

West Devon Development Management and Licensing Committee



West Devon
Borough
Council

Title:	Agenda								
Date:	Tuesday, 29th September, 2020								
Time:	9.30 am								
Venue:	Via 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 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 1 September 2020

5. Planning Applications

5 - 16

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	Hatherleigh
APPLICATION NUMBER	0629/20/ARM
LOCATION	"Biddicombe", 31 Park Road, Hatherleigh, EX20 3JS
DEVELOPMENT	Approval of reserved matters following outline approval reference 1635/18/OPA

6. Planning Performance Indicators

17 - 18

7. Planning Appeals Update

19 - 20

Agenda Item 4

At a Meeting of the **DEVELOPMENT MANAGEMENT & LICENSING COMMITTEE** held via Skype on **TUESDAY** the 1st day of **SEPTEMBER 2020** at **9.30am**

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

Cllr R Cheadle	Cllr P Crozier
Cllr S Hipsev	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)
Specialist, Joint Local Plan (PB)
Senior Case Officer, Democratic Services (KH)

Other Members also in attendance:

Cllrs T Southcott and Cllr T Leech

***DM&L 9 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 10 URGENT BUSINESS**

There was no urgent business.

***DM&L11 CONFIRMATION OF MINUTES**

The Minutes of the Development Management and Licensing Committee Meeting held on 28 July 2020 were confirmed and signed by the Chairman as a correct record, subject to confirmation that conditions would be included in the signed minutes for the decision on application 1055/19/FUL – Erection of single-storey agricultural storage building using existing access at Field at East Linnacombe Farm, Sourton Down, Okehampton, Devon, EX20 4HR

***DM&L12 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: 1499/20/FUL**

Ward: Bridestowe

**Site Address: Foxcombe Farm, Lewdown,
Okehampton, EX20**

Conversion of existing cabin into annex for holiday use with associated works.

Speakers included: Supporter – Helen Spooncer:
Local Ward Member- Cllr Terry Southcott

During debate Members expressed sympathy with the desire for the applicant's farm business to diversify and acknowledged that recent events had increased demands for tourist accommodation.

A Member suggested that the Joint Local Plan discriminated against tenant farmers in that it encouraged investment in existing buildings which would ultimately benefit landowners so dissuading tenant farmers who would not be compensated from their investment. He suggested that this breached their human rights and Equality Act 2010. Officers advised that the Joint Local Plan had been subject to an equalities impact assessment; that there was no breach of human rights where decisions were taken in accordance with the statutory framework; and that in any event whether the applicant was the owner or a tenant was not a material planning consideration.

In response to questions from Members, Officers explained the context of the Joint Local Plan and the overall spatial strategy that its policies sought to achieve. The Joint Local Plan supported the rural economy and farm diversification, but not all farm diversification was acceptable; it had to be in a sustainable location.

RECOMMENDATION: Refusal

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 DEV15 and DEV29 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).

COMMITTEE DECISION: Refusal for the reasons set out in the Officer Recommendation.

***DM&L13 APPEALS UPDATE**

The head of Development Management took members through the appeals update. There were no questions from members.

(The Meeting terminated at 10.58am)

Chairman

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PLANNING APPLICATION REPORT

Case Officer: Jacqueline Houslander

Parish: Hatherleigh **Ward:** Hatherleigh

Application No: 0629/20/ARM

Agent/Applicant:

