and prominent in circumstances where there is currently no development, when viewed from the upper floor windows at the rear of Deer Leap in particular. However, as mentioned previously, Deer Leap dwellings borrow to an extent for their outlook and views across this land. By turning the buildings to face end-on towards Deer Leap, impacts are reduced and further minimised by avoiding windows to habitable accommodation and by stepping the levels/ roofline down. Impacts do not amount to a substantial level of harm and the development as re-designed is not considered to be unduly unneighbourly. Views are also filtered through the intervening trees on the boundary.

Notwithstanding the proposed planting on the Deer Leap boundary, residents do not want more high vegetation which would further overshadow this boundary and it is recommended that landscaping and the height at which new boundary planting will be maintained in perpetuity be conditioned.

The Bedfords

To the south the existing living accommodation at The Bedfords is set particularly close to the boundary and borrows to a much greater extent for part of its amenity from across the application site. There also appears to be living accommodation as part of the detached garage close to the site boundary. A semi-mature Beech tree on the boundary very close to the neighbouring development has been taken into account in re-siting plot 2 further away from the root protection area of this tree. Plot 2 is over 8m from this southern boundary at its nearest point, then angling further away. The Bedfords has been built 4m from the boundary at its nearest point. There is some 11m between the buildings at their closest point, but the properties are set obliquely such that direct overlooking between dwellings is avoided. Also being to the south, no daylighting or overshadowing issues arise. First floor rooms closest to this southern boundary are set within the roof, keeping impacts down.

Dalfors

Dalfors is 16m away from plot 1 at the nearest point, but set on higher ground, with intervening screening. No undue impacts on the amenities of the occupiers of Dalfors are considered to arise.

Breckland

Breckland, currently unoccupied, is 25m from plot 1 on a comparable level and with intervening screening. While presently unoccupied, no undue impacts on the amenities of the future occupiers of Breckland are considered to arise.

In summary, impacts are not excessive or in any way unusual on land with this topographical profile and impacts on outlook will result but not be unduly harmful.

While the loss of a private view has been held not to be a material planning consideration, loss of outlook is an amenity issue. Overlooking, loss of privacy and outlook issues have been resolved through siting and orientation, with direct overlooking avoided and intervening

distances maximised such that the proposal is not considered to result in an unneighbourly form of development.

Boundary planting should be addressed by condition so that the boundary with Deer Leap in particular is treated sensitively to avoid undue impacts from overshadowing and enclosure in particular.

Vehicle noise is potentially an issue in this backland location. The scheme, unlike others, has two accesses and makes proper provision for parking and within the site and reversing onto the private access drive, without requiring excessive manoeuvring and any additional noise would not amount to undue harm

On balance, it is considered possible in principle to develop the site in a way which is not unneighbourly and that this scheme achieves an acceptable balance between achieving sustainable development and neighbourliness, accounting for the element of borrowed amenity.

Due to the narrow access and backland nature of the site, the close proximity of neighbouring occupiers together with the site constraints as a result of levels and tree root protection areas, a CEMP is recommended as necessary, to be secured by condition.

Having regard to the amenities of future occupiers of the proposed properties, internally a good standard of accommodation is proposed. Externally, gardens are large. Though sloping and with overshadowing from boundary trees, nevertheless a good standard of external amenity is still afforded to future occupiers. The front to front distance between the proposed dwellings, 10m at the closest point, widening to 15m, are no less than in many front to front circumstances, in no way unusual and there is the benefit of the extra privacy of not having a street frontage and public views. In the circumstances a good and acceptable standard of amenity is afforded to future occupiers.'

As such then the only issue open for consideration here is whether the amendments sought vary the relationship of the approved units with the neighbours in such a way as to now render them unacceptable in amenity terms.

As set out above, the units are proposed to be relocated on the site, with both being slid towards the NW boundary in order to accommodate integral garages which the approved schemes did not include. This has moved the back corner of plot 2 closer to the rear boundary slightly, but has moved the NW elevation of plot 1 towards the NW by in the region of 3 metres closer to accommodate the garage width.

The ridge heights remain very similar to that approved, with plot 1 proposed to go from 150.48 down to 150.04 (-44cm) but plot 2 rising slightly from 148.78 to 149.24 (+46cm).

