

# West Devon Development Management and Licensing Committee



West Devon  
Borough  
Council

<b>Title:</b>	<b>Agenda</b>								
<b>Date:</b>	<b>Tuesday, 16th February, 2021</b>								
<b>Time:</b>	<b>9.30 am</b>								
<b>Venue:</b>	<b>Teams Meeting</b>								
<b>Full Members:</b>	<p style="text-align: center;"><b>Chairman</b> Cllr Yelland <b>Vice Chairman</b> 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								
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Cllr Mott	Cllr Vachon								
<b>Interests – Declaration and Restriction on Participation:</b>	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.								
<b>Committee administrator:</b>	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 - 6**

Meeting held on 12 January 2021

**5. Planning Applications**

**7 - 66**

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>

Not to be heard before **9.30am**

**WARD NAME**

**Tavistock South East**

**APPLICATION NUMBER**

**2560/20/HHO**

**LOCATION**

**6 Tiddy Brook Road,  
Whitchurch**

**DEVELOPMENT**

**READVERTISEMENT (Revised plans received) Householder application for proposed single storey rear extension, convert single attached garage, installation of roof lights and dormer**

Not to be heard before **10.45am**

<b>WARD NAME</b>	Bere Ferrers
<b>APPLICATION NUMBER</b>	3424/19/FUL
<b>LOCATION</b>	"Field at Sx 453 669, Adjacent to Woolacombe Road", Bere Alston
<b>DEVELOPMENT</b>	READVERTISEMENT (Revised Plans Received) Application for 31no. new dwellings and associated access road and pedestrian link

Not to be heard before **12.15pm**

<b>WARD NAME</b>	Tavistock North
<b>APPLICATION NUMBER</b>	2672/20/HHO
<b>LOCATION</b>	31 Glanville Road, Tavistock
<b>DEVELOPMENT</b>	Householder application for proposed ground floor extension to dwelling house and replacement garage roof

Not to be heard before **2.00pm**

<b>WARD NAME</b>	Bridestowe
<b>APPLICATION NUMBER</b>	2295/20/FUL
<b>LOCATION</b>	"Land At SX 445 910", East of West Headson Farm, Bratton Clovelly
<b>DEVELOPMENT</b>	Retrospective application for gate to field for access to livestock

- |           |  |                |
|-----------|--|----------------|
| <b>6.</b> | <b>Planning Performance Indicators</b> | <b>67 - 70</b> |
| <b>7.</b> | <b>Planning Appeals Update</b>         | <b>71 - 72</b> |
| <b>8.</b> | <b>Major Applications Report</b>       | <b>73 - 74</b> |

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# Agenda Item 4

At a Meeting of the **DEVELOPMENT MANAGEMENT & LICENSING COMMITTEE** held via Teams on **TUESDAY** the 12th day of **JANUARY 2021** at **9:30am**

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

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

Head of Development Management (PW)  
Planning Case Officer (VC; BH)  
Solicitor (JF)  
Environmental Health Officer (JW)  
Strategic Planning Officer (JL)  
Democratic Services Manager (DW)  
Senior Case Officer, Democratic Services (AG)

**Other Members also in attendance and participating:**  
Cllr J Moody

**\*DM&L 38 APOLOGIES FOR ABSENCE**

There were no apologies forwarded to this Meeting.

**\*DM&L 39 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 and remained in the meeting and took part in the debate and vote thereon.

**\*DM&L 40 URGENT BUSINESS**

There was no urgent business brought forward to this Meeting however the Chairman advised that she had taken the opportunity to review the letter sent to the public outlining how they could request to speak and timescales involved. This had followed a complaint from a member of the public who had missed the deadline to request to speak at this Committee meeting. Further to this review, it was the Chairman's opinion that, as the instructions and deadlines were clearly outlined in the last paragraph of a single paged letter, it was reasonable for anyone to identify there was a deadline and the subsequent timescales.

**\*DM&L 41 CONFIRMATION OF MINUTES**

The Minutes of the Development Management and Licensing Committee Meeting held on 24 November 2020 were confirmed as a correct record.

**\*DM&L 42 PLANNING, LISTED BUILDING, TREE PRESERVATION ORDER AND ENFORCEMENT REPORTS**

The Committee proceeded to consider the application(s) 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: 2205/20/FUL                      Ward: Sourton**

**Site Address: The Stables, East Bowerland Farm, Okehampton, EX20 4LZ**

**READVERTISEMENT (revised plans and description) Erection of stables and change of use of land to paddock and (in part) a separate dog training and paddock area.**

During the Officer's update, it was outlined that a revised noise management plan had been submitted in December 2020, which was identical to the previous plan except to amend the hours of operation for doing training on the outside field. All hours for outside dog training were now consistent across the wider site. Condition 5 had been updated to reflect this and the last line of Condition 9 removed and altered to reflect this. One further letter of objection had been received which was added to the website. The letter did not raise any new matters. Although the Officer acknowledged that there had been a lack of implementation for mitigation planting on a previous application, this could not be considered at this meeting. The Officer outlined an error in the report (last paragraph of page 12 of the presented agenda report) where it stated that previous application 3851/17/FUL had been refused and was not supported by a noise report or management plan, however, it had had the noise report. The Officer also confirmed the hashed red line on the presented agenda report map did not accurately depict the site as some of the line was on the road however the OS submitted with the application was accurate.

The Environmental Health (EH) Officer updated the Committee that there was no longer an objection raised from EH as a previous noise complaint had been investigated resulting in a limit to the number of dogs allowed to be on site, which was 11, and the introduction of a comprehensive noise management plan which had mitigated the noise issues.

Speakers included:

Supporter – Ms L Langman;  
Parish Council Representative – Cllr S Eberle; The Councillor had also provided a video for the Committee to review. There were technical issues with the meeting unable to hear the sound on the video. As the sound was integral to the aim of the video, and no technical solution found during the 30 minutes break taken to attempt to resolve this issue, the video was instead emailed to all

Members of the Committee who then confirmed they had been able to see and hear the video prior to the application being debated;  
Local Ward Member – Cllr C Mott;

**RECOMMENDATION:** Conditional Approval

During discussion, the following points were raised:

- (a) The Ward Member informed that she had brought this application to Committee because of concerns from neighbours over current levels of noise and this would potentially lead to an increase in noise levels and duration. The Ward Member asked that, should the application be approved, there be a condition added which would not allow the storage of any dog training equipment to be stored in the stables.
- (b) The blue pipe in the field, as shown in one of the photographs, was confirmed by the applicant as left over from when a new electric line came in and could now be removed.
- (c) In the event of the application being conditionally approved, Members noted the particular importance of the applicants adhering to recommended Condition 9

**COMMITTEE DECISION:** Conditional Approval.

Conditions:

1. Time limit
2. Accord with plans
3. Sustainable form of drainage for stables
4. The total number of dogs utilising the existing training barn, existing outdoor training area and proposed land shall not exceed 11 at any time
5. Notwithstanding the details of the noise management plan, the use of the land for dog training shall not operate outside the hours of 8am to 8pm Monday to Saturday and 10am to 4pm on Sundays. A maximum of 3 hours of training classes can take place on Sundays between the hours of 10am and 4pm. For the avoidance of doubt the use of the land for the training of dogs shall not take place on Bank Holidays.
6. Dog training use ancillary to existing dog training facilities of East Bowerland Farm
7. Dog training shall only take place in area noted on site location plan
8. No external lighting without consent
9. Adherence to noise management plan
10. Adherence to management strategy
11. No burning of waste or manure
12. No parking on the site
13. Equine use for domestic purposes only – not commercial
14. No permanent dog training equipment on the site
15. Equine and dog training use only

16. Use of the stables shall be for equine purposes only and shall not be used for any purpose relating to the dog training use, including storage of equipment.

**(b) Application No: 1846/20/HHO**

**Ward: Tavistock North**

**Site Address: 12 Watts Road, Tavistock**

**Householder application for demolition of stone garden wall and creation of single storey kitchen extension, widening of drive entrance.**

There was no update to the Case Officer's report.

Speakers included:

Supporter – Mr E Persse;  
Local Ward Member – Cllr J Moody;

**RECOMMENDATION:** Refusal

In discussion, reference was made to:

- (a) the style of the proposed extension; and
- (b) the need to maintain the integrity of the Tavistock Conservation Area.

**COMMITTEE DECISION:** Refusal

#### **\*DM&L 43 HOUSING POSITION STATEMENT**

The Strategic Planning Officer for the Joint Local Plan (JLP) updated on the latest Housing Numbers position as the latest report had now been published. There is now a 6.1 year land supply with 1,449 homes built last year, cumulatively this is 653 homes above target. Going forward, there had been identified a supply of over 8,200 deliverable homes. The Officer highlighted that garden developments were excluded from the numbers due to Government changes to the definition, however these figures were not lost as they would be reported in 'windfall sites'.

The Authority Monitoring Report would be produced in February 2021 and would also include the split between brownfield and green field sites. Members would be invited to a future Briefing on this matter.

Members felt that the infrastructure did not keep up with the numbers of new houses built and the lead officer agreed that the relationship between homes and facilities and infrastructure was an issue and needed linking up. However, the advantage of having a plan did allow the Local Authorities to look ahead and try to direct infrastructure needed. Although good relationships existed with Devon County Council and other statutory providers, this would remain an issue in the future, particularly with reduced monies available. The lead officer proceeded to encourage Members to let her have their views on this point.

**\*DM&L 44 PLANNING APPEALS UPDATE**

The Head of Development Management updated the Members on each of the outstanding planning appeals.

**\*DM&L 45 UNDETERMINED MAJOR APPLICATIONS REPORT**

The Head of Development Management updated the Members on each of the undetermined Major applications.

In so doing, he confirmed that not all applications would be called in automatically and clarified that when an application was in the consultation phase, then any Member could call the application into Committee for determination, but once the application had passed that stage then only the Ward Member(s) could call to Committee. The lead officer also confirmed that he would update the notes to show when an application had been called in. When questioned, Wollen Mill site in North Tawton was confirmed as still being considered by the case officer. The applicant had referred to the Planning Inspector for non-determination appeal, even though the Council was still waiting for further information from applicant. Nothing had been received from the Inspector to say the application had been submitted and Development Management had asked the applicant to confirm.

(The Meeting terminated at 1:17 pm)

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**Chairman**

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## Committee Report PLANNING APPLICATION REPORT – Householder Developments

**Case Officer:** Nicola Glanville

**Parish:** Tavistock

**Application No:** 2560/20/HHO

**Agent (if applicable):**

Mr Jeremy Maddock - Architect'l Practice  
23 Fore Street  
Bere Alston  
Devon  
PL20 7AA

**Applicant:**

Mr & Mrs Bridgewater  
6 Tiddy Brook Road  
Whitchurch  
PL19 9BZ

**Site Address:** 6 Tiddy Brook Road, Whitchurch, PL19 9BZ

**Development:** READVERTISEMENT (Revised plans received) Householder application for proposed single storey rear extension, convert single attached garage, installation of rooflights and dormer



**Reason Item is being put before Committee:**

Mr Bridgewater is an elected West Devon Borough Council Councillor and given the objections received and to ensure transparency the Head of Planning has called the application to Committee.

**Recommendation:**  
Conditional Approval

**Conditions**

1. Standard time limit
2. Adherence to plans
3. Materials to match
4. 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. And, if any other drainage scheme than that approved as part of this permission is proposed then a mitigating drainage alternative shall be agreed with the Local Planning Authority.
5. To be used ancillary to main house only
6. Existing treatment room shall cease to be used as such upon first use of new treatment room as approved

**Key issues for consideration:** Whether an existing 'Sports Therapy' business use operating from the site is ancillary to the residential use. Design, Materials, Amenity and Highways implications.

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**Site Description:**

No 6 Tiddy Brook Road is a two storey detached dwellinghouse, situated in a corner plot at the end of a residential cul-de-sac serving 4 residential properties. Tiddy Brook Road is accessed from Churchill Road, off Whitchurch Road, Tavistock. The site is not Listed or within the setting of Listed Buildings and it is not within a designated protected area.

**Proposal:**

The proposal is for the conversion of the existing garage (leaving two off-road parking spaces) to a treatment room and the erection of a single storey extension to the NE side and rear of the existing dwelling to provide additional domestic accommodation on the ground floor, including a new dining room and utility. The existing treatment room reverting to domestic use as a children's play room.

The side/rear extension measures 4.4m in width x 8.6m in length and projects from the rear building line by approximately 3m. A 1.2m gap would be left between the proposed extension and the boundary shared with the adjoining neighbour

At first floor level, bedroom 4 to the front of the dwellinghouse would be extended out over the garage with the addition of a dormer window.

**Consultations:**

- County Highways Authority - No objection
- Environmental Health Section - No comments

- Town Council - Initially supported, but now object to revised plans on the following grounds:
  - re-advertised proposal now relates to a business the purpose of which is to attract visitors/customers from outside the premises;
  - this will create a need for additional parking, which a home office would not have done;
  - the negative impact on neighbours
- Drainage Specialist - No objection, subject to conditions.

## **PUBLIC CONSULTATIONS**

### **Representations:**

#### **Representations from Residents**

Comments have been received from residents of Nos: 1 & 2, Tiddy Brook Road, and from residents of 17 and 19 Churchill Road (which is connected to Tiddy Brook Road by a paved pedestrian walkway between Nos 15 & 17 Churchill Road) and cover the following points:

- The proposal will result in an increase in visitors and on-street parking – the Cul-de-sac serves 4 dwellings in a narrow road with limited parking provision
- The submitted plans are not accurate or transparent
- The application form is not fully completed
- The property is currently used as commercial massage therapists business.
- The stated existing office is currently in use as a massage room.
- The proposed toilet & shower room was previously installed and in use prior to any planning application.
- The proposed new office is to be another massage room. The dining room for a beauty therapy & exercise area and not for domestic purposes.
- The utility room, to be used as a small reception area for all three massage rooms.
- These treatments are currently being advertised on their web-site along with the therapists that will be carrying out these treatments. [www.tavistockmassage.co.uk](http://www.tavistockmassage.co.uk)  
Tavistock sports injury & massage
- If the proposed dining area is to be used as a treatment room – a large proportion of the dwelling would be a business use.
- The existing business is currently causing many problems within a small residential estate: Insufficient parking area for their existing use, this is prior to any proposed additional use, causing highway safety issues with this additional generation of traffic. Increased traffic, speeding, noise and restriction of access to our properties due to clients vehicles causing an obstruction.
- Increased noise and pollution from vehicles.
- Loss of important vehicle turning areas.
- Large vehicles having to reverse the whole length of the road, unable to turn around in the designated road turning areas.
- Permanent blocking off with parked cars of the adjacent public walkway to Churchill Road - this public walkway is also a designated emergency vehicle access.

- The Public footpath and pavements are also blocked by clients causing problems for the disabled and mothers with buggies.
- Increase in parked traffic in both Tiddy Brook Road and Churchill Road and an increase in pedestrian foot fall using the walkway connecting the two roads, causing a loss of amenity to local residents.

**Further comments received following re-advertisement of revised plans and expiry of the 21 day public re-consultation period:**

*From 1 Tiddy Brook Road:*

- Previous objections still stand. In addition, it is refuted that the applicant normally works Monday, Tuesday and Thursdays, with occasional evening and on weekend mornings. This is not what is advertised on the applicant's Facebook site which states 0800 till 2000 and weekends 0800 till 1400.