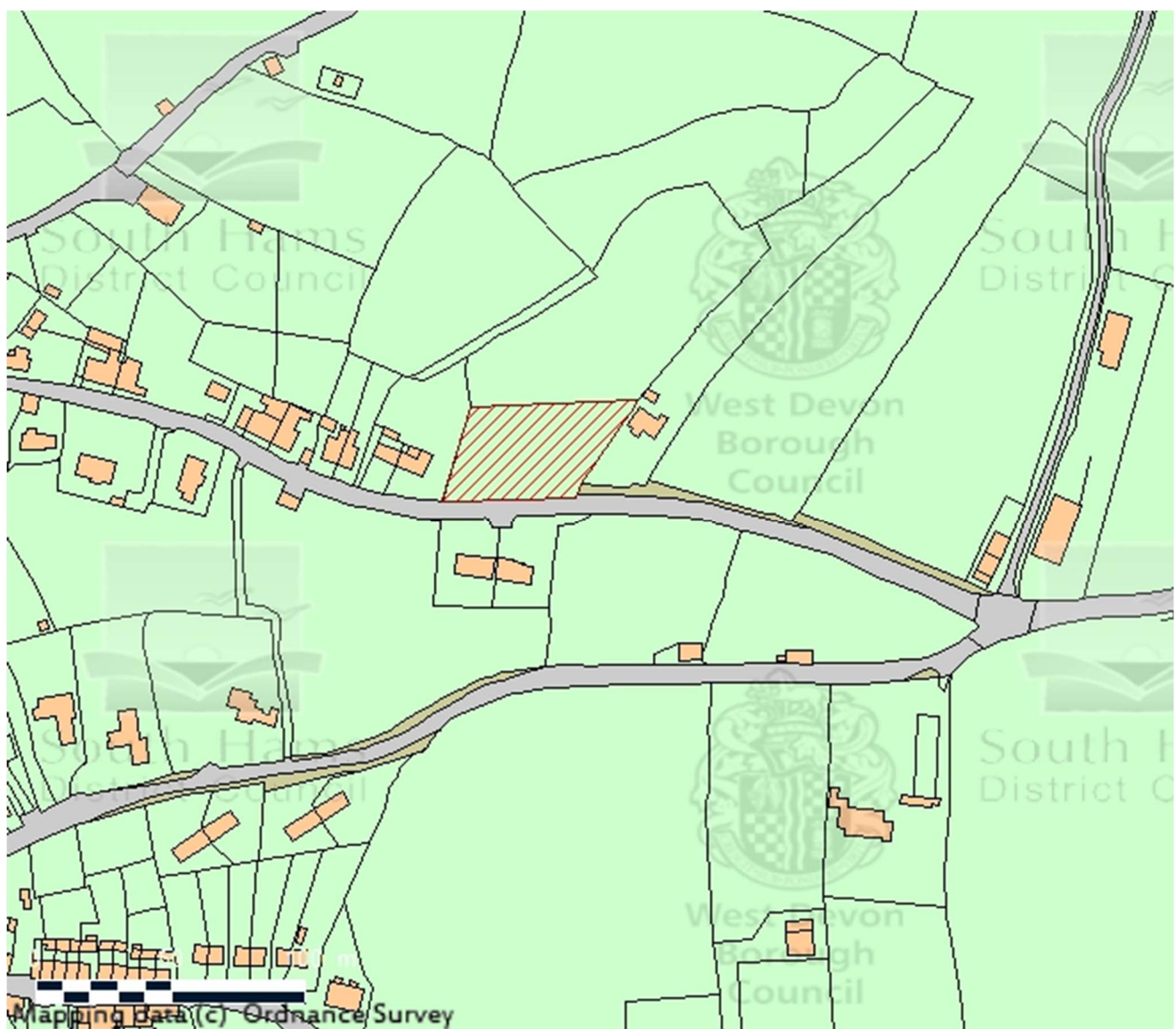
Mr Jamie Tingle - Wireframe Studio
301 Ecclesall Road
Sheffield
S11 8NX

Applicant:

Mr Paul Flowers
Biddicombe
31 Park Road
EX20 3JS

Site Address: Biddicombe, 31 Park Road, Hatherleigh, EX20 3JS

Development: Approval of reserved matters following outline approval reference 1635/18/OPA



Reason application is being put to Planning Committee: The Head of Practice has called the application to committee because of the controversial nature of the application.

Recommendation: Approval

Conditions (list not in full)

1. Accord with plans
2. Materials to be submitted and approved
3. Permeable paving for access road and driveways to be submitted
4. Detailed design of the visibility splay
5. The cladding to be applied to the dwellings shall be timber only
6. No external lighting
7. Construction management plan
8. Unsuspected contamination
9. Details of proposed hedgerows and protection of planting and gabion baskets and planting proposals for them.

Key issues for consideration: Scale, appearance, landscaping, layout and access.

Site Description: The application site is the southern section of an agricultural field immediately adjacent to the settlement of Hatherleigh. It slopes downwards from north to south where it is separated from the below highway by a significant hedgebank along its southern border. Immediately to the west is the property no.31 Park Road and its curtilage. To the south, on the other side of the road, are a pair of semi-detached two storey properties set into the hillside. To the east is the bungalow dwelling 'Daisies' and its curtilage, and to the north is the remaining part of the field. The site is served by an existing vehicular field access at its bottom west corner.

There is a strong line of residential properties on the north side of Park Road, which has slowly developed eastward from the historic core of the town. Although there are properties on the south side of Park Road it is noticeably less developed.

The site is within designated countryside but there is built form to the south and the west of the site, which also forms the boundary of the Hatherleigh Conservation Area.

The Proposal:

To consider the detailed plans for the two dwellings.

Plot 1: 3 bedroom dwelling with the first floor in the roof space. Rendered walls with concrete roof tiles and upvc joinery details in anthracite grey.

Plot 2: 3 bedroom dwelling with the first floor in the roof space. Rendered walls with concrete roof tiles and upvc joinery details in anthracite grey. Balcony out of Family room on the rear elevation.

Consultations:

- County Highways Authority: Standing Advice
- Environmental Health Section: No comments received.

- Town/Parish Council: Hatherleigh Town Council do not support this application as it stands for the following reasons:-
 - a) No heights are shown on the new plan
 - b) The proposed dwellings are too large and would be overbearing and would not fit into the street scene
- Drainage: Standing advice

Representations:

Representations from Residents

12 letters of objection have been received. Below is a summary of the concerns raised.