During the course of this proposal windows were removed from the NW elevations and a projection on the northern end of plot 2 was half hipped in order to reduce the mass closest to the neighbours to the NW. following this, the change in location and design of plot 2 in relation to the neighbouring properties to the NW and SW is considered to be negligible and thus acceptable. The property is 11m from the boundary and would be 26.4 m wall to wall.

In relation to plot 1, the ridge is reduced slightly from that previously approved, but the unit moves around 3m closer to the rear boundary . The two properties remain gable-on to the Deer Leap properties, offering them their slimmest elevation and thus reducing the impact as

much as possible. Although it was the location of plot one as far away from the boundary with Deer Leap which previously led to its support (as set out above) the pertinent question here is whether this relocation 3 m closer is substantial enough and has such a detrimental effect upon neighbour amenity as to withhold permission. Privacy is not unduly affected as the gable has no windows and PD will be removed for extension or apertures. This is little altered from the previous approval. Despite the 3m move, the gable of plot 1 is 13.5 m from the boundary with number 11 which is a bank with substantial TPO trees the distance between properties would be 26.4 m wall to wall

The alterations to the access arrangements, now that a screen wall is included to prevent headlight swing, is not considered to have any impact upon neighbour amenity.

Highways/Access:

The principle of highways and parking and the safety etc was approved previously, as such the issue to be considered here is whether the alterations to the access arrangements render this new proposed change to a single access unacceptable. It was cited in the previous officer report that *'By retaining the existing access for one dwelling and forming a new access for the second dwelling, a large expanse of hardsurfacing and concentration of activity/ noise at one point nearest to The Bedfords is avoided.'* As such then this new proposal to agglomerate them does move both accesses together near to the southern boundary, however although the Bedfords sits close to this boundary it has a side elevation facing this North direction and only secondary windows. Its main amenity area is to the south of it. There is a hedge and large tree on the boundary to the application site. as such then it is expected that the Bedfords would hear more car movements than at present and more than if only one property were accessed next to it, however it is not considered that the movements of vehicles from 2 properties in this arrangement, in a town location such as this would be unacceptable or undue here or cause unacceptable detrimental to the amenity and enjoyment of the Bedfords.

Flood risk and Drainage:

From the previous officer report:

'The area is in flood zone 1 and is at the lowest risk of flooding. However, given the topography, there is a potential for run-off to cause problems and consultee responses refer to existing problems with surface water run-off locally. WDBC drainage specialists advise a drainage report reflects that tests have been undertaken which demonstrate the site is potentially capable of being drained sustainably using soakaways and details of how the principle of the drainage will be addressed have been submitted. WDBC Drainage Specialists consider that as SWW have given consent to connect to the combined system as a backstop and a condition is recommended requiring full details of the most sustainable system achievable to be submitted and approved, it is possible to prevent surface water problems for neighbours down slope. Foul drainage connection is possible on-site. In the circumstances, notwithstanding the concerns and objections received on drainage grounds, there is a requirement for the scheme to achieve the best possible sustainable solution which will address potential problems.'

This aspect has not altered from the previous approval and remains acceptable with conditions.

Other Matters:

All matters regarding, heritage, contamination, land stability, permitted development rights re future development, land ownership, the access lane and the objections re loss of private views has been addressed in the 2018 permission and are not to be re-examined in this variation application beyond that which is discussed in detail above. They are still considered to be acceptable under the new JLP policies.

Re biodiversity, on site issues have been previously addressed and are covered in the conditions to be re-applied. However since 2018 the evidence around the JLP has been compiled and the JLP is now adopted. This has altered the approach to the Tamar Valley European Marine site. As such this site lies within the impact zone and the Habitats regs assessment and Appropriate assessment have been carried out. Providing a mitigation contribution is made through a S106 then this is acceptable. (SPT14)

A basic construction management plan has been requested now via condition just to ensure adequate parking on site during construction and working hours etc.

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

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

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

TTV20 Spatial priorities for development in Tavistock.

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
DEV23 Landscape character
DEV26 Protecting and enhancing biodiversity and geological conservation
DEV28 Trees, woodlands and hedgerows
DEV29 Specific provisions relating to transport

Other material considerations include the policies of the National Planning Policy Framework (NPPF) and guidance in Planning Practice Guidance (PPG).