*Supporting Information from the agent:*

*'I have read the objections that have been made against our client's application and my client watched the Youtube recording of the meeting of Tavistock Town Council's Development Management & Licencing Committee of 16th December 2020 and related to me the debate and the outcomes...I will try to respond to the points raised by local residents and Town Councillors and, hopefully, in the course of this, can show that this is a modest proposal that will have negligible impact on neighbours.*

*1. Various concerns have been expressed about the size of our client's practice and her ambitions to expand. Our client only has one treatment room and one treatment table. The existing treatment room is cramped (8.75 sq/m) and it is proposed that this room will become a playroom for the family's two young children whilst the garage is converted to form a new, slightly less cramped treatment room (12.66 sq/m). There is no proposal to make use of the dining area as a treatment area or the utility room as a reception area as has been incorrectly claimed by objectors. Mrs Bridgewater has instructed me to say that she would accept a condition to limit the capacity to one treatment table – perhaps by identifying the area by colour on the floor plan?*

*2. Concerns have been expressed about multiple patients waiting and parking in nearby residential streets. In response, our client never does more than one treatment at a time, and she spaces appointments (which last between 60 and 90 minutes) so that no-one is waiting for the previous treatment to finish. This is for several reasons:*

*a. Treatment times need flexibility to accommodate unanticipated immediate needs of each patient. Given the very small number of patients involved, there is simply no need for appointments to overlap and good professional practice reasons for them not to.*

*b. It would be exceedingly bad business to keep patients waiting in the street (there is no waiting area on the premises).*

*c. As a professional practitioner, it is vital to maintain high standards of hygiene and, with only a single treatment table, time needs to be allowed between appointments to enable cleaning and room preparation. The importance of this has, of course, been highlighted by the COVID-19 pandemic experience of 2020.*

*Consequently, there is never more than the patient's one vehicle at the premises at any one time. Our client is happy to add an additional parking space in the front garden for her clients*

*should this still be an issue. Widening the drive would enable 3 off road parking spaces, but would also mean loss of foliage.*

*3. It is incorrectly asserted by objectors that several therapists work at the premises. This is simply not true. Only our client works at the premises. She does work with other therapists and professional colleagues at other locations, namely local hotels and residential care homes, which is what her website is intended to portray, but only she works at Tiddy Brook Road.*

*4. It has also been incorrectly asserted that there is a high level of use of the premises. We have explained in previous correspondence that the use of the premises is extremely low and entirely compatible with a residential area. Our client typically sees 10 patients in an average week. Some weeks are quieter and some weeks may be slightly more busy. The normal days of operation are Monday, Tuesday and Thursday, with occasional evening treatments on Monday or Wednesday evenings. On very rare occasions patients can be seen for treatments over a weekend.*

*5. It has been incorrectly asserted that our client has breached planning law by commencing works. The case officer will see from her site visit that no physical works requiring planning permission have been carried out. The Planning Portal explains that one does not necessarily need planning permission to work from home. The key test is whether the overall character of the dwelling will change as a result of the business. It poses 4 questions and, in the light of the above information, our responses are as follows:*

- Will your home no longer be used mainly as a private residence?  
This will continue to be the primary residence of the client and her family. Less than 13 sq/m will be used for our client's practice.*
- Will your business result in a marked rise in traffic or people calling?  
As set out above, the answer is categorically 'No'.*
- Will your business involve any activities unusual in a residential area?  
Again, the answer is "No". Sports Injury Therapists often work from domestic premises.*
- Will your business disturb your neighbours at unreasonable hours or create other forms of nuisance such as noise or smells?  
Our client's patients arrive and leave at 'normal' hours and in a civilised manner. The use itself creates no noise, or smell and, from an external view, one would not know that the use existed. Indeed, the nearest neighbour is content with the proposal.*

*In summary, as the case officer has intimated in earlier correspondence, it is debatable whether the reconfiguration resulting in a single room for a sports therapy table requires planning permission at all. The proposed extensions at the property are solely for family use. Since treatment appointments are infrequent (typically no more than ten in a week) and do not overlap, vehicular intrusion is negligible – at the same level as would be experienced by the occasional visit of friends and family. Having said that, the authority has determined that permission is required and we hope that this letter has provided sufficient assurance that this is an appropriate use of the premises.'*

**Relevant Planning History – No recent relevant Planning History**

<b>Design</b>	<b>YES OR NO</b>
Would the proposal maintain the character and qualities of the area in which it is proposed?	YES
Would the proposal appear in-keeping with the appearance of the existing dwelling, street and area?	YES
Would the materials, details and features match the existing dwelling and be consistent with the general use of materials in the area?	YES
Would the proposal leave adequate garden area and green space to prevent the proposal appearing as an overdevelopment of the site?	YES
Is the parking and turning provision on site acceptable?	YES
Would the proposal generally appear to be secondary or subservient to the main building?	YES

<b>Amenity</b>	<b>YES OR NO</b>
Is the proposal acceptable with regard to any significant overlooking/loss of privacy issues?	YES
Has the proposal been designed to respect the amenities of neighbouring properties avoiding unreasonable loss of light or an overbearing impact?	YES
Is the proposal acceptable with regard to any significant change or intensification of use?	YES

<b>Heritage</b>	<b>YES OR NO</b>
If sited within a Conservation Area, would the proposal preserve or enhance the character and appearance of the Conservation Area?	N/A
If within the setting of, or a listed building, a) will the development preserve the character and special architectural or historic interest of the building? b) Will the development preserve the setting of the building?	N/A
(WD only ) If sited within the World Heritage Site will the development effect the outstanding universal value of the designated area?	N/A
<b>Other Impacts</b> Does the proposal comply with DCC Highways standing advice such that it does not adversely affect highway safety?	YES
Is the relationship with the PRow acceptable?	YES
Impact on protected trees a) Will this be acceptable b) Can impact to properly mitigated?	NONE
Has the proposal been designed to prevent the loss of any significant wildlife habitats or proposes appropriate mitigation where this has been demonstrated to be unavoidable?	YES

If the proposal within the AONB. Is the impact acceptable upon the special qualities of the AONB?	N/A
Are the drainage details acceptable?	YES
If sited within a Flood Zone 2 or 3 or Critical Drainage Area is the application accompanied by an acceptable Flood Risk Assessment?	YES

The following **analysis** is given where the answer to any of the preceding questions is **no** or there are comments from any party or consultee.

**Analysis:**

***Revised plans have been received and re-advertised. The consultation period ended 25 December 2020 and have been incorporated into this assessment.***

**Principal of Development/Sustainability:**

The application has received objections from local residents with regards to the existing use of part of the premises as a Sports Therapy business which is operated by Mrs Bridgewater from her home. The concerns raised by neighbours are that the level of use of the existing business has escalated to a level that is no longer small scale or acceptable within a residential area and this has led to problems that affect Residential and Public Amenity and Highway Safety.

In order to assess whether this Householder application is appropriate to the type of development and use proposed and to answer the fundamental question: “Does the use for business purposes change the overall character of the property’s use as a dwellinghouse?”, the Officer has sought further clarification from the applicants’ agent on these matters, including revised drawings which clearly and correctly label both the existing and proposed use of the internal building layout and a statement as to the number and frequency of visitors/clients associated with the existing business being run from home.

Referring to amendments made to the drawings received and in response to the objections received from local residents, the agent has explained further that:

*‘The office is now more correctly labelled as the ‘treatment room’. It is the only room in the house that is dedicated to sports therapy use, all other rooms are for family use. Once the new treatment room is converted (pending consent) the old treatment room will become a play room for the applicant’s very young children. The ground floor shower room is existing and has been functioning since before the application was submitted – the fittings are now drawn correctly on all the floor plans (survey and proposed). Criticism has been made by the objectors including incorrectly, that the utility room would be a reception room – for this reason a new separate external entrance door has now been added to the side of the treatment room, permitting direct access for those visiting for therapy....*

*The incorrect assertion by objectors that the new utility room is intended to become a reception room is baseless and untrue. It is also incorrectly claimed by objectors that the new dining room will be a ‘beauty therapy and exercise area’ and that there will be a total of three rooms in operation – again, this is entirely baseless and incorrect....*

*The existing treatment room is cramped at 8.75 sq/m, whilst the new room will measure 12.66 sq/m.*

*Sports therapy treatment will be limited exclusively to the new treatment room alone, however, visitors are permitted to use the adjacent WC and wash their hands which seems only reasonable whenever the unplanned need arises. This does not give the WC a business use and it is not tax deductible and does not require planning consent.*

*With reference to working hours, Kirstie Bridgewater confirms that this varies and is typically 8 – 12 sessions spread over the week. Some weeks are more quiet and some weeks may be slightly more busy ... but the work is very physically demanding, Mrs Bridgewater avoids taking on too many sessions (due to a personal health condition) ... Each session normally lasts either 0.5 hour or 1 hour, although longer 1.5 hours therapy sessions are available where longer treatment is required. Only one patient can be seen for treatment at a time and Kirstie works completely on her own. The normal days of operation are Monday, Tuesday and Thursday, with occasional evening treatments on Monday or Wednesday evenings (some patients are unable to visit during work hours). On some occasions patients can be seen for treatment early on a weekend morning, but only if no other time suits them... Mrs Bridgewater works alone from just one room at home, and only treats one person at a time, however, if she is doing an event somewhere else, she will on occasionally work with other professionals ... but this is never the case within her own home. ...Her business name includes the word 'Centre' which is just the name ... it is a marketing approach and is considered professional.'*

On receipt of this additional information, a Legal Opinion has been sought from the Council's Legal Specialist who has commented as follows:

"The fundamental question is: "Does the use for business purposes change the overall character of the property's use as a dwellinghouse?" The proposed relocation of the treatment room to the garage and the shared use of the new utility room physically do not alter that character. What will do so, is if there is a marked increase in traffic, the number of visitors, levels of disturbance, hours etc. However, if the level of use remains as existing, then the use is clearly ancillary. If it grows to the point when the use ceases to be ancillary then that is the point at which enforcement action can be considered."

In view of the additional information received and the considered Legal opinion given, it is concluded that the existing business operating from the dwellinghouse is ancillary to that primary domestic/residential use. Therefore, the application received is considered and assessed on that basis as a Householder application in line with applicable policies: SPT1 Delivering sustainable development, TTV29 Residential extensions and replacement dwellings in the countryside, DEV1 Protecting health and amenity, DEV15 Supporting the rural economy and DEV20 Place shaping and the quality of the built environment. And, the Supplementary Planning Document (June 2020). In order to ensure only one treatment room operates, a condition will ensure that when the new room comes into use the existing treatment room use ceases.

### **Design:**

The houses on this estate all differ slightly in appearance, having been added to in varying ways over time. This existing dwelling house is of a typical design found on modern housing estates and the proposed new dormer window to the first floor extension to the front and flat roofed single storey extension to the side/rear is considered appropriate and in-keeping with

the surrounding area in terms of both its design and materials, which match the existing dwelling. A similar dormer has also been added to a neighbour's property. The garage conversion and the addition of a large front window replacing the existing garage door, which is a mirror image of the existing one to the proposed Play Room is also considered to be in-keeping with the existing dwelling and therefore acceptable.

Light is provided to the dining room by double opening doors on the NW and SW elevations and from a large roof lantern. Similarly the utility has a roof light providing adequate light.

At first floor level, bedroom 4 to the front of the dwellinghouse is to be extended out over the garage with the addition of a dormer window, providing more usable family space in place of what is currently a small bedroom.

### **Neighbour Amenity:**

The proposed single storey extension to the NE side and rear of the dwellinghouse is to accommodate a domestic utility room and dining room. No windows face onto the closest immediate neighbour to the NE of the site. Having visited the site, the Officer is satisfied that the proximity, size and scale of the single storey extension would have no detrimental impact on any adjoining neighbours amenity (either to the side or rear of the site) in terms of over-dominance, loss of light or privacy.

### **Outdoor Amenity Space:**

The Joint Local Plan's Supplementary Planning Document (adopted July 2020) (SPD) states in accordance with DEV10.5 that:

'sufficient external amenity space or private gardens should be provided for with new dwellings (including conversions of existing properties into flats), this should be useable space and clearly identifiable as part of the planning application and includes all front, rear and side useable areas (but excludes car parking)'

The guidance states that the remaining garden area on completion of the development needs to be more than 100m<sup>2</sup> for this detached dwellinghouse. The remaining rear garden area alone will measure more than 170m<sup>2</sup> on completion of the development, which complies with the SPD as being considered acceptable outdoor amenity space for this type of housing.

### **Highways/Access:**

Two existing off-street car parking spaces will remain available for use at the front of the property following the garage conversion. As the applicant has stated that only one client at a time visits the house for treatment, this level of parking provision is considered reasonable and adequate to cater for both the residential and ancillary home business needs of the site.

Furthermore, the Cul-de-sac has a wide road, with ample space for considerate road-side parking. The Officer visited the site on two separate occasions and experienced no difficulties in parking or evidence to suggest problems and issues with parking or excessive traffic levels that would have a negative impact on Highway Safety.

### **Drainage:**

The proposal has no negative drainage implications. The Drainage Specialist is satisfied that adequate full drainage details have been provided to demonstrate that a workable drainage scheme can be accommodated on site and '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' recommends that if permission is granted a condition is imposed ensuring that: '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. And, if any other drainage scheme than that approved as part of this permission is proposed then a mitigating drainage alternative shall be agreed with the Local Planning Authority.'

### **Ecology:**

The proposal is for a single storey extension that does not affect the main roof space. The existing rear porch roof (to be removed) is of flat roof construction using roofing felt finishes over timber structures and the adjoining pitched roof over the main property & attached garage is finished with modern close-fitting concrete tiles, detailed with modern uPVC fascias & soffits. Given the modern construction method for the roofs, its location in the centre of town and that no historic record of the presence of bats or nesting birds has been identified in the Ecology Statement, the proposal is considered to have no impact on endangered species.

One tree is to be removed from the rear garden in order for the development to proceed. This small tree is a non-native species and is not considered to provide any significant landscape or enhancement value.

### **Conclusion:**

On balance, for the reasons given above, this Householder proposal is considered acceptable and is recommended for Conditional Approval, subject to the conditions listed.

It should be noted however that, if the level of business use grows to the point when the use ceases to be ancillary then that is the point at which enforcement action may be considered.

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

### **Planning Policy**

Relevant policy framework

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 Plymouth & South West Devon Joint Local Plan 2014 - 2034 is now part of the development plan for Plymouth City Council, South Hams District Council and West Devon Borough Council (other than parts of South Hams and West Devon within Dartmoor National Park).

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  
TTV29 Residential extensions and replacement dwellings in the countryside  
DEV1 Protecting health and amenity  
DEV15 Supporting the rural economy  
DEV20 Place shaping and the quality of the built environment  
DEV26 Protecting and enhancing biodiversity and geological conservation  
DEV28 Trees, woodlands and hedgerows

There is no Tavistock Neighbourhood plan at a stage due any material weight

Other material considerations include the policies of the National Planning Policy Framework (NPPF) and guidance in Planning Practice Guidance (PPG). Additionally, the following planning documents are also material considerations in the determination of the application: the Supplementary Planning Document (June 2020).

### **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 in Full:**

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

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

2. The development hereby approved shall in all respects accord strictly with drawing numbers: 522.09 Rev A - Proposed Floor Plans; 522.07 Rev A - Proposed Elevations; 522.06 Rev A - Proposed Site Plan; 522.02 Rev A - Survey Floor Plans; and, 522.01 Rev A - Survey Site Plan received by the Local Planning Authority on 12 November 2020; and, 522/08 - Proposed Elevations and 522/10 - Proposed Roof Plan received by the Local Planning Authority on 18 September 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. The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those of the existing building, unless amendments have been agreed in writing with the Local Planning Authority.

Reason: In the interests of visual amenity.

4. The drainage scheme shall be installed in strict accordance with the approved plans prior to first occupation of the approved extension, maintained and retained in accordance with the agreed details for the life of the development. And, if any other drainage scheme than that approved as part of this permission is proposed then a mitigating drainage alternative shall be agreed with the Local Planning Authority.

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.

5. The extension and converted garage building hereby permitted shall not be occupied other than for purposes ancillary to the residential use of the dwelling known as 6 Tiddy Brook Road, Whitchurch, PL19 9BZ.

Reason: The establishment of an additional independent unit of accommodation would give rise to an over intensive use of the site and have a poor spatial relationship with the main dwelling.

#### INFORMATIVE

To be considered as "ancillary" accommodation, the extension/building can only be occupied by a person with a degree of dependence upon the occupiers of the main dwelling such as an aged or disabled relative or a dependent child. If the accommodation is occupied by persons economically independent or unrelated to those occupiers, then this use would not be considered to be ancillary, but as an independent unit of accommodation, for which a separate planning consent would be required.

6. The existing treatment room as shown on the submitted revised existing ground floor plan, shall cease to be used as such upon first use of new treatment room as approved on plan 522.09 Rev A - Proposed Floor Plans.

Reason: To ensure the level of business use remains ancillary and subordinate to the principal use of the site as a residential dwellinghouse.

## PLANNING APPLICATION REPORT

**Case Officer:** Jacqueline Houslander Ferrers

**Parish:** Bere Ferrers **Ward:** Bere

**Application No:** 3424/19/FUL

**Agent/Applicant:**

Mr Darren Summerfield  
5 Barnfield Crescent  
Exeter  
EX 1 1QT

**Applicant:**

Mr S Billings  
Burrington Estates Ltd.  
Dean Clarke House  
Exeter  
EX1 1AP

**Site Address:** Field at Sx 453 669, Adjacent to Woolacombe Road, Bere Alston, PL20 7HH

**Development:** READVERTISEMENT (Revised Plans Received) Application for 31no. new dwellings and associated access road and pedestrian link



**Reason item is being put before Committee:**

The ward members requested that this application be heard at Planning Committee because of concerns that the development must meet the Neighbourhood Plan; concerns over the use

of the Woolacombe road for access to the development as junctions at Bedford Street/The Down and the Collytown/ Woolacombe Rd/Bere Ferrers Rd were identified in the Neighbourhood Plan appendix as requiring improvements.

**Recommendation:** Delegate to Head of Practice Lead Development Management, in conjunction with Chairman to conditionally grant planning permission, subject to a Section 106 legal obligation, for the following contributions towards:

- DCC Education -£16,830.00
- OSSR: Off-site Play Contribution of £20,073.60, towards improvements to, and on-going maintenance of, play facilities at the Recreation Ground and/or the Parish Hall and/or Underways at the discretion of the Council  
Off-site Sports Contribution of £25,835, towards improvements to, and on-going maintenance of, the changing rooms at the Recreation Field, static exercise equipment in the village of Bere Alston and improvements to the basketball area behind the village hall.
- Affordable Housing - 9 units. Plots 13, 24 and 27 shared ownership and plots 25, 26, 28, 29,30 and 31 social rented units
- Tamar Estuary Special Area of Conservation £14,597.73.
- Movement of the 30 mph sign 70 metres to the south east of the site entrance. £5000.00 to carry out the TRO.

**Conditions** (list not in full)

1. Time limit
2. Accord with plans
3. Materials to be agreed before development proceeds beyond slab level.
4. Full details of the hard and soft landscaping of the public open space, including play equipment , fencing, surfacing, bins and benches.
5. Archaeological scheme of investigation
6. Unexpected contamination
7. No commencement until details of access road; ironwork; site compound
8. No occupation until cul de sac carriageway including turning head has been laid out and kerbed, drained and constructed; footways have been provided; visibility splays have been laid out; street lighting for the spine road has been erected where appropriate (based on ecology constraints) ; car parking has been completed.
9. Once constructed the carriageway, turning head, footways and footpaths shall be maintained.
10. No external lighting shall be erected on the site until the type, direction and lux level of that lighting being first submitted to and agreed by the Local Planning Authority.
11. Construction management plan
12. PD removal for sheds, hard surfaces, in the rear garden to protect the net gain in biodiversity
13. Drainage condition
14. Prior to occupation, details of the proposed garden gates shall be submitted to and approved by the Local Planning Authority
15. Prior to occupation of Plots 17, 22 and 11 the route through shall be completed and open for pedestrians to use.
16. Details of the planting for northern hedge shall be submitted to and agreed by the LPA prior to commencement beyond slab level and planting shall be implemented in the next available planting season
17. The open space in the middle of the site shall be retained as open space and shall not be used for any other purpose without the prior written consent of the local planning authority.

18. Hedge protection details.
19. Hedge retention.
20. Prior to their installation details of the boundary treatments shall be submitted to and approved by the Local Planning Authority.
21. LEMP
22. Development to be in accordance with Energy Statement
23. Development to be carried out in accordance with the Geotechnical / geoenvironmental report
24. Development to be in accordance with the biodiversity report.