- Concerns about the loss of the ancient hedgerow. The hedgerow is over 500 years old and species rich. I thought this type of hedgerow was supposed to be protected.
- The size of the houses. They are grand and large
- Certainly not bungalows
- No height is specified on the plans
- It is a shame to see these outlying parts of the town disappearing
- There is already enough development in the village
- The permission given indicated that the buildings should be low profile bungalows and they should be set well down in the landscape and not spoil the view from Jubilee footpath.
- The plans submitted are no low profile and would not fit in with the surroundings
- New hedgerow plants will take many years to be anything like the ancient hedgerow.
- There are badger runs in the hedgerows.
- The side hedgerow has always been cut back using a tractor, how will this be possible now? Should there not be an access for the tractor to carry out these works?
- To create a safe access would require 43metres of hedge to be removed. How is this right?
- Concerned about impact of the works on drainage and subsidence to adjoining property.
- The site is an unspoilt wild flower meadow.
- Over 100 houses are currently being built in Hatherleigh, there is no justification to build here.
- 2 large out of character properties and not bungalows
- The buildings are set much higher in the hillside than anticipated by the outline.
- They will totally dominate the view from Jubilee footpath.
- The buildings seem to have been designed and placed so as to avoid excavations.
- The loss of foraging sites for bees and insects should be taken more seriously.
- The plans do not show anywhere near the amount of ancient hedgerow which will be lost to create safe access.
- How is it possible to move an ancient hedgerow?
- It is agricultural land outside the settlement boundary
- The ecology report was paid for and commissioned by the applicant and fails to acknowledge badgers on the site
- The planning officer stated at the Planning meeting that only single storey dwellings would fit into the landscape.
- The hedgerow is a UK BAP Priority site.
- The site is agricultural land and is not essential for agricultural workers, nor does it meet the needs of the town.
- The loss of yet another green space.
- The height for a bungalow is 4.75 metres, for 1.5 storey house 7.4 metres and for a 2 storey house 8metres (according to a construction company). The applicants have submitted plans for what they describe as 1.5 storey houses that are actually only 60 centimetres lower than a standard 2 storey house.
- They are also proposing to set them much higher in the hillside

- The applicants are stating that to use pre-fabricated timber framed houses minimises disruption on site. However the size and siting would result in 2 large houses dominating the landscape.

Comments on revised plans: 11 letters

- The current plans are confusing and misleading
- The Proposed Site Block Plan has the old design of the building on Plot 1
- Totally inaccurate site line for the visibility splay to the west
- Is it normal to show the height of a proposed building to the internal ground floor level?
- The site is in the Hatherleigh Conservation Area and the visibility splay towards the town would impact on Biddicombe frontage
- The site line is totally inaccurate
- The officer at outline said that most likely bungalows would be policy compliant.
- An independent ecology report should be carried out to protect the badgers on the site.
- The revised plans have totally ignored the Parish Council's concerns
- Plot one has now increased in size.
- Parking for the two plots may be an issue
- There are already 100 new homes being built in Hatherleigh, do we need another 2?
- These are very large homes 4-5 bedroom, which are too large for the site and may lead to further parking issues.
- Plot 1 has increased from 1879 square ft to 2000 square feet.
- Owning the eastern hedge of the site, a Tractor previously cut the field side of the hedge. shouldn't access be provided to ensure this is continued?
- There are badger setts on the land.
- The houses sit far too high on the hillside
- Two OAP bungalows were described at the outline stage.
- This should not have been granted outline permission and should only be permitted to proceed if it is greatly improved.
- I do not want to see an unspoiled meadow and ancient hedgerow destroyed and replaced by houses and cars.
- The two houses are far too big, where are the two low profile bungalows that were originally discussed.
- They will dominate the Jubilee footpath.

Relevant Planning History

1635/18/OPA

Erection of two dwellings

Biddicombe Park Road, Hatherleigh, EX20 3JS

Approval 13/8/2019

ANALYSIS

Principle of Development/Sustainability: The principle of the development of this site with 2 dwellings has already been established by virtue of the outline consent (1635/18/OPA) granted in 2019. The purpose of this application is to consider the details of the proposal and consider whether these details are consistent with the outline consent and are acceptable in relation to scale, appearance, layout and access and landscaping.

It is necessary to summarise the history of the case ahead of considering the detailed plans.

The outline planning application was approved prior to the adoption of the Plymouth and South West Devon Joint Local Plan and also prior to the Council having a reliable 5 year

housing land supply. As explained in the previous officers' report for the outline application, the weight to be attributed to the housing policies in the then Structure and Local Plans was diminished. As a result of the limited weight local policies had at the time, the officer commented that... "the Council must undertake a site specific appraisal of the merits of the scheme against the presumption in favour of sustainable development enshrined within the Framework, and must only refuse consent if the adverse impacts of the development 'significantly and demonstrably' outweigh the benefits."

