

PLANNING APPLICATION REPORT

Case Officer: Oliver Gibbins

Parish: Tavistock **Ward:** Tavistock North

Application No: 2199/19/FUL

Agent/Applicant:

Mr Stephen Whettem
The Works
3 Dolvin Road
Tavistock
PL19 8EA

Applicant:

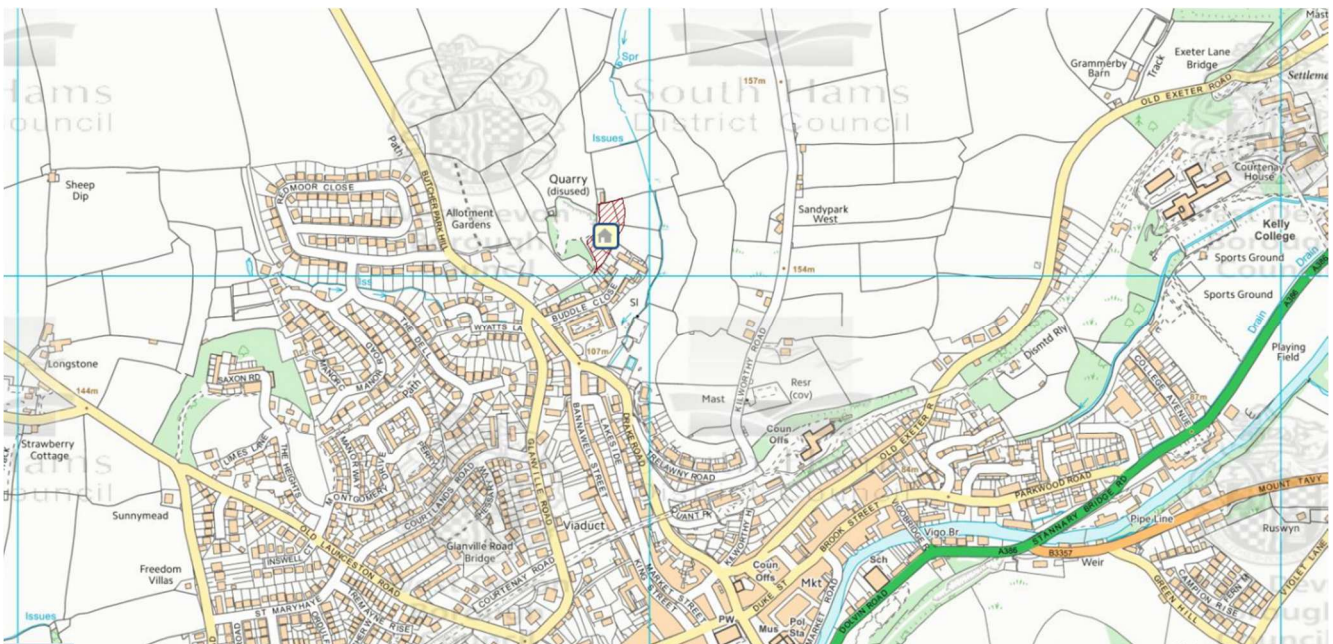
Mr R. Moule
Everest
Tavistock
PL19 8LH

Site Address: Land at SX479750, North of Buddle Close, Butcher Park Hill, Tavistock

Development: Construction of single dwelling on disused former agricultural land (resubmission of 2851/18/FUL)

Reason item is being put before Committee

The Head of Development Management has requested that this application is determined by the Committee because there was pre application advice providing conflicting advice.



Recommendation: Refusal;

Reasons for refusal

1. The proposed development lies outside the built up area of Tavistock and is therefore development in the countryside. No exceptional circumstances have been put forward to show that the proposed development is to meet a proven agricultural, forestry or other occupational need that requires a countryside location and so the proposed

development fails to protect the special characteristics and role of the countryside contrary to Policy TTV26 of the Plymouth and South West Devon Joint Local Plan.