Informatives:

Two x highway informative

PROW informative

**Key issues for consideration:** Landscape impact; impact on the Tamar Valley AONB; Neighbour amenity; infrastructure contributions - open space provision; affordable housing contribution; design; highway and pedestrian considerations.

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

As part of the Spending Review 2020, the Chancellor announced that there will be a further round of New Homes Bonus allocations under the current scheme for 2021/22. This year is the last year's allocation of New Homes Bonus (which was based on dwellings built out by October 2020). The Government has stated that they will soon be inviting views on how they can reform the New Homes Bonus scheme from 2022-23, to ensure it is focused where homes are needed most.

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**Site Description:** The application site lies on the eastern edge of Bere Alston, to the south of the B3257. The site is adjacent to Bere Alston Bowling Club, which lies to the east of the application site. The field is relatively flat and is currently grassed. The field is surrounded by Devon hedges.

To the west of the application site is a recently completed housing development of 16 semidetached houses (known as The Down). There is a road within that site which extends to the boundary with the application site, but it is not proposed to extend that road into the site, however there will be a pedestrian access to the site from that point in the neighbouring development.

To the north is the B3257 road between Tavistock and Bere Alston and beyond that agricultural fields. To the south is Woolacombe Road, off which three bungalows are served which lie on the opposite side of Woolacombe Road.

The whole site lies within the Tamar Valley AONB

**The Proposal:**

Full application for 31 new dwellings and associated access road and pedestrian link.

The proposal includes a mix of 1, 2, 3 and 4 bed dwellings, with 9 of these homes proposed as affordable. An area in the upper middle part of the site is proposed as open space both informal and a Local Area of Play (LAP). The northern boundary of the site will be reinforced with native hedgerow and tree planting. A woodland block is proposed in the north east corner of the site. An existing Public Right of Way (PROW) crosses the site and this has been improved and

slightly diverted within the layout and is adjacent to the proposed open space. The changes to the footpath will be subject to a separate application to the County Council to change the route of the footpath slightly. The access to the site will be off the road to the south, Woolacombe road, which currently serves 6 other properties, two detached properties to the south east and 4 opposite the application site.

The development layout shows a new access off Woolacombe road which extends northwards through the site, with a slight change in direction. There are turns both right and left as you enter the site which serve 5 dwellings to the right and 5 to the left. Progressing along the route in a northerly direction, with houses along both sides of the road to the area of open space, above which the road extends right and left with a crescent of 6 houses across the north of the site. The road and footpath cut across the open space.

The design of the dwellings is traditional with pitched roofs and gable walls. Materials proposed are a mixture of render, slate roofs and slate hanging.

### **Consultations:**

- **County Highways Authority:** The Transport Statement prepared by the applicant's consultant details the anticipated traffic and trip generation to and from the site and the highway authority are generally in agreement with its content and conclusions. Appropriate conditions and the requirement for the applicant to contribute towards the investigation and alteration of the speed limit terminal points in the vicinity of the site access are recommended.
- **Environmental Health Section:** Access and turning area appear adequate for refuse collection vehicles for the majority of the site. We would seek assurance that the sections identified as brick pavements are suitable for a 26 tonne vehicle as reverse over this area would be required for kerbside collection. If assurance not provided waste containers from plots 1-4 and 7-11 would need to be presented at the edge of the central tarmacked road. This accumulation of containers on collection day may impact overall street scene
- **Bere Alston Parish Council:** Initially the Parish Council raised concerns about the application as follows: We cannot support this application in its present form of capacity, layout and design.  
In particular it contravenes the Neighbourhood Plan for the Bere Peninsula which was only recently adopted by the Borough Council on 16 October 2018. This plan forms part of the JLP for this Borough. The NP is contravened as follows:-  
Development of 37 houses is well in excess of amount in the NP.  
The NP asked for landscape treatment of the countryside site edge, with an enclosing Devon hedge as well as selected tree plantings.  
The development should create a positive visual gateway onto the main road into the village (B3257,) which is in character with this nationally designated landscape, rather than the urban view that has been depicted to the north.  
Limit the height of the development to reduce its prominence within the countryside.  
The development is cramped and urban where car parking seems to dominate green spaces in its linear layout. We suggested in the NP that the houses, where appropriate, should centre on open public spaces, in a similar way to the nearby Pentillie Estate, with a variety of styles that would reflect the present dwellings in Bere Alston.  
We believe that the installation of solar panels and charging points for electric cars must be considered.

It is essential that the junction at Colytown crossroads, to the east of the site has an accepted visibility display on the north side and the junction with Bedford street and the Down has similar problems with visibility on its west side and road width on the north side which would have to be a requirement if consent is granted.

We ask that the Development Management Committee should visit the site and when the matter is considered by that Committee this Parish Council would want to make representations.

**After the submission of the revised plans for 31 dwellings instead of the 37 initially put forward, the Parish Council comments were:**

Pleased that the Council's previous objections had been noted and the developers have reduced the number of houses, but it appears they have not included information regarding renewable energy or combined heating schemes for the properties. The WDBC should try and get the developers to include renewable energy, for example solar panels and electric charging points. The borough Council should also ask for carbon reduction in the building of these houses.

- **Ecology:** Holding objection with regard to Biodiversity, further information is required to address biodiversity net gain and the southern hedge, where there may be light spill from the proposed dwellings. The ecologist also made reference to the Public right of Way, *"It is unclear whether any PROW diversion is to be sought separately under s257 of the Town and Country Planning Act, or whether the intention is to retain the route as at present. If the PROW is intended to be diverted to enable the development to be delivered, the proposed diverted route of FP20 should be shown, along with width, surfacing and any 'obstructions' (i.e. stiles/gates). If the existing route is to be retained, it should be demonstrated how the existing route (2 metre wide) will be achieved through the site, including surfacing."*
- **Additional information was received moving the development away from the southern hedge and a biodiversity net gain assessment was undertaken using the Biodiversity Metric Rules (The Biodiversity Metric 20.0 User Guide, Natural England 2019).**  
The conclusion of the report was that the development achieved a 4.63% net gain in habitat units and a 23.41% net gain in linear units.
- **Archaeology:** The site is in an area of known archaeological potential, meaning that groundworks would have the potential to expose archaeological remains. A written scheme of investigation is required wither during the application process or as a planning condition.
- **Devon and Cornwall Police architectural liaison:** No concerns in principle, but recommend following Building Regulations Approved Document, and Secured By Design (SBD) principles, with regards to: access and movement; structure; surveillance; ownership; physical protection; activity and management and maintenance.

The parking provision seems inadequate. Tandem parking is also problematic and results in parking on the street. Recommend a condition relating to rear garden gates.

- **Devon County Council Education:** An education contribution is required to mitigate the impact of the development on school places. The proposed 31 units will generate 7.75 primary school pupils and 4, 65 secondary pupils. There is sufficient forecast capacity in Bere Alston Primary School and Tavistock College. A contribution is therefore requested

towards school transport for the secondary school children of £16,830.00 (£3.81 per day x 4.65 secondary pupils x 190 academic days in a year x 5 years at secondary school).

- **Tamar Valley AONB unit:** Initially the AONB unit had many concerns with the layout and design of the proposed units (37 unit's layout). Since the revised plans have been submitted, some of their concerns have been addressed. The following points remain a concern for the AONB Unit.:
  - The current layout plan still shows the red-edged extent of the application site as stopping on the inside of the hedge and it is unclear as to whether the path will join up with the development on the other side of the break in the hedge as there is a gap due to the basal width of the hedge.
  - The hedges within the site as previously proposed have been removed for the most part.
  - The woodland block is fairly small in scale and does not extend very far as it could to provide further tree planting along the roadside boundary adjacent to the B3257 and along the site's eastern boundary would provide further screening of the proposed development as was also suggested previously.
  - The layout plan still appears to show that the proposed entrance indicates a hedge return that does not appear to be a Devon hedge appearing to be much narrower than the existing hedge.
  - Plots 6 and 7 (previously 5 and 6) still have inward facing principle elevations that result in a poor quality street-scene.
  - The rubbish collection point also has the potential to be unsightly.
  - The changes to layout and quantity of parking provision is noted but it still appears to dominate the main street scenes with large areas of hard-surfacing being the dominant feature especially along the main spine road between the units to each side of the road (block of units 12-16 and 23-31). Again the trees interspersed within the street-scene do little to alleviate this.
  - There is no focal point within the development such as that suggested in Policy H2 of the adopted NP.
  - The LAP is noted, but it reads as being somewhat peripheral to the main bulk of the development. It would be a little more central if it were to switch positions with units 14-16.
  - The designs have not really altered to meaningfully respond to previous comments in that they still propose half height slate hanging to the sides of houses instead of full height as is common in Bere Alston.
  - Use of stone appears very limited and the canopy and open porches are somewhat generic and is not a prevalent feature when considering the older parts of the settlement such as Fore Street and Cornwall Street where doorways are instead deeply recessed to provide cover against wind and rain, sometimes with a very modest flat canopy porch.
  - Does not seek to reflect local distinctiveness or to fully embrace the full range of changes that could be made in terms of the above matters. It is felt that the revisions go so far to address some issues but the scheme is still lacking in certain areas of detail as noted above.
  
- **South West Water:** Applicant advised to contact SWW with regard to a public 160mm water main in the vicinity of the development. Foul sewerage services are able to be provided from the existing public foul or combined sewer in the vicinity of the site.

- **Devon Lead Local Flood Authority (LLFA):** Initially the LLFA objected to the development on the basis that the applicant has not submitted sufficient information in order to demonstrate that all aspects of the surface water drainage management plan have been considered. Additional information was requested. That information was submitted in August 2020. In response the Lead Local Flood Authority have withdrawn their objection subject to imposition of a condition requesting additional information about flow modelling; drainage layout and geo environmental and geotechnical reporting.
- **Public Rights of Way officer:** A minimum 2 m wide surface is required to be maintained. This should have a good surface accessible by all. If a diversion is required to provide the footpath this should be applied for accordingly through the T&C Act before development begins. If a footpath closure is required to allow development to commence, this must be applied for in the usual way, and a temporary diversion provided. This will not be consented to until clear evidence is given that the existing or diverted footpath has been planned for and permission has been given. Planning consent should only be given when it is clear the footpath has been correctly planned for.
- **Open Space, Sport and Recreation:** An onsite natural play space is provided (LAP). As a result of the onsite provision the offsite contribution is £20,073.60, which would be used towards “improvements to, and on-going maintenance of, play facilities at the Recreation Ground and/or the Parish Hall and/or Underways”. And off site sports contribution - £25,835 towards improvements to, and on-going maintenance of, the changing rooms at the Recreation Field, static exercise equipment in the village and improvements to the basketball area behind the village hall. A condition on the details of the LAP required.
- **Affordable Housing:** Reference is made to Policy DEV8 in the Plymouth and South West Devon Joint Local Plan, where a minimum of 30% on site affordable housing will be sought for schemes of more than 11 dwellings. This application is for 31 dwellings with 9 being affordable, which does not quite equate to 30%. Provided the rented element of the affordable housing is for social rented tenure, the proposal is acceptable.
- **Landscape comments:** The landscape officer has been involved in the evolution of the layout of the site and has helped to inform the position of the landscaping in and around the site. Upon submission of the latest landscape plan the landscape officer is generally happy subject to clarification over a number of species proposed. An amended plan has subsequently been received which indicates that all of the issues raised by the landscape officer have been addressed. The landscape officer has yet to comment on the amendments, however it is proposed to either add a condition or to update Members at Committee if there remain any concerns. It is however also proposed to place a condition on the consent to ensure the landscaping works take place in the next available planting season upon completion of the development.

## **Representations:**

### **Representations from Residents**

41 letters of representation have been received both for the original proposal and the revised proposal. It is not proposed to provide the comments from the initial proposal as it is the revised scheme which is now being considered.

43 letters of representation objecting to the development, but these include repeat objections

- A proper plant and wildlife survey should be done before building takes place as we have seen hedgehogs; newts; slowworms and a grass snake, which I believe are protected.
- The housing should not be overpriced, as it is locals that need this housing.

- The number of second home owners in this area has inflated the market, but it is the people living in the community that need affordable housing.
- Who is going to be responsible for keeping the bin area clean and tidy? The adjacent development is constantly left with uncollected recycling bins and general rubbish
- Who will be responsible for the maintenance of the common areas, including hedges?
- Lack of overflow parking, more than 2 cars per households are more common.
- Woolacombe road would not be an alternative because of the road being in constant use by pedestrians and dog walkers and as well as farm vehicles.
- Access onto Woolacombe Road would involve 2 potentially dangerous manoeuvres – junction of the Down, the other being an almost blind corner entry onto the B3257. This could be resolved by a mini roundabout from the housing estate onto the B3257.
- Why is there no provision for PV panels? Or electric charging points? It must be imposed as a condition.
- The exit from the site on to Woolacombe Road. If cars exiting turn left and then left onto the Bere Ferrers road heading towards Tavistock or Plymouth they will be at an extremely dangerous junction at Woolacombe cross, with almost zero visibility. If they turn right they will then have to turn right on to Bedford Street and again there is limited visibility to the left, but it is a better option.
- It will result in an intolerable amount of additional cars on the Bere Peninsula. The road to Plymouth via Denham Bridge is single carriageway and badly maintained and is already overcrowded at rush hour.
- Where are all of the jobs that will support this housing? They will probably have to commute and unless the bus and train services improve they will have to drive.
- Visitors to the houses opposite the site entrance parking on the road will reduce the road width to 3 metres.
- The removal of a significant amount of natural hedgerow is against the NP and the AONB
- The NP proposed that the primary access should be off the B3257. It would be much easier to have a wide splayed access off this road.
- There is no indication how the water and foul drainage will be maintained.
- Access and egress should be off the B road, avoiding several difficult manoeuvres.
- This number of houses is not needed in the village
- The field has always flooded. Since the 14 houses at The Down have been built it floods more
- A government Inspector stated that Woolacombe road was too dangerous to have an entrance onto it.
- Woolacombe road is used by walkers, runners, horse riders and heavy farm vehicles as well as cars and cyclists. There is no pathway either side of the road. The access to the housing from this road is dangerous.
- Some housing has a water supply from the farm which could be contaminated by the surface water run-off from this site.
- The development is a site of 2 halves. The bigger houses alongside the main road will be easier to sell and the high density houses off Woolacombe road.
- The development will impact on the properties opposite the site entrance
- Why a large empty space in the centre? Will there be a request for further development on this in the future?

5 letter's in support (including 2 repeat letters):

- Bere Alston desperately needs affordable housing. The development will bring much needed housing o the area.
- It is very difficult to purchase or rent a 3 bedroom house in Bere Alston

- The location is an efficient use of land and will benefit the local community
- As key workers we have struggled to find houses for our family of four.

## Relevant Planning History

None

## ANALYSIS

### Principle of the development.

The application site is an allocated site for residential development in the Plymouth and South West Devon Joint Local Plan and also the Bere Peninsula Neighbourhood Plan. The JLP indicates that the site should provide 30 homes and include: Layout, design and location of structural landscaping to be guided by landscape assessment; mitigation of recreational impact on SAC; contribution towards rail link between Tavistock and Bere Alston and ensuring that proposals are well integrated with the existing development.

The Neighbourhood Plan Policy H2 provides criteria for the development of the site

*Policy H2. Development considerations for Land to North of Woolacombe Road (Ref: WD\_48\_19\_08/14)*

*This site is intended to provide some 30 new homes of an appropriate range, mix and type to meet local needs, over the period 2017-26. Its development is expected to be carried out in consultation with West Devon Borough Council (including the AONB Management Body) and the Bere Ferrers Parish Council. Any proposal, deemed major development in the AONB will be required to demonstrate the exceptional circumstances and public interest required by the National Planning Policy Framework.*

*Any application should be accompanied by a Landscape Visual Impact Assessment, a Transport Statement (which includes an assessment of the likely impact on the rail network), an approved Waste Water and Surface Water Drainage Strategy, an assessment as how the proposed development is intended to meet local housing needs, as well as other required documents.*

*The development should demonstrate compliance with the relevant policies of the adopted Development plan and policies H6 and Policy H7 of this plan. The proposals must also have regard to the following requirements:*

- *The development should create a positive visual frontage onto the main road into the village (B3257), providing a positive gateway to the village that is in character with the area.*
- *The preferred site access should be directly onto the main road to Bere Peninsula Neighbourhood Plan Final version June 2018 Tavistock (B3257) into /out of the village. However, if this does not prove feasible, an alternative access onto Woolacombe Road would be acceptable.*
- *Include landscape treatment of the countryside edge, with an enclosing hedge and banks, as well as selected tree planting to assist the new development to sit down when viewed from a distance.*
- *Limit the height of development so that it is not prominent in the landscape.*
- *Provide homes with sufficient space to meet basic lifestyle needs, and where appropriate include reasonably sized gardens.*
- *Arrange the houses, where appropriate, so that they centre on open public green spaces, to be provided within the development.*
- *Include a children's play space if required, and retain the public right of way.*
- *Be designed to mitigate any potential adverse impacts upon existing residential and community interests - this development may be required by legal obligation to provide or*

*contribute towards wider and long term planning benefits associated with the alleviation of any such impacts.*

As a result of the allocation, it is determined that provided the proposal meets the criteria in the allocation, it is acceptable.

In considering the development against the allocation, the proposal provides for 31 dwellings (it had originally been for 37, but that was later reduced to 31). Whilst it is one over the allocation, it is considered that provided the other aspects of the allocation policy are met, the additional dwelling could be acceptable.

A Landscape and Visual Impact Assessment was submitted in support of the application and was assessed in detail by the Landscape officer, who initially had some concerns, however as the application has been progressed changes have been made such that the Landscape officer is now satisfied with the proposal. It will be seen above that the AONB unit whilst having reduced concerns still maintained some of their concerns about the impact of the development on the AONB. Policy DEV25 in the Joint Local Plan and Policy E1 in the Neighbourhood Plan seek to ensure that the landscape qualities of the AONB are conserved enhanced and protected (NP).