The policy regime at the time of the outline application was therefore less robust than currently.

In considering this application the Council now has an up to date and relevant development plan. Hatherleigh is identified in the JLP as a Smaller town and Key Village. The settlement hierarchy in the JLP is found in Policy TTV1, with the main focus of development in the main towns of the TTV Policy Area, followed by the smaller towns and key villages; sustainable villages and finally smaller villages, hamlets and the countryside. The village is therefore a village which is 2nd in the hierarchy for development. Whilst there are sites allocated in Hatherleigh in the JLP, this is not a consideration in this case as the proposal already has in principle permission. The issues to be considered at this stage are therefore the scale, layout, access, landscape and appearance.

Layout

The proposed dwellings are set back from the hedge by approximately 10 metres (plot 1) and 9 metres (Plot 2). Within that space is an access road to each property and an area which is banked up to the access road from the hedge. The site contours are such that the land rises both northwards and eastwards on the site. As such Plot 2 is located on higher land than Plot 1. In addition as a result of the revised plans, both plots have been set further into the slope than runs northwards. It must also be acknowledged that the land within the site is at a higher level than the adjacent public road, by approximately 1.6 metres at the western end of the site, 2 metres at the mid point of the site and 3 metres at the eastern part of the site.

The proposed dwellings are set into the hillside and as such there are retaining walls around some edges of the footpaths proposed around the dwellings. In the case of Plot one the retaining wall to the east is constructed using gabion baskets. Parking for 2 cars is provided for each plot, which is located between the two plots. An access lane to the remainder of the field is provided along the western boundary. The hedgerow along the front boundary of the site is proposed to be retained apart from a small section near to the access which will be partially removed so as to enable better visibility in the eastern direction.

Concern has been expressed by objectors at the height and position of the dwellings in the plot. The applicants have made the decision to incorporate a single access point making use of the existing access to the field as their point of entry and allow for an internal road to access both properties. In doing so maintaining the screening effect of the existing hedge. As a result the dwellings have had to be pushed up the slope to accommodate this. An alternative to this would have been to either create 2 separate access points to each dwelling or (as has been done with the two properties opposite the site) a central access from the road to the 2 properties. As can be seen from the situation opposite, this would have involved a massive amount of hedge removal.

Both properties have been set into the hillside by approximately 1.3 metres (Plot 1) and 1.5 metres (Plot 2), resulting in terraced gardens to the rear.

It is considered that the layout ensures the retention of a significant amount of hedgerow and with the set down into the site is acceptable and appropriate for a sloping site such as this.

Scale: The outline planning consent decision did not provide any conditions which limits the scale of the dwellings which were approved. The officer's report to committee did however state on a number of occasions that the dwellings should be low profile and bungalows.

The outline application did provide schematic drawings which indicated 1 and ½ storey dwellings, with the first floor in the roof space. The schematic drawings were not approved at the outline planning applications stage, but were used for illustrative purposes in considering the outline planning application.

The current proposal is for 1 and ½ storey dwellings (as indicated on the schematic drawings) albeit a different design.. There has been some negotiation over the scale of the proposals as there have been objections locally to the scale and concerns about the proposed height of the dwellings bearing in mind they are 1 and ½ storey dwellings. In response the applicant has agreed to reduce the height and also sit the dwellings further into the slope of the site, in order to reduce the visual impact from the public road. Amended plans were received which indicated this and those plans have been re-advertised and consultees re-consulted.

The result is that the dwellings are now proposed as having a ridge height of: Plot 1: 49.81 and Plot 2: 52.61. The plots either side of the proposed dwellings have a ridge height of 44.92 (on the lower side and 55.89 on the upper side). The applicants have provided a section through the 4 properties to indicate that the proposed dwellings are a natural progression up the slope between the two existing properties.

The height of the properties themselves are 6.9 metres from ground to ridge height. The illustrative scheme provided at the outline application had a ground to ridge height of 6.3 metres. The proposed dwellings are therefore approximately 600mm higher than the illustrative building shown at the outline stage. Given that the plan at outline was illustrative and surveys and ground levels have now been fully investigated for the reserved matters application, the alteration in the height is not considered significant.

In terms of scale, whilst the officer report at outline did indicate that the proposal should be low profile that was stated in the knowledge that the illustrative plan indicated a 1.5 storey dwelling. In addition, what needs to be considered in terms of scale is what harm would there be in relation to the height of the buildings? The dwellings to the east of the site are two storey dwellings as are the two properties opposite the site. The property to the west is a single storey dwelling, but generally the prevailing dwelling type in the locality is for 2 storey dwellings.