Neighbourhood Plan

The site is within the designated neighbourhood plan area for Tavistock. However, this plan is not yet an advanced enough stage that it can be given weight during the decision-making process.

Considerations under Human Rights Act 1998 and Equalities Act 2010

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

Conditions:

Conditions from previous approval to be reapplied in addition to those listed above:

1. The development hereby approved shall in all respects accord strictly with drawing numbers Henning LocPL 2Dwell rev4 SEP18, Henning BLPL 2Dwellrev4 SEP18, Henning PLHo1 Rev4 SEP18, Henning PLHo2 Rev4 SEP18, Henning ELHo1 Rev4 SEP18, Henning ELHo2 Rev4 SEP18, Henning Driveway Ho1 SEC SEP18, Henning Driveway Ho2 SEC SEP18 and Henning SEC 200 SEP18 received by the Local Planning Authority on 04 October 2018 and Tree Survey and Arboricultural Impact Assessment dated May 2018, Tree Protection Plan 04672-TPP-2018 dated June 2018 and Tree Constraints Plan 04672-TCP-2018 RevC dated May 2018 received by the Local Planning Authority on 26 June 2018.

Reason: To ensure that the proposed development is carried out in accordance with the drawings forming part of the application to which this approval relates.

2. The development to which this permission relates must be begun not later than the expiration of three years beginning with the 12/12/18

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

3. The vegetation bordering the access lane shall be permanently kept sufficiently trimmed to allow for the access and passing of motor vehicles in accordance with drawing number Henning BLPL 2Dwellrev4 Sep 18 hereby approved.

Reason: To minimise the risk of vehicles reversing onto the highway, in the interests of highways safety.

4. No works or development shall take place until a scheme for the protection of the retained trees has been agreed in writing with the LPA. This scheme shall be in accordance British Standard 5837:2012 - Trees in relation to design, demolition and construction -

Recommendations and shall include:

- Arboricultural method statement
- a plan to a scale and level of accuracy appropriate to the proposal that shows the position, crown spread and Root Protection Area (paragraph 4.6 of BS5837) of every retained tree on site and on neighbouring or nearby ground to the site in relation to the approved plans and particulars. The positions of all trees to be removed shall be indicated on this plan.
- the details and positions (shown on the plan at paragraph (a) above) of the Tree Protection Barriers (section 6.2 of BS5837:2012), identified separately where required for different phases of construction work (e.g. demolition, construction, hard landscaping). The Tree Protection Barriers must be erected prior to each construction phase commencing and remain in place, and undamaged for the duration of that phase. No works shall take place on the next phase until the Tree Protection Barriers are repositioned for that phase.
- the details and positions (shown on the plan at paragraph (a) above) of the underground service runs (section 11.7 of BS5837)
- the details of the working methods to be employed for the installation of drives and paths within the RPAs of retained trees in accordance with the principles of "No-Dig" construction
- the location, number, species, density, form and size of proposed tree, hedge and shrub planting;
- the method of planting, establishment and protection of tree, hedge and shrub planting;
- a timetable for the implementation of all hard and soft landscape treatment.

Reason: To protect the trees on the site in the interests of the character and visual amenities of the area.

5. The following activities must not be carried out under any circumstances:

- No fires shall be lit within 10 metres of the nearest point of the canopy of any retained tree.
- No works shall proceed until the appropriate Tree Protection Barriers are in place, with the exception of initial tree works.
- No equipment, signage, fencing, tree protection barriers, materials, components, vehicles or structures shall be attached to or supported by a retained tree.
- No mixing of cement or use of other materials or substances shall take place within a RPA, or close enough to a RPA that seepage or displacement of those materials or substances could cause them to enter a RPA.
- No alterations or variations to the approved works or tree protection schemes shall be carried out without the prior written approval of the LPA.

Reason: To protect the tress on the site in the interests of the character and visual amenities of the area.

6. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, an investigation and risk assessment and, where necessary, a remediation strategy and verification plan detailing how this unsuspected contamination shall be dealt with.

Following completion of measures identified in the approved remediation strategy and verification plan and prior to occupation of any part of the permitted development, a verification report demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the local planning authority.