The remaining concerns of the AONB unit have in part been resolved in further discussions with the applicant and the submission of amended plans as follows:

- *The current layout plan still shows the red-edged extent of the application site as stopping on the inside of the hedge and it is unclear as to whether the path will join up with the development on the other side of the break in the hedge as there is a gap due to the basal width of the hedge.*

This has been discussed with the applicant and they have stated that it is their intention to make sure the paths do join up in agreement with the adjacent land owners. In planning terms, it is proposed to place a condition on the consent to ensure that prior to occupation of Plots 17, 22 and 11 the route through shall be completed and open for pedestrians to use.

- *The hedges within the site as previously proposed have been removed for the most part. The only hedgerows to be removed as a result of this scheme is part of the hedgerow onto Woolacombe road (the access to the site).*

There are currently no hedges within the site which are to be removed.

- *The woodland block is fairly small in scale and does not extend very far as it could to provide further tree planting along the roadside boundary adjacent to the B3257 and along the site's eastern boundary would provide further screening of the proposed development as was also suggested previously.*

The applicant has provided landscaping scheme which increases the tree planting on the northern hedgerow.

- *The layout plan still appears to show that the proposed entrance indicates a hedge return that does not appear to be a Devon hedge appearing to be much narrower than the existing hedge.*

The hedgerow has been amended to a Devon Bank – details of which will be requested via a planning condition.

- *Plots 6 and 7 (previously 5 and 6) still have inward facing principle elevations that result in a poor quality street-scene.*

Officers do not agree with this point and feel that plots 6 and 7 tighten the entrance point, with development which then broadens out creating a space where plots 12, 13, 29 and 30/31 look onto. There is a need to retain some of the space between the two dwellings for a service strip on both sides of the road.

- *The rubbish collection point also has the potential to be unsightly.*

The hedgerow and further planting have been provided to overcome this point.

- *The changes to layout and quantity of parking provision is noted but it still appears to dominate the main street scenes with large areas of hard-surfacing being the dominant feature especially along the main spine road between the units to each side of the road (block of units 12-16 and 23-31). Again the trees interspersed within the street-scene do little to alleviate this.*

Officers have worked hard to alleviate the parking along the road running up the centre of the site, however with the numbers of dwellings and the requirement for them all to have at least 2 parking spaces (as indicated in the SPD), it has been difficult to address this issue. In previous iterations of the proposal, there were far more properties with tandem parking (one behind another) which was a concern for both the Police Architectural Liaison and affordable housing. This has been reduced to 4 properties, and landscaping along the central route has been increased slightly to attempt to break up the visibility of the parking. The surfacing for this area will be conditioned such that it could aid this issue. Officers are satisfied that as much as possible has been done to alleviate the parking issue along the central route.

- *There is no focal point within the development such as that suggested in Policy H2 of the adopted NP.*

Again officers disagree with this point, the proposal does provide an area of open space in the top centre of the site, which aligns with the PROW, which officers consider is appropriate.

- *The LAP is noted, but it reads as being somewhat peripheral to the main bulk of the development. It would be a little more central if it were to switch positions with units 14-16.*

The applicant was asked if it was possible to do this, however they declined. In addition placing the open space in the location of Plots 14-16 which is the narrowest part of this part of the site, would result in less natural surveillance of the space. Officers are satisfied that the open space provides a central green area, which has good natural surveillance over it and is accessible to all of the development. From a distance the green area will also help to break up the built form on the site.

- *the designs have not really altered to meaningfully respond to previous comments in that they still propose half height slate hanging to the sides of houses instead of full height as is common in Bere Alston.*

This issue has been addressed and the slate hanging has been lowered on the front elevations so as to replicate the manner in which it is used in the centre of Bere Alston.

- *use of stone appears very limited and the canopy and open porches are somewhat generic and is not a prevalent feature when considering the older parts of the settlement such as Fore Street and Cornwall Street where doorways are instead deeply recessed to provide cover against wind and rain, sometimes with a very modest flat canopy porch.*

It is acknowledged that there is only minimal use of stone, however it must also be acknowledged through policy DEV20 that the context must be considered and there are very few stone buildings within the village. In fact most of the traditional and more recent development have render finishes which is part of the material palate for this proposal. The doorways have been more deeply recessed, however the porches have remained as originally proposed.

There are some lean to porches but also some with a pitched roof porches. It is not considered that this issue warrants a reason to refuse the application and it must also be acknowledged that many other changes requested both by consultees and officers have been carried out.

- *does not seek to reflect local distinctiveness or to fully embrace the full range of changes that could be made in terms of the above matters. It is felt that the revisions go so far to address some issues but the scheme is still lacking in certain areas of detail as noted above.*

The changes to the elevations have resulted in the proposed dwellings reflecting the proportion of materials across the elevations more in line with the traditional properties in the centre of Bere Alston. The layout has changed 3 times since its original submission and officers consider in light of the shape of the site, the layout is far better than originally submitted and is therefore acceptable.

The NPPF 2019 in relation to housing development makes reference in para.172 to major development in the AONB areas:

“Planning permission should be refused for major development other than in exceptional circumstances, and where it can be demonstrated that the development is in the public interest. Consideration of such applications should include an assessment of:

- a) The need for the development, including in terms of any national considerations and the impact of permitting it, or refusing it, upon the local economy;
- b) The cost of, and scope for, developing outside the designated area, or meeting the need for it in some other way; and
- c) Any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which that could be moderated.

Two issues of relevance to this are firstly that the site is allocated in an adopted development plan and its location in the AONB was analysed at the time the site was allocated in the JLP and the Neighbourhood Plan.

Secondly, the whole of Bere Alston is within the AONB designation. Therefore in order to provide for the towns residential needs, any site would have some degree of impact on the landscape quality of the AONB. As the NP states in para. 08.d.iii.01 *“While it is recognised that all the achievable development options will impact to a greater or lesser extent on the area's special landscape character, this needs to be balanced against the requirement to provide for local housing needs in the most sustainable way to ensure the area remains a vibrant, living community.”*

The Neighbourhood Plan (NP) goes on to state *“The two site allocations North [this site is the northern site] and South of Woolacombe Road have been assessed in the housing report of survey as being the most suitable, available and achievable alternatives for housing development. Their development has been assessed as having the least impact on the character and special qualities of the AONB and World Heritage designations, as well offering the best opportunities to moderate any potential impacts from development. They also offer the greatest opportunity to minimise the impact of through traffic in the village, and the land to North of Woolacombe Road also provides an opportunity to improve the main gateway to Bere Alston.”*

In light of the fact that the Neighbourhood Plan process assessed the development allocations against the 3 tests for major development in the NPPF, officers consider that it is not necessary to assess the development further against the NPPF requirements. The balance of housing need, landscape quality and public benefit has already been assessed through the Plan making process. A transport Assessment has been submitted which will be further considered in the Highway section below. A surface and foul water assessment has been provided and the Lead Local Flood Authority have withdrawn their previous objection to the proposals subject to a condition.

In terms of local housing needs, the scheme is providing:

- 2 x 1 bed flats;
- 5 x 2 bed houses
- 13 x 3 bed houses and
- 11 x 4 bed houses.

The Neighbourhood Plan process identified in the Housing Provision Survey carried out in October 2016 that there was a need for 50 new dwellings in the NP area over the Plan period (up to 2034) and that the need should be met in Bere Alston because of its sustainability. In terms of type of housing needed the Plan states in Volume 2 para. 04. d.ii.03 that a range of house types should be provided. The demand at the time of the Survey was for 56% 1 bed; 29% 2 bed; 12% 3 bed and 3% 4 bed. There was however a recognition that such a large proportion of 1 bed dwellings was likely to be un-economic for developers. There was also recognition of the need for affordable housing. The requirement at the time was for 40% affordable, however that figure through the JLP process has been reduced across the Plan area to 30%.

The findings of the report have been reflected more broadly in the NP, indicating in Policy H7, that a broad range of housing, a mix of housing type, size and tenure to meet the current and future demographic characteristics and requirements of the parish. It states that particular regard should be had to the need for 1 and 2 bed housing, so as to meet the needs of the aging population and single people. The policy also reflects the need for affordable rent and shared ownership housing.

Policy DEV8 in the Joint Local Plan also identifies the fact that a broad mix of dwelling type's sizes and tenures should be provided and states that the particular needs cross the plan area are:

- “i. Homes that redress an imbalance within the existing housing stock.*
- ii. Housing suitable for households with specific need.*
- iii. Dwellings most suited to younger people, working families and older people who wish to retain a sense of self-sufficiency.”*

The proposal does provide some smaller units, including 2 x 1 bed flats and 5 x 2 bed dwellings, 3 of which are affordable units (which does reflect the affordable housing need

identified in the NP). However the majority of housing is 3 and 4 bed units, in both semidetached format and detached. Whilst the NP did identify a need for more detached housing and flats and maisonettes, which were in preference to semidetached and terraced housing. The current proposal does have a lot of detached housing - 15 in number and 2 flats, 6 pairs of semis and 2 terraces of 3. The proposal does meet the NP requirements in part. The NP does recognise that as referenced in the NPPF that housing sites must be deliverable and as such *“the sites and the scale of development identified in the Plan should not be subject to such a scale of obligation and policy burdens that their ability to be developed viably is threatened. Therefore, in applying these wider policy requirements it is important to balance them so as not to act as an overall constraint on site delivery.”*

So whilst there could have been more 1 bed dwellings or flats in the scheme, it must be noted that because the site is an edge of village site in the AONB, there is a need for a more landscape focussed approach to the development – hence the large area of open space in the top centre of the site. The use of detached houses in the northern part and most exposed (to the wider AONB landscape) part of the site allows for more tree planting and vegetation creating a more landscaped appearance on the site.

There are a number of community benefits which will fall out of the development, as mentioned above: education; open space and recreation; affordable housing which rightly so are a burden on the development, but which do also impact on the viability of the proposal. The scheme does provide a mix of housing types, sizes and tenures and whilst the split is weighted against the housing needs assessment that must be balanced against the needs for the scheme to meet the community benefits, provide new housing for the village and provide a scheme which has increased landscape provision to balance the requirements of the Tamar Valley AONB.

The creation of a positive frontage onto the B3257 is achieved by reinforcing the landscaping along this edge and the provision of a group of trees in the north east corner. The purpose of this additional landscaping is to ensure the development blends into the landscape as this is the highest point of the site and from an AONB perspective is the most visible part of the site. The additional landscaping will help to break up the built form on this edge of settlement site.

The policy seeks the access to the site to be off the B3257 and most of the objections about the development are around the fact that the proposal does not provide access and egress from this road and the inability of Woolacombe road to cope with the additional traffic.

A feasibility study was carried out by the applicants for placing the access off the B3257, however the result was that to create sufficient visibility splays it would have involved losing most if not all of the existing hedgerow along this edge of the site. It was considered that the impact on the rural character at this point of losing such a large amount of hedge was not appropriate. The visibility splay would have been much longer than is required for the Woolacombe road edge because of the fact that it was an arterial main route. As stated above the impact of the loss would have impacted on the AONB. It would not have served to conserve the rural edge of the village in accordance with Policy DEV25 in the Plymouth and South West Devon Joint Local Plan (JLP).

The issue of the use of Woolacombe Road has been one of the main concern expressed by residents, with concerns focusing on the inability of the surrounding road junctions to cope with the additional traffic generated by the development (the visibility splays on the junctions between the Down and Bedford Street and between Woolacombe Road and the Bere Ferrers Road (Collytown junction)).

This issue was raised again when the Ward members were asked to consider the application under the delegation agreement. Concerns related to the two junctions and also: the lack of street lighting; the scheme no being adopted by the Highway Authority; no lighting on the footpath from the Bowling Club to Bere Alston village.

In response to these concerns the Highway Authority were asked to comment and responded as follows:

*"1. Neither the highway authority nor the planning authority are able to insist that a road provided to serve a development is offered for adoption as highway. The developer may always choose to keep the road private if they wish. The Public Footpath that crosses the site would have to remain open for public usage unless diverted according to law, but that would not influence the adoption of the road one way or the other – the process is entirely separate. I cannot really comment on West Devon's waste collection policies about collection of refuse on roads that have not been adopted as highway, although they are subject to a Section 38 Agreement, but I am aware of other developments in the West Devon area where refuse collection does take place before adoption of the roads, so it would appear it can happen in certain circumstances. (I have discussed this particular matter with Councillor Crozier earlier)*

*2. The highway authority takes a more pragmatic approach to the provision of street lighting since the publication of the Design Guide if and when there are sound ecological reasons for not having street lighting to a reduced level or, indeed, no lighting at all. In the event that there are ecological reasons for reduced or no lighting, the highway authority will accept roads without adoptable highway lighting provided that ducting is installed to enable retro fitting in the event that it becomes necessary, with a deposit lodged for a period of time (say five years) to cover the installation. The developer can also then install a private lighting system within the site to a lower luminance level should they choose to, or it can remain unlit, without affecting the eligibility of road adoption (see 1 above)*

*3. See 2 above – it is preferable that the footpath is lit to highway authority standards, but the highway authority would accept ecological reasons for this not to be the case.*

*4. The developer does not have control of land to enable the improvement of either the junctions referred to by the Parish. The application has to be assessed with the junctions in their current state. The highway authority are aware of the issues at all of the junctions referred to; those conditions prevailed at the time the previous application for 17 houses (now known as Down View) was considered by the planning authority and subsequently allowed at appeal. Paragraph 15 of the Inspector's Appeal Decision dated 14 February 2014 (attached for ease of reference) endorses the highway authority's response to the previous application.*

*The junction of Woolacombe Road with the Down has 'give way' road markings in complete accordance with the Traffic Signs Regulations and General Directions 2016 and the Highway Code and there are no identified highway safety issues at this junction. The proposed development will introduce additional vehicle movements by drivers who are entirely familiar with the location so additional signage at this junction is not considered necessary*

*The highway authority has to rely on the County's Personal Injury (PI) Collision database and that does indeed show no PI collisions at any of the junctions in the area over the last five years (although it may be missing some records from recent months). There is no record of collisions not involving personal injury, nor those not reported to the Police. There is only one 'slight' category collision shown in The Down (about halfway down) from July 2016. This PI*

*collision record would not in itself evidentially justify a recommendation to refuse planning permission on highway safety grounds.*

*It is inevitable that the recent traffic figures are less than those recorded in 2013 (when the previous application and appeal was considered) for various reasons. The highway authority is nevertheless satisfied, even if the figures of 2013 prevailed today, that the traffic that would be generated by the proposed development could not be considered to have a 'severe residual cumulative impact' warranting a recommendation to refuse planning permission as referred to in the National Planning Policy Framework 2019 (paragraph 109)."*

In relation to point 5, the Section 106 contributions are provided at the top of this report.

Whilst it is understood that the concerns raised by the Parish Council and local residents are important material consideration in the assessment of this case, it is considered by officers that the above text addresses those concerns sufficiently and that the development is an allocated site, evidence has been provided that would suggest an access off the B road would impact more significantly on the AONB status of the landscape and that the Woolacombe road entrance is acceptable from a highway safety perspective and improvements are not required at the junctions mentioned.

The fourth requirement of Policy H1 is the treatment of the countryside edge in terms of landscaping, which has been addressed above. The hedge to the south of the B3257 will include additional tree planting as well as the group of trees in the north east corner.

The fifth requirement is with regard to the height of the proposed dwellings. There is a mixture of dwelling heights within the vicinity of the site, the development immediately to the west comprise 2 storey properties and there is a two storey property further to the east on the B3257 which is also 2 storey. The development along the B3257 towards the centre of Bere Alston are primarily bungalows with the odd 2 storey house intermingled. All of the proposed dwellings are 2 storey. The flats (2 in number) are also within a 2 storey building. Whilst it may seem appropriate to provide bungalows on the site, because of the properties further west along the road, the size of the site and the numbers in the allocation would not be achieved if they were all bungalows. It is unlikely that the housing mix needed for the village would be achieved if bungalows were utilised across the site.

The proposed dwellings are approximately 7.5 metres in height, which is quite typical for a modern property. The roof pitch is in line with other properties in Bere Alston. Officers consider that the 2 storey dwellings are not excessive for 2 storey development and is acceptable.

In terms of sufficient space to meet lifestyle standards, reference is made to Policy DEV10 in the Joint Local Plan which insists at 10.5 that new development must meet National Space Standards. The properties do meet the National Space Standards. Policy DEV10 also requires that sufficient outdoor amenity space can be provided for each property. Initially it appeared as though quite a few properties would fall short of the requirements as set out in the SPD, para.4.138. However the applicants have made some changes and provided a schedule of garden sizes and it now transpires that of the 31 plots there are now 8 where the outdoor amenity space is slightly under what is required in the SPD. It is considered that on a site of this size, which also has some quite challenging physical dimensions the properties all have outdoor space as well as a large area of public open space in the midsection of the site. As such it is considered that overall the proposals meet Policy DEV10 requirements.

The 6th requirement on the allocation policy in the Neighbourhood Plan relates to the arrangement of the plots on the site and seeks to *“Arrange the houses, where appropriate, so that they centre on open public green spaces, to be provided within the development.”* Clearly on a site of this size, shape and number of dwellings in the allocation it would not be possible to have all of the properties centring on an open space. The applicants have chosen to focus the open space in the top centre of the site where the Public right of way crosses the site and to realign the PROW so that it becomes part of the open space. This results in an open space which is over 850 square metres in extent.

Plots numbered 16,17,18,19,20,21,22 and 23 all face onto the open space so there is good natural surveillance over that space. Plots 1 – 6 have views to the south across open fields and plots 7, 12 and 13 have small areas in front of them, which are proposed for tree planting. So not all plots have the ability to overlook the open space, but there will be access for all residents to utilise the space and the space itself is well overlooked. The proposal therefore meets this aspect of the policy in part.