A proposal for 1 and ½ storey dwellings is therefore considered appropriate in relation to the surrounding development. The outline application clearly acknowledged the sensitivity of the site to new development, with the reference to a low profile development. The field within which the proposed dwellings are located is a green field and the land is higher than the adjoin road on the site and it rises in a northerly and easterly direction, from the road. It should also be noted that the land in the field is on average some 2 metres higher than the road on the other side of the Devon hedge. It is therefore important that any development on the site sits into the slope rather than on top of it. The applicant has set the dwellings into the slope. In terms of scale some concerns have been raised about the size of the proposed

dwelling and the fact that they are 4/5 bedroom dwellings. The floor plans in fact indicate a 3 bedroom dwelling, however there is a family room on the first floor which could potentially become a bedroom. At the moment the family room looks out over the field at the back of the house and could well be used as a second lounge area as equally as a fourth bedroom.

The JLP policy DEV10 seeks to ensure that housing complies with the National Space Standards, which seek to ensure that bedroom sizes are sufficient size, there is sufficient storage space and that overall house sizes meet the standards. In reviewing the proposal against those standards the dwelling does comply fully with those standards.

The policy also makes reference to garden/amenity space and the newly adopted Plymouth and South West Devon Joint Local Plan Supplementary Planning Document provides a table indicating the minimum sizes for gardens. For detached houses the minimum size is 100 metres squares. The garden areas for these properties more than provide 100 square metres of amenity space. The proposals therefore meet policy DEV10.

Appearance: The proposed dwellings are 1 and ½ storey with the rooms on the first floor in the roof space. There is a front facing gable in the elevation facing the road. There are high level windows in the upper part of the front gable, together with 2 roof lights. On the ground floor there are 2 floor to ceiling windows, the front door and another window. There are slight differences between the two dwellings in terms of the use of materials and the location of those materials however the material palette is for a through colour render on the walls and grey timber cladding. Upvc windows and doors and timber fascia's painted an anthracite colour, concrete roof tiles. The other properties in this area of Hatherleigh have a range of materials including a predominance of render on both the traditional and more modern houses. A combination of natural slate and concrete roof tiles and a few properties (including those opposite the site have a brick element).

The majority of the proposed dwellings are render with a few feature panels of brick cladding.

It is considered that in terms of appearance the proposed dwellings are relevant to the context and so are considered acceptable and in compliance with policy DEV20 of the Plymouth and South West Devon Joint Local Plan.

Landscaping: The landscaping proposals comprise the retention of the Devon hedge along the road boundary, new hedge planting along the rear of the properties with the filed and grassed areas within the proposed gardens. The driveways are proposed to use permeable materials and the access road and turning area are proposed as permeable tarmac. These materials will need to be subject to condition so that the final finish can be agreed. A full landscaping scheme needs to be submitted as part of the discharge of condition 9 of the outline consent.

Access: The proposed access indicates the removal of a small section of the existing hedgerow around the existing access point to the site (approximately 5m), with the access to both properties being off the same access point. This was also what was indicated at the outline stage. At the outline stage the Highway Authority originally required a visibility splay of 43 metres in both directions, however negotiations at that stage and the submission of a plan which indicated the visibility splay to the mid point of the road, resulted in the now proposed reduced visibility splay resulting in only a small 5 metre section of the hedge being removed as opposed to a much longer section if the 43 metre visibility splay was required. This solution negotiated at outline also included moving the 30 mph speed limit to beyond the site

entrance which was part of the Section 106 Agreement signed at outline stage and which still applies to the site.

The Highway Authority were content with the visibility at the outline stage and have offered no further comments at this stage. It is proposed to place a condition on the approval to secure more detailed drawings of the visibility splay and in addition how the entrance will be finished. Officers consider that the balance between the retention of the hedge and the visibility splay have been successfully achieved with the shorter visibility splay requirement.

In terms of parking spaces the recently adopted SPD identifies that 2 parking spaces are required for a 3 bedroom property (Table 30). This has been provided by the applicant.

Objections to the development. When the application was originally submitted there were a number of objections to the development, some of which were in relation to the principle of the development on this site. Unfortunately these objections are not relevant to the consideration of this reserved matters application because the outline consent has already established that 2 dwellings can be located on this site. Of the other objections, the primary concerns were the loss of ancient hedgerow to provide adequate visibility; the size of the houses being too big and the outline had specified single storey dwellings; the buildings were set higher in the hillside and that no height had been indicated on the plans and concern about badgers on the site.

As a result of these objections negotiations took place with the applicants agent to reduce the height of the dwellings, by both physically reducing the height of the building and also setting them further into the slope of the site. The revised plans were then submitted and re advertised.

The objections to the revised plans are similar to the original objections. Some of the objections again are with regard to the principal of the development, which are not relevant to the reserved matters application.

Concern has been expressed that the revised plans show an increase in the size of Plot 1. The original iteration of the plans indicated a different design for the two plots, the revised plan shows the design mirrored on both plots.