Reason: No site investigation can completely characterise a site. This condition is required to ensure that any unexpected contamination that is uncovered during remediation or other site works is dealt with appropriately.

7. Notwithstanding the provisions of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (or any Order revoking, re-enacting or further amending that Order), no development of the types described in Schedule 2, Part 1, Classes A-F of the Order, including the erection of extensions, porches, garages, dormers roof alterations, sheds, other structures, or hard surfaces shall be carried out on the site, other than that hereby permitted, unless the permission in writing of the Local Planning Authority is obtained.

Reason: To safeguard the visual amenities and character and appearance of the area, to ensure adequate space between the buildings hereby approved and adjoining land and in the interests of ecology and biodiversity.

8. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (or any Order revoking, re-enacting, or further amending that Order), no development of the types describes in Schedule 2, Part 2, Class A including gates, fences, walls or other means of enclosure shall be erected or constructed and details of the proposed boundary treatment shall be submitted to and approved in writing by the Local Planning Authority and implemented prior to the first occupation of the dwelling hereby permitted. The approved boundary treatment shall thereafter be retained and maintained.

Reason: To safeguard amenities of neighbouring occupiers and the visual amenities and character and appearance of the area generally.

9. The awaited landscape details shall include proposals for the minimum and maximum heights at which all hedge boundaries are to be maintained in perpetuity, unless otherwise agreed in writing by the Local Planning Authority. Proposed boundary hedges or proposed planting on/ close to the north-west boundary (with Deer Leap) in particular shall be low, not exceeding 1.5m above existing ground level or 1m above the level of the bank and thereafter maintained in perpetuity at a height not exceeding the agreed level.

Reason: In the interests of the amenities of neighbouring occupiers and the character and amenities of the site and locality.

10. Any vegetation removal shall be timed to commence outside of nesting season (generally considered to be March to August inclusive). If vegetation must be removed within nesting season, the area should be checked immediately prior to works to confirm that no birds are nesting/preparing nests within the vegetation to be removed. If birds are found (or suspected) to be nesting, works should be delayed, and a 5 metre buffer established until all young birds have fledged.

Reason: In the interests of biodiversity protection. Birds are protected under the Wildlife and Countryside Act, 1981, which includes damage and destruction of nests whilst in use or being built. A pre-commencement condition is considered necessary to safeguard the environment in the interests of the amenities of the area and in the interests of ecology and biodiversity.

11. Notwithstanding the submitted information, no development shall be commenced until full details of the most sustainable drainage option has been submitted and approved in writing by the Local Planning Authority (LPA). Design steps as below:

1. Soakaway testing to DG 365 to confirm the use of soakaways or to support an alternative option. Three full tests must be carried out and the depth must be representative of the proposed soakaway. Test results and the infiltration rate to be included in the report.
2. If infiltration is suitable then the soakaway should be designed for a 1:100 year return period plus an allowance for Climate change (currently 40%).
3. If the infiltration rate is good, but due to site constraints a full soakaway can't be accommodated then a split attenuation / soakaway system should be considered to manage the surface water on site.
4. Only once all the above have been assessed and discounted will an offsite discharge be deemed acceptable. Attenuation should be designed for a 1:100 year return period plus an allowance for Climate change (currently 40%).
5. The offsite discharge will need to be limited to the Greenfield runoff rate. This must be calculated in accordance with CIRIA C753. The discharge must meet each of the critical return periods. Full details of the flow control device will be required.
6. If discharging surface water to the main sewer, then written permission from SWW will be required.
7. The drainage details of the car park and access will be required. If it is proposed to be permeable then it should be designed in accordance with CIRIA C753. Full design details and sectional drawing showing the specification and make up will be required.
8. A scaled plan showing full drainage scheme, including design dimensions and invert/cover levels, within the private ownership.
9. The drainage scheme shall be installed in strict accordance with the approved plans, maintained and retained in accordance with the agreed details for the life of the development.

Reason: To ensure surface water runoff does not increase to the detriment of the public highway or other local properties as a result of the development.