The public right of way is retained albeit aligned slightly differently as it crosses the site, which is also being pursued by the applicant as a diversion order for the PROW through Section 257 of the Town and Country Planning Act. This process is already underway with Devon County Council.

The final requirement of the policy H1 is to ensure that the residential and community interests are not adversely affected by the development. The consultation process of the application has resulted in the request by a number of consultees for contributions to mitigate the impact of the development on education; open space sport and recreation; affordable housing and the Tamar Estuary SAC. As a result a Section 106 Agreement will accompany this consent securing all of these contributions.

#### Sustainability:

The sustainability of the site has been thoroughly assess both through the JLP process and the Neighbourhood Plan process. Hence the allocation of the site in both Plans. Bere Alston is the only village in the Peninsula which has facilities including a school, shops, public houses a church. It has been described in the NP as the only such sustainable location within the Peninsula.

#### Affordable housing provision:

Policy DEV8.3 identifies that at least 30% on site affordable will be sought from all schemes over 11. That would be a requirement of at least 9.3 on this site. The proposal provides 9. In negotiating this the affordable housing officer is content with the 9 provided that the rented units are for social rent.

#### Landscape:

The fact that the site lies within the AONB has been discussed at length above. The landscape scheme has been assessed by the landscape officer and is considered generally acceptable subject to a few clarifications over the choice of certain species. A condition will be added to the consent to secure this detail post decision.

With regard to Open space sport and recreation, several rounds of negotiation have taken place to secure the community benefits. The applicant has provided an area of open space known as a Local Area of Play (LAP) on site. Policy DEV4 seeks to ensure developments contribute “towards new or improved playing pitch/sports provision through a planning obligation for off-site provision.” In addition Policy C2 in the Neighbourhood Plan seeks to

ensure development of over 5 dwellings contribute to, enhance and upgrade Local Green Spaces. The proposal will contribute:

- An offsite contribution is £20,073.60, which would be used towards “improvements to, and on-going maintenance of, play facilities at the Recreation Ground and/or the Parish Hall and/or Underways”.
- Off site sports contribution - £25,835 towards improvements to, and on-going maintenance of, the changing rooms at the Recreation Field, static exercise equipment in the village and improvements to the basketball area behind the village hall.

This has been accepted by the OSSR officer as appropriate and in accordance with the Policy and guidance in the SPD.

#### Design:

The layout has undergone several iterations in the design process. The NP Policy H6 makes reference to design as do Policy’s DEV20 and DEV10 in the Joint Local Plan. It is considered that the location of the site on the edge of the village and in the AONB better befits a traditional approach, with more landscaping than would perhaps normally be required. The immediate context of the site is mixed, a new development to the west bungalows and houses to the northwest and the same to the south east. Policy DEV20 requires that development has taken account of context. In this case the context is mixed and predominately bungalows. As has been previously stated the use of bungalows on a site of this size would not achieve the numbers in the allocation. Officers therefore considered the traditional centre of the village for context and after some revisions, the properties are now evidently modern on proportion, but do have pitched roofs with natural slate; render stone and slate hung elevations, which will provide a quality to their appearance and reflect the materials used in the centre of the village. Officers consider that this is an acceptable approach in this case.

Policy H6 specifies a number of criteria with regards to design; including high quality; safe; support basic lifestyle needs; appropriate density; appropriate building styles and designs; relate well to one another; emphasis on low energy consumption; meets highway and parking standards; aim to improve pedestrian links to the village centre; meet affordable housing requirements; include reasonable garden sizes and communal green areas; including play facilities where appropriate; sensible treatment of boundaries; avoid overhead services and the creation of safe and accessible environments.

A large list of requirements, but the proposal does in the main meet those requirements. The only area where the development fails to meet the policy is with regard to the provision of pedestrian links to the centre of the town. In saying this the development is relatively close to existing pedestrian links and the PROW in the site links to the adjacent development and then to other roads towards the town. There are pedestrian footpaths along the B3257, which link to the village centre.

Many of the roads in Bere Alston do not have pedestrian footways and so it would have been onerous for the development to have been required to produce a new link to the village centre. It is considered that the works being done to the PROW and its link to the adjacent development and through that to the B3257 is sufficient to in part meet that criteria.

The development has included Photovoltaic panels on the south and west facing roof slopes and in doing so also helps to meet the requirements of Policy DEV 32 in the JLP and policy E3 in the NP.

Neighbour Amenity: The development is adjacent to a new development to the west. The nearest property to the adjacent development is approximately 14 metres away, with others being more than 21 metres away. There is an existing hedgerow on the boundary between the two sites and the proposed dwelling is side on to the adjacent property meaning the only windows on that elevation are bathroom and utility rooms. It is therefore considered that the impact in terms of any loss of residential amenity to that property is not significant. Further south on the site, there is a distance of just over 15 metres between plot 14 and the adjacent property. However this is also at an oblique angle, and there is the hedgerow between them. There may be some opportunity for both properties to overlook from upper floor windows, but this is no different than in any scenario within towns where it is possible from upper floor windows to look into neighbours gardens.

To the east of the site is the bowling green and as such no residential amenity issues. To the south on the other side of Woolacombe road there are 3 bungalows. There is between 19 and 25 metres between the proposed dwelling walls and the front walls of the bungalows and there is an existing Devon Bank at the edge of the development site as well as the boundaries to the bungalows between. This is considered an acceptable distance to avoid any loss of residential amenity. The proposal is therefore considered to meet policy DEV1 of the JLP and policy H7 in relation to relationship of the proposal to adjacent developments.

Highways/Access:

The proposed access off Woolacombe road has been a primary concern of those objecting to the proposal, wanting the B3257 to be the access point. This issue has been addressed earlier in the report, however it is worthy to note that in the Transport Assessment, the use of the B3257 boundary for access to the site was discounted after it was realised that the visibility splay required could not be achieved. The Highway Authority are content that the Woolacombe road can accommodate the traffic generated from the scheme.

The lack of pedestrian footways was also a concern for objectors and has been addressed in the Transport Statement, *“there were no injury accidents at the junctions of the B3257 Bedford Street with The Down and Woolacombe Road with The Down or within at least 200 metres of the site on all surrounding roads within the past 21 years”*. It is also worthy to note that there is a distinct lack of footways in the whole of this part of Bere Alston. The roads are quite rural in character and the above statistic clearly acknowledges that local people are aware of this situation and drive accordingly.

The Highway engineer has assessed the Transport Statement and is satisfied with the proposal, subject to the imposition of planning conditions and the movement of the 30mph sign 70 metres to the south east of the site entrance. The Highway engineer has also provided further detail on the concerns expressed by the Parish Council and objectors and has expressed his acceptance of the proposal as it stands.

Drainage: Drainage for the scheme is proposed as: individual soakaways in the property gardens and highway soakaway in the open space at the north of the site and under the western parking area at the southern end of the site. Infiltration blankets are proposed under the two access roads in the south of the site

New foul water sewers are proposed across the site, to connect at two points north and south with the sewers in the adjoining development. South West Water have confirmed that there is capacity and the Lead Local Flood Authority have no objection subject to a planning condition seeking additional information prior to the commencement of development.

Climate Change: Policy DEV32 in the JLP seeks to ensure that all development reduce their carbon footprint. The Neighbourhood Plan also makes reference in several policies including H6, as well as Policy E3 which specifically seeks a progression to a low carbon environment. Initially the energy statement submitted with this application lacked detail and did not provide sufficient measures to reduce the sites carbon footprint. A revised statement has been submitted which outlines the measures to be incorporated:

- Traditional masonry construction - high thermal mass- which can help prevent overheating;
- Layout has sought to maximise passive solar gain
- Glazing will be specified with a solar transmittance value (g value) to balance the solar gain in winter and unwanted solar gain in the summer
- Improving airtightness to a standard of no greater than 5.00 m<sup>3</sup>/h.m<sup>2</sup>@50Pa
- Limiting thermal bridging
- Photovoltaics for hot water use.

The energy statement indicates that the proposal of fabric first and use of Photovoltaics will achieve the 20% above Building Regulations (2013) as required by Policy DEV32 (JLP) and E3 (NP)

Ecology and Biodiversity: The biodiversity officer reviewed the previous iteration of the scheme and indicated concerns with regard to bat use of the southern hedge. The applicant therefore altered the layout to move the properties back from the hedge on the western side and provided lighting analysis to indicate that the light spill based on the use of down lighters with a specific lux level would prevent light spill on the southern hedge. One potential hotspot was identified for Plot 1, however the Council's ecologist is content that the mitigation is acceptable.

With regard to Biodiversity net gain, Policy DEV26.5 in the JLP states:

*"Net gains in biodiversity will be sought from all major development proposals through the promotion, restoration and re-creation of priority habitats, ecological networks and the protection and recovery of legally protected and priority species populations. Delivery of net gains in biodiversity should be designed to support the delivery of the identified biodiversity network that crosses the Plan Area and links the city of Plymouth to the countryside and coast, as well as the network within the city itself. The level of biodiversity net gain required will be proportionate to the type, scale and impact of development. Enhancements for wildlife within the built environment will be sought where appropriate from all scales of development."*

The Government are planning to roll out a requirement for achieving a 10% net gain in biodiversity for all developments once the Environment Bill is enacted. This 10% gain relates to linear habitats (e.g. hedgerows), non-linear habitats (e.g. grassland/woodland), and river habitats and requires the use of a 'metric' to calculate the required biodiversity units. This is not currently law.

The applicants have submitted a biodiversity net gain statement utilising the metric identified above which indicates that there will be a small loss of the southern hedgerow to create the entrance to the site of approximately 11 metres. This is compensated by the replacement of that hedge into the site and around the waste bin area on the east of the entrance.

The Assessment includes the vegetated garden areas; the new woodland; the open space area in the top centre of the site, the improved northern hedgerow; the small new Devon hedge around the entrance; 48 street trees,

The improvements to the hedgerows results in a score of 0.41 LBU Linear Biodiversity Units which adequately compensates for the loss (0.396LBU).

The gardens, street trees and woodland area results in a total of 1.73 HBU (Habitat Biodiversity Units), which is slightly less than the loss from the site as existing of 2.02 HBU.

In total, the Assessment suggests that there will be a total biodiversity net gain of +4.63% habitat and +23.41% hedgerow/linear gain. The assessment was based upon the DEFRA Biodiversity Impact Assessment Metric. There has been a gain demonstrated.

The NPPF 2019 indicates in relation to biodiversity net gain in para. 175 (d) *“development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to incorporate biodiversity improvements in and around developments should be encouraged, especially where this can secure measurable net gains for biodiversity.”*

At the moment this is the most up to date and relevant national guidance on net gain in biodiversity. The proposal has indicated a net gain in biodiversity so complies with this paragraph.

The recently adopted SPD indicates in para 7.88 that *“The LPAs will consider a 10 per cent increase in biodiversity units when applying the Defra Biodiversity Metric to be policy compliant.”*

The applicants have identified a net gain in biodiversity and attempted to meet the 10% required by the SPD, but also have provided appeal evidence that suggests that when the requirement for 10% biodiversity gain is not set down in planning policy and the Environment Bill is not yet law the contribution should be in line with the Local Plan, which does not specify an amount but that it should be based upon *the type, scale and impact of Development.*” In this case therefore officers consider that a net gain has been achieved. Officers are of the view that whilst the 10% figure has not been reached, this figure would be unlikely to be deliverable on this site to offset the loss with the number of dwellings in the allocation. As this requirement has come in sometime after the biodiversity net gain, it is considered that provided a gain can be demonstrated then that is acceptable. In addition the scheme is providing a number of other contributions which make the scheme policy compliant.

#### Tamar Special Area of Conservation

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

Policy E2 in the NP also promotes support for biodiversity through conformity with national and Local Plan policies and identified the importance of specifically protected areas. It also seeks to ensure that a financial contribution be made towards mitigating the recreational impacts of new residents on the Tamar SAC

In this case the contribution towards the Tamar Estuary is being provided in the Section 106 Agreement for the site.

Objections to the development: As referred to above the access of Woolacombe road is a concern for most to the objectors, which has been considered in the section on highways and access. Other concerns relate to: flooding of the site; cleanliness of the bin area; maintenance of the hedges; not enough overflow parking and is the green space going to be built on in the future. As with most new developments, a management company will be set up which will be made up of the residents on the site, and it will be that Company's responsibility to maintain the green spaces and bin area. With regard to the flooding issue, the Lead Local Flood Authority have accepted the proposed surface water drainage proposals for the site, subject to additional information being submitted, which will ensure that there are no flooding issues as a result of the development.

The 1, 2 and 3 bedroom properties on the site accord with the SPD and provide the appropriate parking provisions. The 4 bedroom properties indicate 2 spaces per dwelling, but the SPD requires 3 spaces. This could be accommodated at the north of the site, as there is additional space around the dwellings to incorporate an additional space, similarly plots 1 – 5 have space where an additional parking space could be located (albeit they are not indicated on the plan). A condition will be placed on the consent to ensure that these parking spaces are identified prior to occupation of any of these dwellings.

A visitor space is provided in the south western parking court. The Transport Assessment suggests that in some areas on road parking could be used for visitors.

With regard to the open space on the site and the possible future development of it, a condition is proposed to be added to the planning consent which will prevent the space from being built upon, on the basis that it contributes to the net gain in biodiversity for the site.

Contamination and environmental health: A geoenvironmental and geotechnical report was submitted in relation to the proposal and its conclusions were: there were slight exceedances in arsenic levels, which was considered to be low risk due to the natural occurrence of the metalloid in the general area. Risks to human health and vegetation were considered to be low. Full radon protection measures would be required in the construction of the dwellings. Detailed mitigation measures are contained within the report and so a condition is proposed to ensure that these mitigation measures are carried out during the construction of the dwellings and the ground works.

Environmental Health colleagues were concerned about the suitability for a 26 tonne vehicle to reverse over the area identified as brick pavements for kerbside collection, if this was not possible they required waste containers to be presented at the edge of the central tarmacked road. This is indicated for Plots 1 – 5 only. The other plots can be dealt with via kerbside collections.

Conclusion:

The development is proposed on an allocated site with one more dwelling than the allocation suggests albeit the allocation does state 'some 30 dwellings'. The development proposed provides for a mix of dwelling types and sizes in a traditional style, albeit varies in proportion of sizes from the requirements as set out in the NP. The development has been assessed against the NPPF guidance on major developments in the AONB through the Neighbourhood Plan process and was allocated in that Plan. The proposal meets all of the criteria in the allocation (Policy H2) and in terms of the comments from the AONB unit, meets most of their requirements. Additional landscaping has been secured to (in time) break up the built form from views outside of the village.

The design of the dwellings has focussed on the traditional development found in the centre of Bere Alston, particularly in regard to the use of materials and pitched roofs. The highway engineer is content with the access, as is the drainage engineer, provided appropriate conditions are provided on the consent. In terms of carbon reduction, the scheme is relying on a fabric first approach and the provision of photovoltaics to be policy compliant. The biodiversity net gain is achieved on the site through the provision of improved Devon hedgerow; vegetated back gardens; the open space and a number of trees planted throughout the site.

Whilst the concerns about the access on the Woolacombe road are acknowledged, the highway authority have addressed the concerns in their most recent correspondence and are satisfied that the proposals are acceptable. The existing nature of Woolacombe road and the junctions around it will instil caution in drivers as opposed to providing highly engineered solutions which would not only impact on the character of the village and the AONB, but also instil over confidence in drivers, which leads to accidents.

The proposal on balance is policy compliant and therefore is recommended for approval.

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

## **Planning Policy**

### Relevant policy framework

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 Plymouth & South West Devon Joint Local Plan 2014 - 2034 is now part of the development plan for Plymouth City Council, South Hams District Council and West Devon Borough Council (other than parts of South Hams and West Devon within Dartmoor National Park).

On 26 March 2019 of the Plymouth & South West Devon Joint Local Plan was adopted by all three of the component authorities. Following adoption, the three authorities jointly notified the Ministry of Housing, Communities and Local Government (MHCLG) of their choice to monitor at the whole plan level. This is for the purposes of the Housing Delivery Test (HDT) and the 5 Year Housing Land Supply assessment. A letter from MHCLG to the Authorities was received on 13 May 2019. This confirmed the Plymouth, South Hams and West Devon's revised joint Housing Delivery Test Measurement as 163% and that the consequences are "None". It confirmed that the revised HDT measurement will take effect upon receipt of the letter, as will any consequences that will apply as a result of the measurement. It also confirmed that that the letter supersedes the HDT measurements for each of the 3 local authority areas (Plymouth City, South Hams District and West Devon Borough) which Government published on 19 February 2019. On 13th February 2020 MHCLG published the HDT 2019 measurement. This confirmed the Plymouth, South Hams and West Devon's joint HDT measurement as 139% and the consequences are "None".

Therefore a 5% buffer is 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 6.1 years at end March 2020 (the 2020 Monitoring Point). This is set

out in the Plymouth, South Hams & West Devon Local Planning Authorities' Housing Position Statement 2020 (published 22 December 2020).

The relevant development plan policies are set out below:

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

SPT1 Delivering sustainable development  
SPT2 Sustainable linked neighbourhoods and sustainable rural communities  
SPT3 Provision for new homes  
TTV1 Prioritising growth through a hierarchy of sustainable settlements  
TTV2 Delivering sustainable development in the Thriving Towns and Villages Policy Area  
TTV24 Site allocations in the Smaller Towns and Key Villages  
DEV1 Protecting health and amenity  
DEV2 Air, water, soil, noise, land and light  
DEV3 Sport and recreation  
DEV4 Playing pitches  
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  
DEV22 Cornwall and West Devon Mining Landscape World Heritage Site  
DEV23 Landscape character  
DEV25 Nationally protected landscapes  
DEV26 Protecting and enhancing biodiversity and geological conservation  
DEV27 Green and play spaces  
DEV28 Trees, woodlands and hedgerows  
DEV29 Specific provisions relating to transport  
DEV30 Meeting the community infrastructure needs of new homes  
DEV31 Waste management  
DEV32 Delivering low carbon development  
DEV35 Managing flood risk and Water Quality Impacts  
DEL1 Approach to development delivery and viability, planning obligations and the Community Infrastructure Levy

**Neighbourhood Plan:** The Bere Peninsula Neighbourhood Plan is a made plan and the following policies are relevant to this application:

Proposal H1. Allocate land for 50 new homes at Bere Alston for local needs, 2017-34  
H2 Development considerations for Land to North of Woolacombe Road (Ref: WD\_48\_19\_08/14)  
H6 Housing Density and Design  
H7 Housing Need  
T1 Sustainable Transport  
E1 Protecting the Local Environment  
E2 Supporting Biodiversity  
E3. Progressing towards a Low Carbon Environment

Other material considerations include the policies of the National Planning Policy Framework (NPPF) including but not limited to paragraphs 2, 11,127,153, 163,170,172, 175, and guidance in Planning Practice Guidance (PPG). Additionally, the following planning documents are also material considerations in the determination of the application:

### **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 the expiration of three years beginning with the date on which this permission is granted.  
Reason: To comply with Section 91 of the Town and Country Planning Act, 1990 (as amended).