The Parish Council took a vote when the revised plans were presented to them and of the 6 members present 3 objected, 1 abstained, 1 declared an interest and the other supported the proposal. Their concerns relate to: dwellings being too large; and impact of that on the street scene; concerns over the visibility splay and how much hedge would be lost and concern over parking. These issues have been dealt with in the rest of the report, but in essence, the dwellings are appropriate to the size of the plots, there is sufficient space around them to meet the SPD guidance on garden sizes and the footprint is similar to other properties in the vicinity; the visibility splay has been agreed with the loss of only 5 metres of hedgerow meaning the street scene will remain with the hedgerow being the dominant element and the houses set behind it and the car parking meets the requirements of the SPD.

Conservation Area Boundary: The Hatherleigh Conservation Area boundary lies to the south and east of the application site. This matter was considered at the outline stage and the officer report concluded that *“Within this context, modern properties within the application site will read as a continuation of the historic growth and progression of the settlement eastwards along Park Road. For this reason, officers consider that the scheme will preserve the setting, character and appearance of the Hatherleigh Conservation Area.”*

The reserved matters application deals with the more detailed considerations of the application. The proposed dwellings are a modern design and do not attempt to be a pastiche of the more traditional properties further along Park Road. The proposal does use render as its primary wall finish, which is in line with the rest of Park Road and much of Hatherleigh conservation area, but in a contemporary fashion instead. The scale of the dwellings works with the surrounding development. The properties opposite the site are more modern in design and are located within the conservation area. The proposed dwellings are outside of the conservation area but have respected this by keeping the scale down and reflecting the materials used elsewhere along Park Road. It is considered that the proposed dwellings preserve the setting, character and appearance of the conservation area, in line with policy DEV21 in the JLP.

Ecology: This is not a matter which is covered by reserved matters applications. The Council's ecologist did not object to the development at the outline stage. There is clearly some concern amongst local people about the potential for badger setts on the land within the application site. Ecology was considered at outline stage and a number of conditions were imposed on the outline consent which still require discharging. The ecologist also asked that at reserved matters stage light spillage should be a consideration. As a result of this it is proposed to place a condition on the consent that there should be no external lighting on the buildings unless otherwise agreed in writing with the LPA. The concerns expressed about the badgers were not an issue for the ecologist at outline stage. The conditions imposed on the outline permission require a landscape and environmental management plan, which will deal with the ecological as well as the landscape issues on the site. This condition has yet to be discharged.

Drainage: This is also a matter which was considered at outline stage. There are conditions on the outline planning permission which require the submission of additional drainage information for foul and surface water.

Conclusion

The proposal is considered to comply with the current development plan policies. There is clearly some local concern at the development of these two dwellings in principle, which has been expressed for this reserved matters application, such that any proposal on this site, which does have particular constraints would have been difficult to accept. However the proposal has been modified in its life and is now a proposal which officers consider can be supported. The application is therefore recommended for approval.

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.

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
TTV1 Prioritising growth through a hierarchy of sustainable settlements
TTV2 Delivering sustainable development in the Thriving Towns and Villages Policy Area
DEV1 Protecting health and amenity
DEV2 Air, water, soil, noise, land and light
DEV10 Delivering high quality housing
DEV20 Place shaping and the quality of the built environment
DEV21 Development affecting the historic environment
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 2, 11, 47, 108, 124, 127, 163, and guidance in Planning Practice Guidance (PPG).

Neighbourhood Plan: There is currently no Neighbourhood Plan in place for Hatherleigh.

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.

Proposed planning Conditions:

1. The development to which this permission relates must be begun not later than whichever is the later of the following dates (i) the expiration of three years from the date of the grant of outline planning permission or (ii) the expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.
Reason: To comply with Section 92 of the Town and Country Planning Act, 1990 (as amended).
2. The development hereby approved shall in all respects accord strictly with drawing number(s) Site Location Plan, received on 2/3/2020;
1763 03 Rev P4 Proposed site block Plan; 1763 04 Rev 6 Proposed site plan; 1763/03 Rev P3 Proposed site elevation; 1763 96 Rev P5 Proposed Plot 1 details; 1763 07 Rev P4 Proposed

Plot 2 details; 1763 09 Rev P3 Proposed site section through Plot 2 Section B-B; 1763 10 Rev P3 Proposed site section through Plot 1 Section C-C 1763/11/Rev P2 Proposed dwelling section and 2 storey Comparison, received by the Local Planning Authority on 3/07/2020.

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.

3. Prior to their installation details / samples of facing materials, and of roofing materials to be used in the construction of the proposed development shall be submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out in accordance with those samples as approved.

Reason: In the interests of visual amenity.

4. Prior to the laying of the access route and driveways, details of the permeable paving shall be submitted to and agreed by the Local Planning Authority. The paving shall then be laid in accordance with those agreed details.

Reason: To ensure the paving is permeable and in the interests of visual amenity.

5. Prior to the works to create the visibility splay taking place detailed technical drawings of the proposed visibility splay including sections shall be submitted to and agreed by the Local Planning Authority. The splay shall then be constructed in accordance with the agreed drawings.