12. Notwithstanding the details hereby approved, the dwellings shall not be occupied until full details of both hard and soft landscape works, including boundary planting have been submitted to and approved in writing by the local planning authority. These details shall include grading and any mounding of land areas including the levels and contours to be formed, showing the relationship of any proposed mounding to existing vegetation and surrounding landform, details of any proposed alterations in existing ground levels, and of the position of any proposed excavation, within the crown spread of any retained tree/ hedgerow or of any tree on land adjacent to the site, equivalent to half the height of that tree and hard surfacing materials or Root Protection Areas whichever is the greater. The hard landscaping shall be implemented prior to the first occupation of the dwelling or the completion of development whichever is the sooner. The soft landscape works shall include planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/densities. The soft landscaping shall be implemented in the first available planting season following the first occupation of the dwelling or completion of development whichever is the sooner.

If within a period of five years from the date of the planting of any tree/shrub/plant that tree/shrub/plant, or any tree/shrub/plant planted in replacement for it, is removed, uprooted or destroyed or dies, or becomes, in the opinion of the local planning authority, seriously damaged or defective, another tree/shrub/plant of the same species and size as that originally planted shall be planted at the same place, unless the local planning authority gives its written consent to any variation.

Reason: To safeguard the visual amenities and character and appearance of the area and in the interests of ecology and biodiversity.

13. Prior to the first occupation of either of the buildings details of ecological mitigation through the provision of bat roosting and bird nesting boxes either on the buildings, on the land or a combination of both, shall be submitted to and approved in writing by the local planning authority and implemented prior to the first occupation.

Reason: In the interests of ecology and biodiversity.

14. The access, parking and turning areas indicated on the approved plans shall be implemented and available for use prior to the first occupation of the dwellings hereby permitted and thereafter permanently retained and maintained.

Reason: To avoid congestion and in the interests of the safety and amenity of pedestrians and users of the private drive and public highway.

15. No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to and approved in writing by the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:

- the parking of vehicles of site operatives and visitors
- loading and unloading of plant and materials
- storage of plant and materials used in constructing the development
- measures to control the emission of dust and dirt during construction

Reason: In the interests of the safety and amenities of neighbouring occupiers and the safety of highway users. A pre-commencement condition is necessary to minimise the effects of construction on local residents and for highway safety reasons.

West Devon Borough Council Agenda Item 7

PLANNING AND LICENSING COMMITTEE 28-Jul-20

Appeals Update from 12-Jun-20 to 9-Jul-20

Ward Exbourne

APPLICATION NUMBER : **3691/19/FUL** APP/Q1153/W/20/3253602
APPELLANT NAME: Mr Christian Martin
PROPOSAL : Change of use from A1 to C3 and works to dwelling.
LOCATION : 6 The Square North Tawton EX20 2ER
APPEAL STATUS : Appeal Lodged
APPEAL START DATE: 03-July-2020
APPEAL DECISION:
APPEAL DECISION DATE:

APPLICATION NUMBER : **4058/19/FUL** APP/Q1153/W/20/3250638
APPELLANT NAME: Mr & Mrs Jones
PROPOSAL : Erection of two stables, one hay store, one tackroom/feed room, doublefield shelter.
Creation of hardstanding, erection of gates and post and rail fencing
LOCATION : Land at SX 631 095 Near Apple Cottage Okehampton EX20 1SG
APPEAL STATUS : Appeal Lodged
APPEAL START DATE: 22-June-2020
APPEAL DECISION:
APPEAL DECISION DATE:

Ward Hatherleigh

APPLICATION NUMBER : **2459/19/CLE** APP/Q1153/X/20/3250422
APPELLANT NAME: Mr Stephen Hill
PROPOSAL : Lawful development certificate for existing use of building as a
dwelling (Resubmission of 1563/19/CLE)
LOCATION : The Cookhouse Higher Widdon Beaworthy EX21 5AU
APPEAL STATUS : Appeal Lodged
APPEAL START DATE: 01-July-2020
APPEAL DECISION:
APPEAL DECISION DATE:

Ward Milton Ford

APPLICATION NUMBER : **2291/19/FUL** APP/Q1153/W/20/3253445
APPELLANT NAME: Mr M Bassett
PROPOSAL : Erection of farm building and part-retrospective creation of track
LOCATION : Land At Sx 448 766 East of Summer Green Road Lamerton
APPEAL STATUS : Appeal Lodged
APPEAL START DATE: 03-July-2020
APPEAL DECISION:
APPEAL DECISION DATE:

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