2. The development hereby approved shall in all respects accord strictly with drawing number(s)

1334\_0760\_P3\_Vehicle swept path analysis  
1334\_0740\_P2\_surfacing specification  
1334\_0730\_P3\_Highways Long sections  
1334\_0710-P3\_S38 Agreement layout  
1334\_0700\_P3\_Highway Engineering layout  
1334\_0600\_P2-External works layout  
1334\_0530\_P2\_Foul water drainage long sections  
1334\_0520\_P2\_Surface water drainage long sections  
1334\_0500\_P3\_Drainage Strategy  
1334\_0130\_P2\_Flood Exceedance  
1334\_0120\_P3\_Impermeable area  
2203-MAL-XX-DR-A-114-P02 Type F, H, AFF  
2203-MAL-XX-DR-A-113-P02 House type H AFF  
2203-MAL-XX-DR-A-112-P02 House type G AFF  
2203-MAL-XX-DR-A-109-P03 House type E3  
2203-MAL-XX-DR-A-110- P02 House type E1  
2203-MAL-XX-DR-A-106-P02House type C,H,OM  
2203-MAL-XX-DR-A-107-P02 House type B  
2203-MAL-XX-DR-A-195-P02 House type B OM  
.received by the Local Planning Authority on 28/8/2020

2203-MAL-XX-DR-A-103\_P04 Plots 6,23 House type C1- 3b5pOM  
2203-MAL-XX-DR-A-108-P05-Plots 7,16-House tyeC2 3b5p OM  
2203-MAL-XX-DR-A-101-P08-Plots 1,3,4 House types D1 4b7p OM  
2203-MAL-XX-DR-A-102-P04- Plots2,5- House type D2 \$b7pOM  
2203-MAL-XX-XX-DR-A-019 Rev P2 Proposed site roof plan  
2203-MAL-XX—01-DR-003 Rev P19 Proposed site plan  
2203-MAL-A-004-RevP5 Boundary Treatment Plan  
Energy Statement Rev 1  
17412-WCR-xx-xx-RP-E-1000Lighting Plan Rev2  
Biodiversity Net gain – 0834-BNG-LY

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

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

4. Prior to development beyond slab level, full details of the hard and soft landscaping of the public open space, including play equipment, fencing, surfacing, bins and benches shall be submitted to and approved by the Local Planning Authority. The open space shall then be constructed and equipment placed in accordance with the agreed details.

Reason: To ensure the space is appropriately landscaped and supplied with associated equipment, as on the approved plans.

5. No development shall take place until the developer has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation (WSI) which has been submitted to and approved in writing by the Planning Authority. The development shall be carried out at all times in accordance with the approved scheme, or such other details as may be subsequently agreed in writing by the District Planning Authority.

Reason: To ensure, in accordance with the Joint Local Plan and paragraph 199 of the National Planning Policy Framework (2018), that an appropriate record is made of archaeological evidence that may be affected by the development

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. No other part of the development hereby approved shall be commenced until:
  - A) The access road has been laid out, kerbed, drained and constructed up to base course level for the first 20 metres back from its junction with the public highway
  - B) The ironwork has been set to base course level and the visibility splays required by this permission laid out
  - C) A site compound and car park have been constructed to the written satisfaction of the Local Planning Authority

REASON: To ensure that adequate on site facilities are available for all traffic attracted to the site during the construction period, in the interest of the safety of all users of the adjoining public highway and to protect the amenities of the adjoining residents

8. The occupation of any dwelling in the development shall not take place until the following works have been carried out to the written satisfaction of the Local Planning Authority:
- A) The cul-de-sac carriageway including the vehicle turning head within that phase shall have been laid out, kerbed, drained and constructed up to and including base course level, the ironwork set to base course level and the sewers, manholes and service crossings completed;
  - B) The cul-de-sac footways and footpaths which provide that dwelling with direct pedestrian routes to an existing highway maintainable at public expense have been constructed up to and including base course level;
  - C) The cul-de-sac visibility splays have been laid out to their final level;
  - D) The street lighting for the spine road and cul-de-sac and footpaths has been erected and is operational;
  - E) The car parking and any other vehicular access facility required for the dwelling by this permission has/have been completed;
  - F) The verge and service margin and vehicle crossing on the road frontage of the dwelling have been completed with the highway boundary properly defined;
  - G) The street nameplates for the spine road and cul-de-sac have been provided and erected.

REASON: To ensure that adequate access and associated facilities are available for the traffic attracted to the site

9. When once constructed and provided in accordance with condition 8 above, the carriageway, vehicle turning head, footways and footpaths shall be maintained free of obstruction to the free movement of vehicular traffic and pedestrians and the street lighting and nameplates maintained to the satisfaction of the Local Planning Authority

REASON: To ensure that these highway provisions remain available

10. No external lighting shall be erected on site until a lighting scheme, including direction, type and lux levels for the whole site has been submitted to and approved by the Local Planning Authority. The approved scheme shall subsequently be implemented on the site, unless otherwise agreed with the Local Planning Authority.

Reason: To protect the dark skies of the AONB landscape.

11. 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 agrees 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 and residential amenity.

It is a pre commencement condition because it involves consideration of works and issues which will take place from the very beginning of site set up and ground works / construction.

12. Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order, 2015 (and any Order revoking and re-enacting this Order), no development of the types described in the following Classes of Schedule 2 shall be undertaken without the express consent in writing of the Local Planning Authority, other than those expressly authorised by this permission:
- (a) Part 1, Class A (extensions and alterations)
  - (b) Part 1, Classes B and C (roof addition or alteration)
  - (c) Part 1, Class D (porch)
  - (d) Part 1, Class E (a) swimming pools and buildings incidental to the enjoyment of the dwellinghouse
  - (e) Part 1, Class F (hardsurfaces)
  - (g) Part 40, class A & B (Installation of domestic Microgeneration Equipment)
  - (i) Part 2, Class A (means of enclosure)

Reason: To enable the Local Planning Authority to exercise control over development which could materially harm the character and visual amenities of the development and locality and to prevent losing the areas of garden which have been identified as providing a net gain in biodiversity.

13. No development hereby permitted shall commence until the following information has been submitted to and approved in writing by the Local Planning Authority:
- (a) Soakaway test results in accordance with BRE 365 and groundwater monitoring results in line with our DCC groundwater monitoring policy.

- (b) Evidence that there is a low risk of groundwater re-emergence downslope of the site from any proposed soakaways or infiltration basins/tanks.
  - (c) A detailed drainage design based upon the approved Flood Risk Assessment and drainage Strategy and the results of the information submitted in relation to (a) and (b) above
  - (d) Detailed proposals for the management of surface water and silt runoff from the site during construction of the development hereby permitted.
  - (f) Proposals for the adoption and maintenance of the permanent surface water drainage system.
  - (g) A plan indicating how exceedance flows will be safely managed at the site.
- No building hereby permitted shall be occupied until the works have been approved and implemented in accordance with the details under (a) - (g) above.

Reason: The above condition is required to ensure the proposed surface water drainage system will operate effectively and will not cause an increase in flood risk either on the site, adjacent land or downstream in line with SuDS for Devon Guidance (2017) and national policies, including NPPF and PPG. The condition should be pre-commencement as it is essential that the proposed surface water drainage system is shown to be feasible before works begin to avoid redesign / unnecessary delays during construction when the site layout is fixed.

14. Prior to the occupation of the dwellings hereby approved, the design of any rear garden gates shall be submitted to and agreed in writing with the Local Planning Authority. The gates shall be installed in accordance with the agreed details.

Reason: In the interests of designing out crime.

15. Prior to the occupation of plots 17, 22 and 11, the route through to the Down to the west and the bowling green to the east shall have been completed and safe for pedestrian use and made available in perpetuity.

Reason: To ensure the pedestrian routes from the development are provided in accordance with the approved plans.

16. Prior to its construction, detailed drawings of the Devon hedge to be placed at the entrance to the site and around the bin store area for plots 1-5 and specific planting to the northern hedge shall be submitted to and agreed by the Local Planning Authority. The hedge shall be constructed in accordance with the agreed details.

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

Reason: To ensure the hedge is properly constructed and aligns with the remaining hedge along the Woolacombe road frontage.

17. The open space in the middle of the site shall be retained as an open space and play area (LAP) and shall not be used for any other purpose without the prior written consent of the Local Planning Authority.

Reason: To ensure the retention of the space for the benefit of the residents and to ensure the landscaped nature of the site in the sensitive AONB location.

18. No development shall take place, or any equipment, machinery or materials be brought onto the site for the purpose of development until:
- (i) The erection of fencing to delineate a Protection Zone to protect retained hedges has been constructed in accordance with location and construction details shown on to be submitted. Within the Protection Zone nothing shall be stored or placed, nor any works take place, nor shall any changes in ground levels or excavations take place unless they are they are agreed in writing by the Local Planning Authority.
  - (ii) All hedge restoration or management works as detailed to be submitted in accordance with or as agreed in writing by the Local Planning Authority have been completed.

Reason: In order to protect hedgerows of amenity, wildlife or historical importance.

19. No hedgerow shown for retention shall be removed, damaged or worked on except as detailed in the approved plans. If any retained hedge is removed, or damaged, during construction it shall be replaced with planting (and hedge bank) at the same place and species of such size, species and density (and hedge bank to such construction details) as may be specified in writing by the Local Planning Authority.

Reason: In order to protect hedgerows of amenity, wildlife or historical importance.

20. Prior to their installation, samples of the proposed boundary treatments around and between each plot on plan No: MAL-A-004-RevP5 shall be submitted to and agreed by the Local Planning Authority. The boundary treatments shall be installed in accordance with that agreement.

Reason: To ensure the boundary treatments do not impact on the landscape qualities of the site, in this sensitive AONB landscape.

21. Prior to the commencement of development a Landscape and Ecological Management Plan shall be submitted to and approved by the Local Planning Authority. Works shall be carried out in accordance with the agreed Plan.

Reason: In the interests of wildlife and landscape.

22. The development shall be carried out in accordance with the Energy and Sustainability Statement by AES Sustainability Consultants Ltd. dated 20/1/2020.

Reason: To ensure that the site produces a reduction in its carbon footprint.

23. The development shall be carried out in accordance with the Biodiversity net gain report by GE consulting (0834-BNG-LY) dated 23/10/2020.

Reason: To ensure the site provides a net gain in biodiversity in accordance with policy DEV26 in the Plymouth and South West Devon Joint Local Plan.

24. The development shall be carried out in accordance with the geoenvironmental and geotechnical report by CGL dated May 2019.

Reason: To protect the future residents from any contamination on the site.



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## PLANNING APPLICATION REPORT

**Case Officer:** Jacqueline Houslander  
North

**Parish:** Tavistock **Ward:** Tavistock

**Application No:** 2672/20/HHO

**Agent/Applicant:**

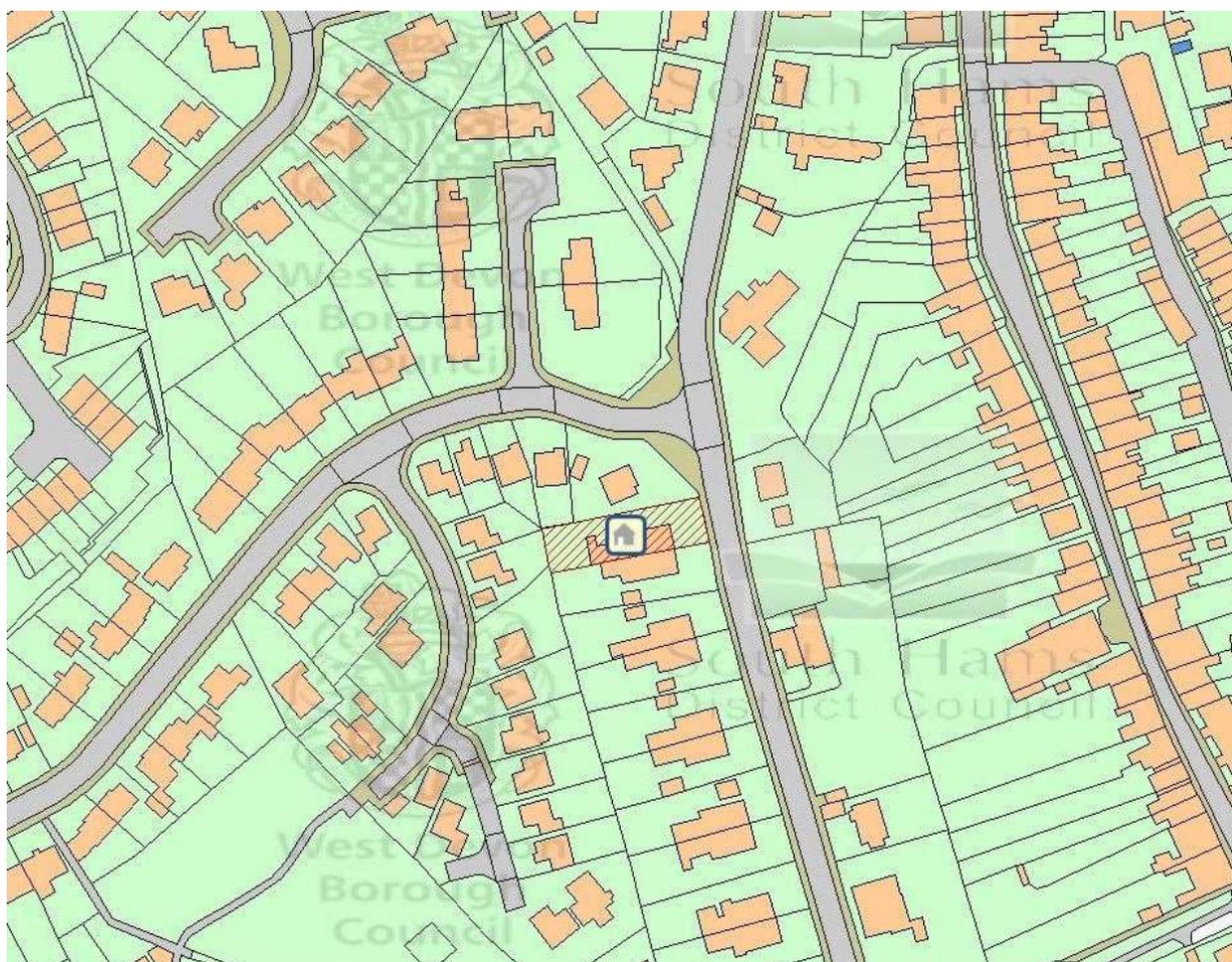
Miss Kelly Lashbrook - Le Page  
Architects Ltd  
Plumer House  
Tailyour Road  
Plymouth  
PL6 5DH

**Applicant:**

Trewin  
31 Glanville Road  
PL19 0EB

**Site Address:** 31 Glanville Road, Tavistock, PL19 0EB

**Development:** Householder application for proposed ground floor extension to dwelling house and replacement garage roof



**Reason item is being put before Committee**

The Local Ward members felt that the application should be heard by the Planning and Licensing committee because:

## **Recommendation: Approval**

### **Conditions** (list not in full)

1. Standard time limit
2. Adherence to plans
3. Samples of materials
4. Unexpected contaminated land

### **Key issues for consideration:**

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### **Site Description:**

### **The Proposal:**

### **Consultations:**

- County Highways Authority: No comments
- Environmental Health Section: No comments
- **Town Council:** Object on the following basis; As the property is located in both the Conservation Area and World Heritage Site, it was considered there was insufficient information provided to be satisfied the proposal was not harmful to the Conservation Area and World Heritage Site.  
The following documents were not available on the Planning Authority's website;
  - Block plan;
  - Existing/proposed floor/layout plans;
  - A Heritage StatementIt was felt this Application should not have passed the validation process, and was contrary to Policies DEV21, Dev22 and Paragraphs 189-202 of the NPPF.
- Drainage: SWW response has confirmed they can discharge additional surface water to SWW sewer and application site does not appear to have sufficient space to accommodate a soakaway therefore we would have no objection and support the application.
- 

### **Representations:**

#### **Representations from Residents**

No comments have been received.

## Relevant Planning History

U/3/50/324/1975/18

Erection of an additional garage and a store.

Conditional approval 7/7/1975

## ANALYSIS

Principle of Development/Sustainability:

The principle of extensions to dwelling within Main towns is accepted subject to the proposal meeting all other policies within the JLP.

Design/Landscape:

The site lies within the Tavistock Conservation Area and the World Heritage Site.

Neighbour Amenity: The proposed extension is at the rear and side of the dwelling, which is adjacent to a side garden and a modern property located approximately 7metres from the garage. However there is also a high boundary wall and hedge along this side of the garage, meaning that there will be no impact on residential amenity, in terms of loss of privacy or overlooking.

Highways/Access: The proposal does not impact on access by vehicles to the site. The garage is proposed to be retained, but part of the new kitchen will take some of the space in the garage such that it will no longer be able to accommodate a car, but could still be used for domestic storage. The driveway is long and could accommodate several cars and the proposal does not impact on car parking provision within the curtilage of the dwelling.