Reason: To ensure the visibility splay is carried out in accordance with detailed plans and to ensure highway safety.

6. The cladding to be applied to the dwellings hereby approved shall be made of timber only and a sample of that timber shall be submitted to and agreed under condition No. 3 above.

Reason: To ensure the materials used are appropriate to this rural location.

7. Notwithstanding the details provided, there shall be no external lighting unless otherwise agreed in writing by the Local Planning Authority.

Reason: To protect the countryside from intrusive development.

8. Prior to commencement of any part of the site the Local Planning Authority shall have received and approved a Construction Management Plan (CMP) including

(a) the timetable of the works

(b) daily hours of construction

(c) any road closure

(d) hours during which delivery and construction traffic will travel to and from the site, with such vehicular movements being restricted to between 8.00 a.m. and 6.00 p.m. Mondays to Fridays inc. 9.00a.m. to 1.00 p.m. Saturdays and no such movements taking place on Sundays or Bank holidays unless agreed by The local Planning Authority in advance.

(e) the number and sizes of vehicles visiting the site in connection with the development and the frequency of their visits

(f) the compound/location where all building materials, finished or unfinished products, parts, crates, packing materials and waste will be stored during the demolition and construction phases

(g) areas on site where delivery vehicles and construction traffic will load or unload building materials, finished or unfinished products, parts, crates, packing materials and waste with confirmation that no construction traffic or delivery vehicles will park on the County Highway for loading or unloading purposes unless prior written agreement has been given by the Local Planning Authority;

(h) hours during which no construction traffic will be present on the site;

(i) the means of enclosure of the site during construction works;

(j) the details to promote car sharing amongst construction staff in order to limit construction staff vehicles parking off site;

(k) details of wheel washing facilities and obligations;

(l) the proposed route of all construction traffic exceeding 7.5 tonnes;

(m) details of the amount and location of construction worker parking; (n) photographic evidence of the condition of adjacent public highway prior to commencement of any work.

Reason: In the interests of Highway Safety.

9, 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.

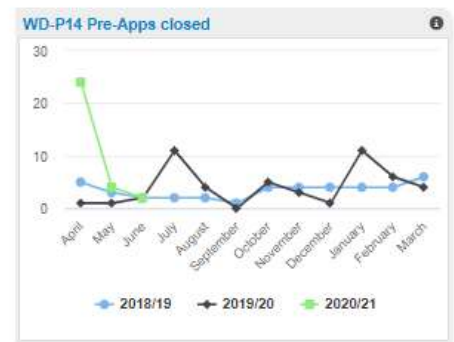
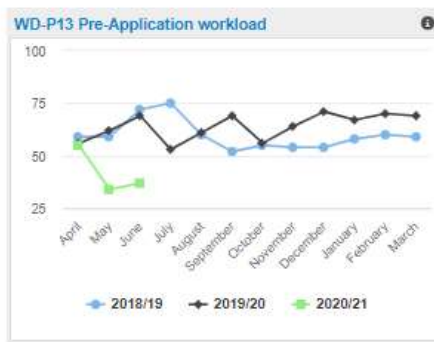
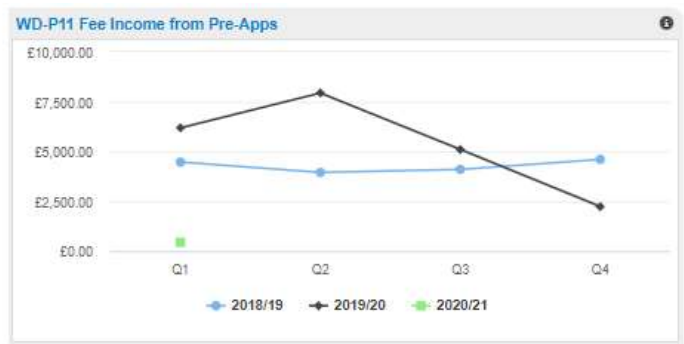
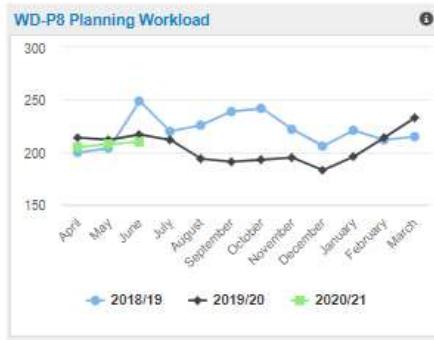
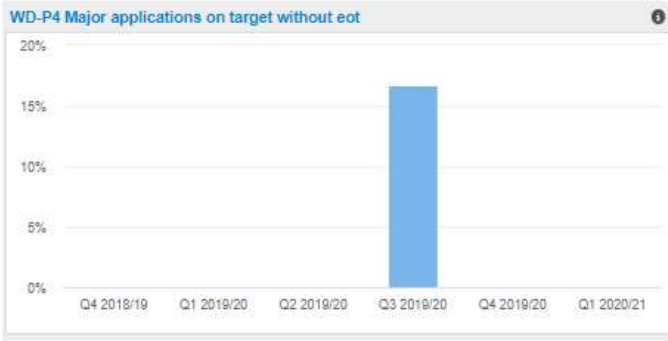
Following completion of measures identified in the approved remediation strategy and verification plan and prior to occupation of any part of the permitted development, a verification report demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of the 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.

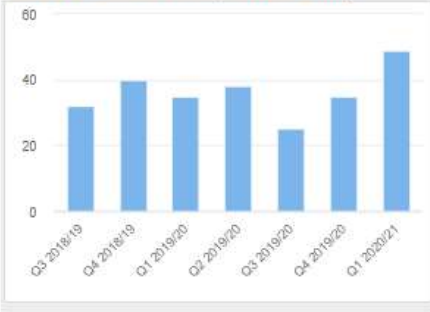
10. Prior to development above slab level, details for the new hedgerows to be planted around the site shall be submitted to and approved by the Local Planning Authority. The hedgerows shall be fully implemented in the planting season following the completion of the development and the plants shall be protected, maintained and replaced as necessary for a minimum period of five years following the date of the completion of the planting.

Reason: To ensure the planting is appropriate and is properly established on the site.

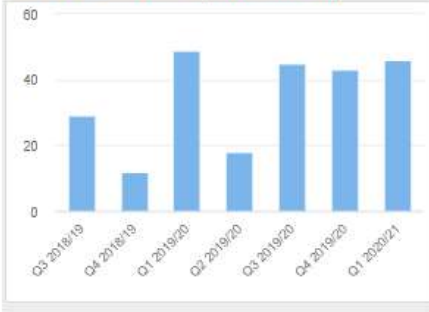
Agenda Item 6



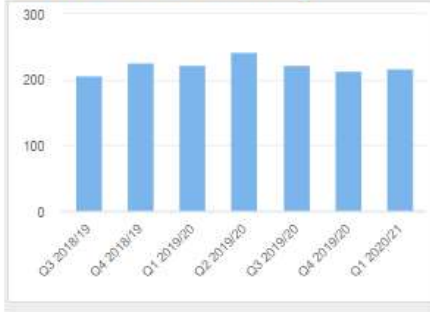
WD-E3 Enf Cases Received (since March 2016)



WD-E4 Enf Cases Closed (since March 2016)



WD-E5 Enforcement Cases Outstanding



West Devon Borough Council Agenda Item 7

PLANNING AND LICENSING COMMITTEE 29-Sep-20

Appeals Update from 12-Aug-20 to 9-Sep-20

Ward Exbourne

APPLICATION NUMBER : **1381/20/OPA** APP/Q1153/W/20/3255653
APPELLANT NAME: Mr Peter O'Connor
PROPOSAL : Outline application with all matters reserved for erection of two semidetached dwellings (one building) (resubmission of 0891/18/OPA)
LOCATION : Land at Town Living Blenheim Lane Exbourne EX20 3RX
APPEAL STATUS : Appeal Lodged
APPEAL START DATE: 17-August-2020
APPEAL DECISION:
APPEAL DECISION DATE:

Ward Okehampton North

APPLICATION NUMBER : **3963/19/OPA** APP/Q1153/W/20/3257118
APPELLANT NAME: Mrs K Hawkins-Sampson
PROPOSAL : Outline application with some matters reserved for the construction of 23 dwellings, associated car parking, access and estate road, private amenity space and public open space (Resubmission of 3441/17/OPA)
LOCATION : Proposed Development site at SX573976 Folly Gate Okehampton
APPEAL STATUS : Appeal Lodged
APPEAL START DATE: 17-August-2020
APPEAL DECISION:
APPEAL DECISION DATE:

Ward Tavistock North

APPLICATION NUMBER : **3694/19/VAR** APP/Q1153/W/20/3255052
APPELLANT NAME: Ms I Chambers
PROPOSAL : Application for variation of condition 3 of planning permission 2206/18/FUL (and appeal decision APP/Q1153/W/19/3223930)
LOCATION : The Milking Parlour Higher Wilminstone Wilminstone PL19 0JT
APPEAL STATUS : Appeal Lodged
APPEAL START DATE: 12-August-2020
APPEAL DECISION:
APPEAL DECISION DATE:

APPLICATION NUMBER : **3799/19/FUL** APP/Q1153/W/20/3256087
APPELLANT NAME: Mr C Hicks
PROPOSAL : Erection of detached three bedroom dormer bungalow with integral garage, external parking, new vehicular access and external works (Resubmission of 1811/19/FUL)
LOCATION : Land Adjacent To Haseley Butcher Park Hill Tavistock Devon
APPEAL STATUS : Appeal Lodged
APPEAL START DATE: 26-August-2020
APPEAL DECISION:
APPEAL DECISION DATE:

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