Drainage: The drainage engineer has indicated because confirmation has been received from South West Water that there is capacity within the public sewer, then this is acceptable.

Historic context: The Ward members have expressed concern that the planning application did not have a heritage statement submitted in support and that the Conservation Officer did not get consulted on the planning application. In fact it is not normal practice to consult conservation officers on householder developments within Conservation Areas as planning officers are suitably qualified to deal with such matters based on current planning policy and the amount of additional work which would be required of the Conservation Officers would be unsustainable.

It is however open to planning officers to consult with the Conservation Officers if required. In this case after the ward members indicated their concerns at the lack of engagement with the Conservation Officer, officers consulted with the Conservation officer. A conversation was also had with the applicant. As a result plans with slight amendments were submitted and the Conservation officer comments were as follows: response was:

- *The house most certainly makes a positive contribution to the character and appearance of the conservation area as per the 2009 CA Appraisal. It is the last of a line of later 19th century semi-detached villa's. The garage does not make a positive contribution but due to its scale and position it reads legibly as a 20th century addition that is no more than slightly negative to the setting of the house.*
- *In terms of WHS OUV the interest of the villa's is very marginal when compared to the civic buildings, industrial survivals and workers housing for example. These are attractive dwellings that reflect the growth of Tavistock following the mining boom, but are not directly associated with it as they date from the 1890's so are more closely*

*related to the arrival of the railways than mining activity. The location of the dwelling is on a corner with Courtlands Road, which does give prominence, but the corner is a later 20th century creation which is also marked by a very ordinary modern building that is outside the CA and can be said to detract from it.*

- When viewed directly from the road the garage is linked to the house by a gate. The proposal removes the garage gable and links it to the proposed rear extension with a small amount of render above the present gate when compared to the existing. The removal of the gabled roof to the garage could be seen as an improvement as the visual height is reduced. Parapets are a quite familiar feature within the CA so the architectural language would not stand out as intrusive or unusual. The backdrop to this view is the modern development beyond so no harm, such as change to a valued glimpsed view, can be said to result.*
- The rear extension is unseen from any public vantage point. It will be read as a contemporary addition to the building that does not harm the character or appearance of the CA.*
- Following discussion with Mr Pearce he has amended the drawing to confirm that the parapet coping will be natural stone. I would suggest that a condition be attached to any approval that this should be either slate or granite slab – this will ensure consistency with local materials. I suggested the removal of the dotted line of the exiting roof line for clarity.*

*Having considered all of the issues I can only conclude that the proposal does not represent harm to the character or appearance of the CA. The visual impact viewed directly from Glanville Road is neutral. It could be considered that the extension will reinforce the Optimum Viable Use of the property as a family home.*

*Looking back on Streetview I noted that the authentic chimney to number 31 had been lost and has now been reinstated. Mr Pearce confirmed that this had been undertaken by he and Ms Trewin. I note also that the authentic window joinery and guttering has all been retained despite there being no Article 4 Directions to require these retentions. It is worthy of note that the applicants have demonstrated a genuinely positive attitude to maintenance and repair which could be held to be an exemplar in CA ownership.”*

As a result of this assessment, it is considered that the proposal as amended, is acceptable from a conservation and World Heritage site perspective.

### Tamar Estuaries SAC

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

In this case however the proposal is for an extension only and not a new residential unit and so the impact on the SAC will be neutral as there is no intensification of the use. No contribution will be required.

### Conclusion

The proposal is minor in nature set well back from the road and will only be visible from limited points on Glanville Road and immediately in front of the access drive for the dwelling.

The Conservation officer sees no harm to the Conservation Area or WHO and so as such it is recommended for approval.

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

## **Planning Policy**

### Relevant policy framework

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 Plymouth & South West Devon Joint Local Plan 2014 - 2034 is now part of the development plan for Plymouth City Council, South Hams District Council and West Devon Borough Council (other than parts of South Hams and West Devon within Dartmoor National Park).

On 26 March 2019 of the Plymouth & South West Devon Joint Local Plan was adopted by all three of the component authorities. Following adoption, the three authorities jointly notified the Ministry of Housing, Communities and Local Government (MHCLG) of their choice to monitor at the whole plan level. This is for the purposes of the Housing Delivery Test (HDT) and the 5 Year Housing Land Supply assessment. A letter from MHCLG to the Authorities was received on 13 May 2019. This confirmed the Plymouth, South Hams and West Devon's revised joint Housing Delivery Test Measurement as 163% and that the consequences are "None". It confirmed that the revised HDT measurement will take effect upon receipt of the letter, as will any consequences that will apply as a result of the measurement. It also confirmed that that the letter supersedes the HDT measurements for each of the 3 local authority areas (Plymouth City, South Hams District and West Devon Borough) which Government published on 19 February 2019. On 13th February 2020 MHCLG published the HDT 2019 measurement. This confirmed the Plymouth, South Hams and West Devon's joint HDT measurement as 139% and the consequences are "None".

Therefore a 5% buffer is 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 6.1 years at end March 2020 (the 2020 Monitoring Point). This is set out in the Plymouth, South Hams & West Devon Local Planning Authorities' Housing Position Statement 2020 (published 22 December 2020).

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

DEV1 Protecting health and amenity

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

DEV20 Place shaping and the quality of the built environment

- DEV21 Development affecting the historic environment
- DEV22 Cornwall and West Devon Mining Landscape World Heritage Site
- DEV32 Delivering low carbon development
- DEV35 Managing flood risk and Water Quality Impacts

**Neighbourhood Plan:** There is no Neighbourhood Plan in place for Tavistock currently.

Other material considerations include the policies of the National Planning Policy Framework (NPPF) including but not limited to paragraphs 2, 11, 127, 190, 192, 200 and guidance in Planning Practice Guidance (PPG). Additionally, the following planning documents are also material considerations in the determination of the application:

- Tavistock Conservation Area Appraisal and Management Plan
- The World Heritage Site Draft Management Plan (currently out for consultation).

**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 conditions:**

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

Reason: To comply with Section 91 of the Town and Country Planning Act, 1990 (as amended).

2. The development hereby approved shall in all respects accord strictly with drawing number(s) .....received by the Local Planning Authority on .....

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. 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.

4. No development shall commence until a schedule of materials and finishes, and samples of the materials to be used in the construction of the external surfaces, including roofs, have been

submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out only in accordance with the details so approved.

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

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## PLANNING APPLICATION REPORT

**Case Officer:** Oliver Gibbins

**Parish:** Bratton Clovelly **Ward:** Bridestowe

**Application No:** 2295/20/FUL

**Agent/Applicant:**

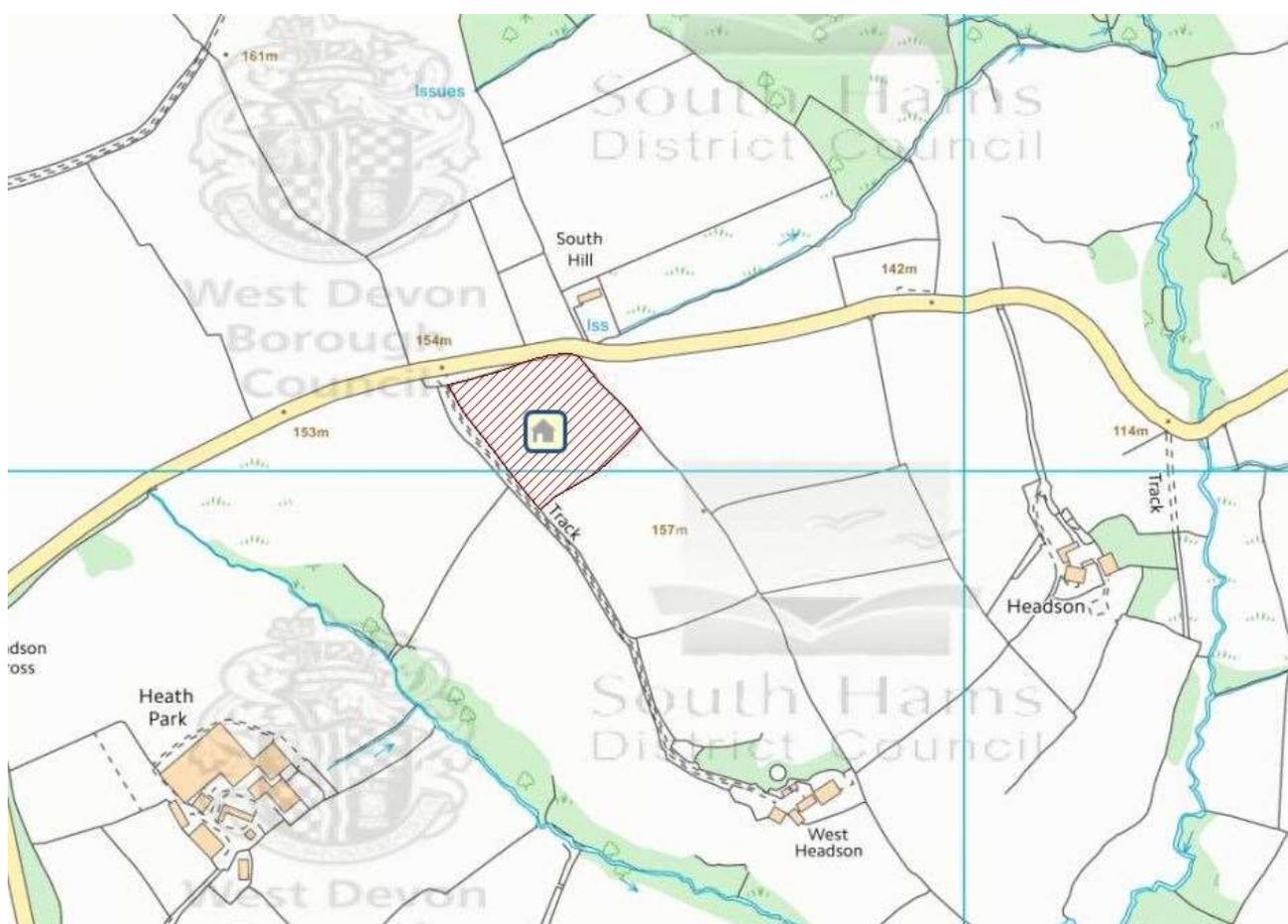
Mrs Anna Clarke  
Rosefield  
2 Elmfield Meadow  
Northlew  
EX20 3BN

**Applicant:**

Mrs Anna Clarke  
Rosefield  
2 Elmfield Meadow  
EX20 3BN

**Site Address:** Land At SX 445 910, East of West Headson Farm, Bratton Clovelly

**Development:** Retrospective application for gate to field for access to livestock



**Reason item is being put before Committee**

**Recommendation: Approval**

Cllr Southcott has requested that this application is determined by the Committee for the following reason:

Due to the objections to this application from the neighbouring parish council of Bratton Clovelly and the local neighbours I believe it would be best if this application be considered by the planning committee. There are issues that need an airing, in particular the retrospective nature

of the planning applications and the issues involved. If for no other reason I believe your decision deserves the support of the committee.

Cllr Mott has requested that this application is determined by the Committee for the following reason:

Loss of ancient hedgerow and impact on the wider landscape

**Conditions:**

Approved plans  
Detail of the gate  
Landscape plan  
Ecological mitigation.

**Key issues for consideration:**

The impact of the development on the character and appearance of the area and highway safety.

**Site Description:**

The site is a 4 acre piece of land located on the southern side of the road between Broadwoodwiger and Bratton Clovelly and approximately 1.2km south west of Bratton Clovelly.

The site is located in the open countryside with the site enclosed by field boundaries, with the roadside northern boundary of the site being formed of a Devon Bank with significant trees. Adjacent the site is a grade II listed cottage known as South Hill.

The site is not within a designated or protected landscape and the area is characterised by rural development.

**The Proposal:**

This application, which is retrospective in nature is for the retention of an access and gate to the site.

The access has been gained through cutting through a Devon Bank and providing visibility splays. The surface has been gravelled.

**Consultations:**

- County Highways Authority - There are no objections from a highway safety point of view.
  
- Town/Parish Council – Object
  - 1) The overbearing nature of the entrance. The entrance gate itself is wide but this is exacerbated by the widening of the total gap. For such a small parcel of land, this entrance

is overly large and it's design and appearance is not in keeping with other field gates in the area. 2) Loss of ecological habitat – This gate has caused the destruction of a large piece of Devon Bank which has been present for hundreds of years. The unnecessary size has led to even more damage. This habitat is vital to the survival of many small mammals and the higher feeding chain. The turning circle at roadside is also impacting on the verge opposite due to the size of vehicles using such a large gate. 3) Access and Highways - We do not believe this gate is sited in a safe position for entering and exiting the field. It is on a bend in the road and on a hill and is dangerous for the, quite speedy, traffic that uses the road, as well as those using the gate.

4) Vehicles using the gateway, being very close to a residential property, are causing excessive noise and disturbance where one was tranquillity and the oversized gate allows for very large and noisy vehicles to take advantage of the access point. 5) The road the proposed gate is on is one of only three main roads to Bratton Clovelly village. It is a quaint and historic village and this road is the A30 link that takes in beautiful and bucolic views reroute. The proposal deeply affects the visual amenity enjoyed by those driving or cycling to and from the village. 6) The proposed gateway is very close to a grade II listed building, South Hill Cottage, and it is the council belief that it is closer than building requirements allow, impacting greatly on the site of this property.

- Conservation Officer – No harm to the setting of the listed building, would recommend some landscaping to soften the impact.

**Representations:**

6 letters of objection are reported identifying:

- Impact on the character and appearance of the areas;
- Impact on listed building
- Highway safety
- Loss of ecology
- Amenity
- Drainage.

7 letters of support are reported identifying:

- Safe access;
- Compatible with the character and appearance of the area.

**Relevant Planning History**

- 2295/20/FUL - Retrospective application for gate to field for access to livestock – Pending
- 3384/20/FUL - READVERTISEMENT (Revised description) Retrospective change of use from agricultural to mixed agricultural/equestrian use, with hardstanding and earth banks – Pending
- 2926/19/FUL - Agricultural building / dry store for fodder and agricultural implements - Pending

**ANALYSIS**

#### Principle of Development/Sustainability:

The access is required to the site as the existing access from the lane to the west was not available and has been sealed up. It is understood that the original access to the field was not sold with the parcel of land and is not available to the applicants.

The position of the access has been positioned in a part of the road which has good visibility and also not in a part of the hedge bank which was heavily planted with significant trees.

The access is required to provide access into an existing agricultural field and can be supported in principle.

#### Design/Landscape/Heritage:

The site is not located in a nationally protected landscape and the northern boundary is formed by the Class C road which links Broadwoodwiger to Bratton Clovelly. The western boundary is formed by the access to West Headson Farm and the south and eastern boundaries adjoin farm land.

The access has required the removal of a section of Devon Bank. Whilst this does have an impact on the character and appearance of the area it is required for a proven agricultural need as there is no existing access. It is considered that this form of access can be accommodated within the rural landscape and is compatible with the character and appearance of the area.

There is a grade II listed building located to the north of the site known as South Hill. This is a detached dwelling within its own defined curtilage. The plans have been reviewed by the Council's Heritage Specialist who has advised that this development will not result in any harm to the significance of a designated heritage asset.

Given the rural character in this location it is considered that the access could benefit from some softening and as such a landscaping condition is justified.

#### Neighbour Amenity:

This is a small scale rural enterprise and although the activity on the site activates that require a countryside location. The scale of the activities on the site are relatively small scale given the number of animals and size of the holding. Whilst the comings and goings from and to the site will result in some noise generating disturbance this is not considered to be harmful to the amenity of neighbouring residents.

#### Highways/Access:

The application is retrospective in nature, seeking to formalise the provision of a vehicular access. The highway response was originally categorised as 'Standing Advice' but the further advice was sought following a specific response for the highway authority following the receipt of representations raising concerns about highway safety issues.

The visibility available in the leading traffic direction is adequate and although the visibility in the trailing traffic direction is restricted by the alignment of the adjoining carriageway and vegetation, it is considered adequate having regard to the speed and number of vehicles

passing the site.

There are no objections from a highway safety point of view.

Other Matters:

Policy DEV26 identifies that development is required to result in a net gain in bio diversity. However this development has resulted in the loss of a section of Devon Bank which clearly does not result in a net gain in bio diversity. Whilst the position of the access has resulted in the minimisation of the loss of trees, a planning condition that requires ecological mitigation through the planting and landscaping of the site will be required to deliver a net gain in bio diversity.

The access is gravelled and this is a permeable surface as such surface water drainage is being dealt with on the site.

***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**

Relevant policy framework

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 Plymouth & South West Devon Joint Local Plan 2014 - 2034 is now part of the development plan for Plymouth City Council, South Hams District Council and West Devon Borough Council (other than parts of South Hams and West Devon within Dartmoor National Park).

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

TTV26 Development in the Countryside

TTV28 Horse related developments 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

DEV21 Development affecting the historic environment

DEV23 Landscape character  
DEV26 Protecting and enhancing biodiversity and geological conservation  
DEV27 Green and play spaces  
DEV28 Trees, woodlands and hedgerows  
DEV29 Specific provisions relating to transport

### **Neighbourhood Plan**

None

Other material considerations include the policies of the National Planning Policy Framework (NPPF) including but not limited to paragraphs 11 and 79 , and guidance in Planning Practice Guidance (PPG). Additionally, the following planning documents are also material considerations in the determination of the application: JLP SPD.

### **Considerations under Human Rights Act 1998 and Equalities Act 2010**

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

**The development hereby approved shall in all respects accord strictly with drawing number(s) Site Location Plan received 27/01/2021 and Block Plan received by the 27/07/2020.**

**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.**

**Within 28 days of the date of this decision details of the gate to include a elevation plan shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and maintained in perpetuity.**

**Reason: To details of the gate were provided on the application and it is important that the design of the gate relates well to the rural character.**

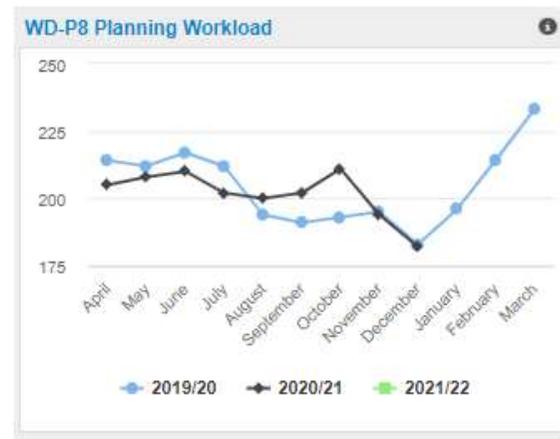
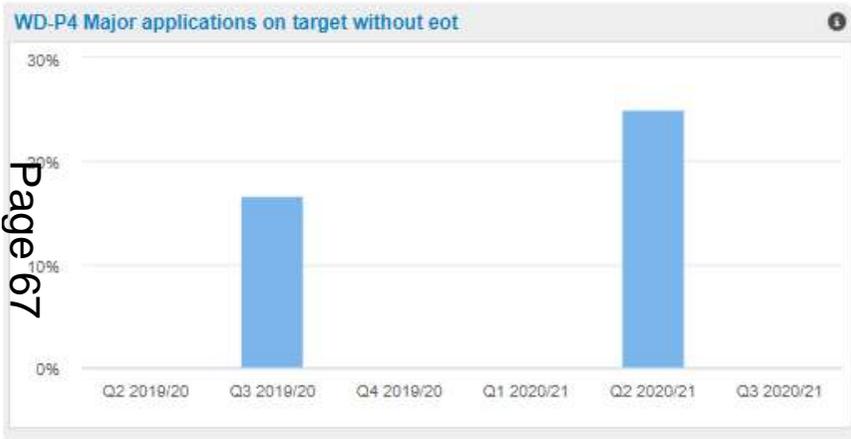
**Within 28 days of this decision a landscaping plan shall be submitted to and approved in writing by the Local Planning Authority. The landscaping plan shall show how planting will be used to mitigate the visual impact of the development. The development shall be carried out in accordance with the approved details and maintained in perpetuity.**

**Reason: To ensure that the development is sympathetic to the rural character of the area.**

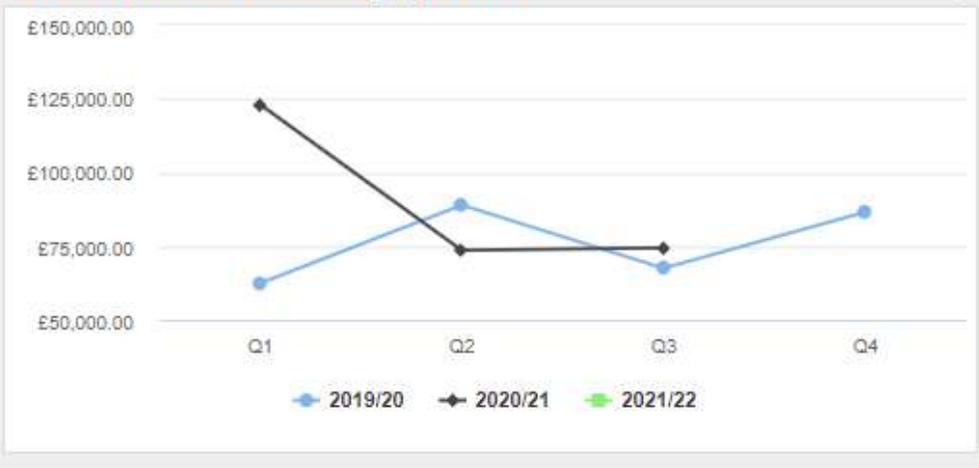
**Within 28 days of this decision details of how the development will provide ecological mitigation to mitigate the loss of the Devon Bank which is of ecological value shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved plans and maintained in perpetuity.**

**Reason: To ensure that the ecological loss of the Devon Bank can be mitigated on the site.**

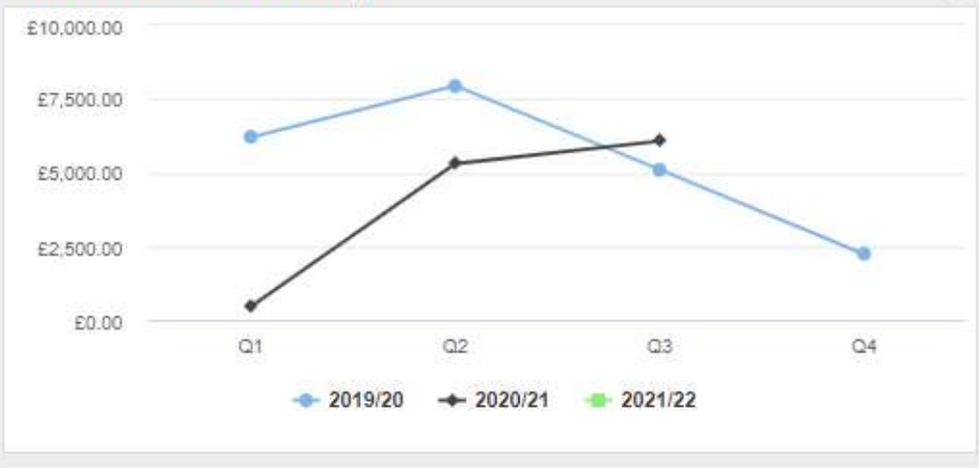
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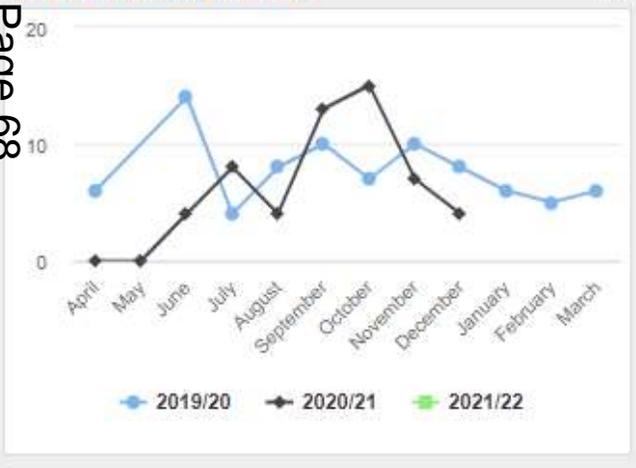
WD-P10 Fee Income from Planning Applications



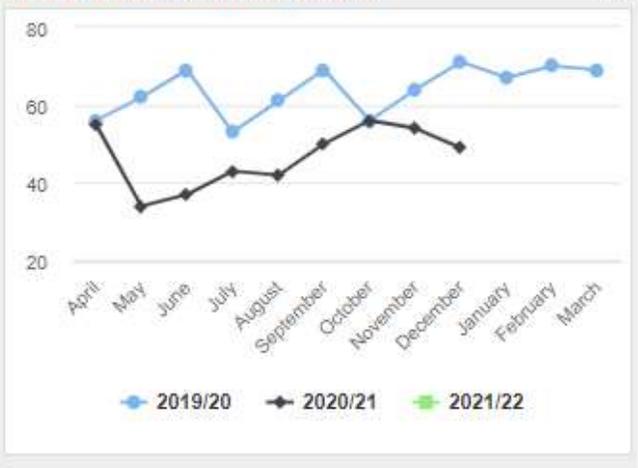
WD-P11 Fee Income from Pre-Apps



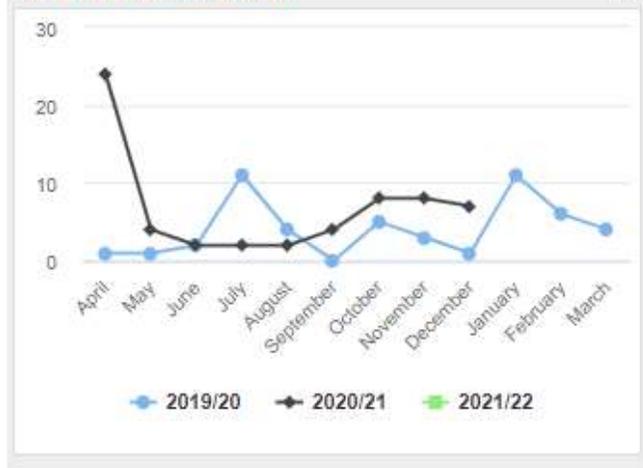
WD-P12 Pre-Apps Received

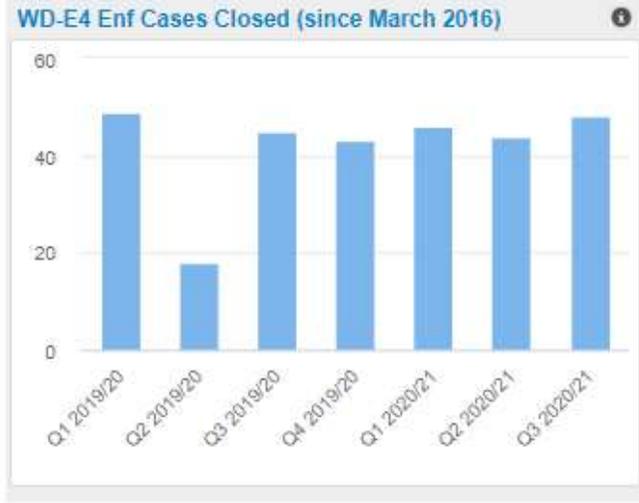
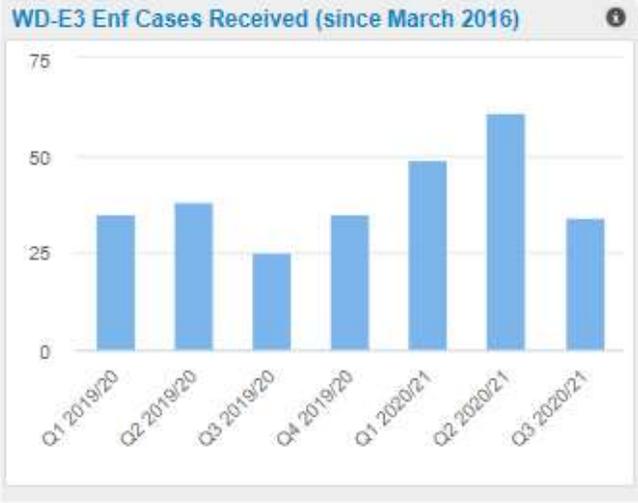


WD-P13 Pre-Application workload



WD-P14 Pre-Apps closed





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# West Devon Borough Council Agenda Item 7

## PLANNING AND LICENSING COMMITTEE 16-Feb-21

Appeals Update from 24-Dec-20 to 2-Feb-21

### Ward Buckland Monachorum

APPLICATION NUMBER : **1223/20/FUL** APP/Q1153/W/20/3259929  
APPELLANT NAME: Mr Joseph Hess  
PROPOSAL : Proposed new detached dwelling to replace existing bungalow  
LOCATION : Bickham Barton Bungalow Roborough PL6 7BJ  
APPEAL STATUS : Appeal Lodged  
APPEAL START DATE: 09-November-2020  
APPEAL DECISION: Upheld (Conditional approval)  
APPEAL DECISION DATE: 01-February-2021

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### Ward Milton Ford

APPLICATION NUMBER : **2472/20/OPA** APP/Q1153/W/20/3263800  
APPELLANT NAME: Mr R Luxton  
PROPOSAL : Outline application with all matters reserved for erection of dwelling  
LOCATION : Land at Whimbarn House Ottery Tavistock PL19 8NS  
APPEAL STATUS :  
APPEAL START DATE: 04-January-2021  
APPEAL DECISION:  
APPEAL DECISION DATE:

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### Ward Okehampton North

APPLICATION NUMBER : **0155/20/FUL** APP/Q1153/W/20/3257061  
APPELLANT NAME: Mr and Mrs Simon and Joan Essex, Mr Simon Essex  
PROPOSAL : Application for proposed 16 holiday lodges  
LOCATION : Ashbury Hotel & Golf Club Southcott Okehampton EX20 4NL  
APPEAL STATUS : Appeal decided  
APPEAL START DATE: 05-October-2020  
APPEAL DECISION: Dismissed (Refusal)  
APPEAL DECISION DATE: 15-January-2021

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APPLICATION NUMBER : **0307/20/VAR** APP/Q1153/W/20/3257031  
APPELLANT NAME: Mr and Mrs Simon and Joan Essex, Mr Simon Essex  
PROPOSAL : Variation of condition 4 (Holiday Restriction) of planning consent  
2247/19/FUL  
LOCATION : Ashbury Hotel & Golf Club Southcott Okehampton EX20 4ND  
APPEAL STATUS : Appeal decided  
APPEAL START DATE: 05-October-2020  
APPEAL DECISION: Upheld  
APPEAL DECISION DATE: 15-January-2021

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APPLICATION NUMBER : **0352/20/VAR** APP/Q1153/W/20/3256993,  
APPELLANT NAME: Mr and Mrs Simon and Joan Essex, Mr Simon Essex  
PROPOSAL : Variation of condition 5 (Holiday Restriction) of planning consent 0483/19/FUL  
(Proposed Twelve Golf Lodges)  
LOCATION : Ashbury Hotel & Golf Club Southcott Okehampton EX20 4NL  
APPEAL STATUS : Appeal decided  
APPEAL START DATE: 05-October-2020  
APPEAL DECISION: Upheld  
APPEAL DECISION DATE: 15-January-2021

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# Agenda Item 8

## Development Management Committee 16 Feb 2021

### Undetermined Major applications as at 3 Feb 2021

	Valid Date	Target Date	EoT Date
<b>2391/19/VAR</b> Nicola Glanville	19-Jul-19	18-Oct-19	<b>20-Jan-21</b>
5 The Market Fore Street North Tawton Devon EX20 2GT Variation of condition 2 of planning consent 13457/2009/OKE to Amend boundary line and change pedestrian access into the site.			

Comment: Under consideration by officer

	Valid Date	Target Date	EoT Date
<b>3424/19/FUL</b> Jacqueline Houslander	22-Oct-19	21-Jan-20	<b>23-Dec-20</b>
Field at Sx 453 669, Adjacent to Woolacombe Road Alston PL20 7HH Bere READVERTISEMENT (Revised Plans Received) Application for 31no. new dwellings and associated access road and pedestrian link			

Comment: Application presented to this committee.

	Valid Date	Target Date	EoT Date
<b>2915/19/FUL</b> Anna Henderson-Smith	18-Dec-19	18-Mar-20	<b>31-Mar-20</b>
Wool Grading Centre Fore Street North Tawton READVERTISEMENT (Revised description and plans received) Conversion of existing Grade II listed mill buildings (A and B) into 7 open market townhouses, conversion of building C into 9 open market flats redevelopment of building D for B1 office use, 4 open market dwellings in G and L and building F restored			

Comment: Agent has advised that they have submitted a non-determination appeal

	Valid Date	Target Date	EoT Date
<b>1618/20/FUL</b> Oliver Gibbins	5-Jun-20	4-Sep-20	<b>24-Mar-21</b>
Court Cottage Farm Lamerton Tavistock PL19 8RW READVERTISEMENT (Revised Plans received and amended development description) Demolition of redundant farm buildings and erection of 15no. homes (including 4no. affordable) with new access, parking and car port and new community recreation area			

Comment: Amended Plans have been re-advertised and re-consulted.

	Valid Date	Target Date	EoT Date
<b>2847/19/FUL</b> Oliver Gibbins	24-Jun-20	23-Sep-20	
Land North of the Old Rectory Bratton Clovelly Okehampton EX20 4LA Erection of 10 houses (including 4 affordable houses for local residents); the provision of new access, road and associated Landscaping			

Comment: Discussions continuing between officer and agent.

	Valid Date	Target Date	EoT Date
<b>2536/20/OPA</b> Claire Boobier	20-Oct-20	19-Jan-21	<b>26-Feb-21</b>
Land south of Fore Street Fore Street Lifton PL16 0BT READVERTISEMENT (Revised plans received) Outline application for up to 68 dwellings with POS, landscaping and sustainable drainage system, with vehicular access through the approved access for the adjacent development (2353/18/OPA) - all matters reserved except access			

Comment: Under consideration by officer.

	<b>Valid Date</b>	<b>Target Date</b>	<b>EoT Date</b>
<b>3652/20/FUL</b> Bryn Kitching	18-Nov-20	17-Feb-21	
Land to the South of Plymouth Road Tavistock			Hybrid application comprising full planning application for erection of 45 residential dwellings, formation of accesses, associated public open space, landscaping and infrastructure; and outline planning application for extra care facility for up to 60 units with all matters reserved, except means of access

Comment – Consultation period for application has finished that has raised a number of questions and issues that the Case Officer is considering.

	<b>Valid Date</b>	<b>Target Date</b>	<b>EoT Date</b>
<b>4073/20/VAR</b> Cheryl Stansbury	14-Dec-20	15-Mar-21	
Hatherleigh Market Hatherleigh EX20 3HT			Application for variation of conditions 2, 3, 5, 6, 7, 17, 18, 19, 22,26, 28, 29, 30 and 37 of planning consent 1794/18/FUL to realign road, amend layout and house types

Comment – Recently submitted application within consultation period.

	<b>Valid Date</b>	<b>Target Date</b>	<b>EoT Date</b>
<b>0158/21/FUL</b> Anna Henderson-Smith	18-Jan-21	19-Apr-21	
South Hooe Peninsula Tamar Estuary Bere Alston PL20 7BW			The creation of an area of intertidal habitat at South Hooe (Tamar Banks) and the construction of a new earth bund to facilitate a wetland habitat area, consisting of breaching the existing tidal embankment; the closure of the existing drainage outfall in the embankment; associated drainage outlet to facilitate the wetland habitat area; the formation of two borrow pits to provide site won material for the bund; and the diversion of a small section of track

Comment – Recently submitted application within consultation period.