2. The proposed development is located in the countryside and is separated from Tavistock by topography, landscape character and a substandard access track which is poorly surfaced, unlit and distant from the adopted highway. The development is therefore an unsustainable form of development and is contrary to policies SPT1, SPT2, TTV1 and TTV2 of the Plymouth and South West Devon Joint Local Plan.
3. The provision of a new dwelling in this location, which is characterised by a largely undeveloped valley, will appear as an urban form of development and will have a harmful impact on the character of the area and fail to conserve and enhance the landscape character. The development is therefore contrary to Policies DEV10, DEV20 and DEV23 of the Plymouth and South West Devon Joint Local Plan.

Key issues for consideration:

The key issues relate to the principle of development and the impact on the character and appearance of the area.

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

The Government have advised that the New Homes Bonus scheme will end after the 2019-2020 financial year and this year is the last year's allocation (which was based on dwellings built out by October 2018). A statement about a replacement scheme is expected in September 2019.

Site Description:

The application site refers to a piece of land located to the north of Buddle Close. The site is currently in equine use and there is an existing outbuilding which was a barn located close to the entrance of the site and a number of field shelters on the site.

The site is accessed via a lane which provides access to Butcher Park Road. This is a poorly surfaced single lane with no pavement or street lighting.

The site has a rural character and is separate from the more suburban form of residential development at Buddle Close.

The site is close to the Buddle Quarry.

The site is not located within the Tavistock Conservation Area or the Cornwall or West Devon Mining World Heritage Site.

The Proposal:

This application is for planning permission for a detached dwelling and garage located to the north of Buddle Close but accessed would be from a private drive from Butcher Park Hill.

The new dwelling would provide 4 bedrooms with a design that uses the natural changes in ground level to provide for a two storey house with 1 storey above ground level.

The building would be constructed from render random rubble facings, vertical timber cladding, and a standing seam zinc roof. Glazing and doors would be constructed from powder coated aluminium. Solar panels would be provided on the roof.

Consultations:

- County Highways Authority – No comments – standing advice.
- Strategic Planning – Objection, the site is located outside of the built up area of Tavistock.
- Environmental Health Section - Objection there is an unacceptable risk from potential contaminated land.
- Town/Parish Council – Objection based on impact on minerals; isolated location outside the settlement; poorly integrated with the existing development.
- Devon County Council Minerals Authority – No objection.
- Tree Specialist – No objection subject to conditions.
- Drainage Engineer – No objection subject to conditions.
- Landscape Officer – Object to the proposal will expand the town into the rural setting, the proposal would fail to preserve and enhance the landscape character and visual amenity.

Representations:

2 letters of representation was received objecting and identifying the following material planning considerations:

Increase in traffic and inadequate access;
Over development.
Impact on bio-diversity.

Relevant Planning History

2851/18/FUL - Construction of single dwelling on un-used former agricultural land – Withdrawn.

0337/17/PRE – Pre app for removal of two redundant barns and construction of a new dwelling – Officer support given, subject to further information.

ANALYSIS

Principle of Development/Sustainability:

Policy TTV1 Prioritising growth through a hierarchy of sustainable settlements identifies that growth and development of new homes and jobs will take place within a hierarchy of settlements. This is identified as follows:

- 1) The Main Towns, which will be prioritised for growth to enable them to continue to thrive, achieve strong levels of self-containment, and provide a broad range of services for the wider area;
- 2) Smaller Towns and Key Villages, which will receive support for growth commensurate with their roles in supporting the small villages and hamlets;
- 3) Sustainable Villages, where development to meet locally identified needs and to sustain limited services and amenities will be supported;
- 4) Smaller villages, Hamlets and the Countryside, where development will be permitted only if it can be demonstrated to support the principles of sustainable development and sustainable communities.

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

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

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

Paragraph 5.5 of the JLP identifies that the plan does not define settlement boundaries. However it does identify that development outside of built up areas will be considered in the context of TTV26 (development in the countryside).

The proposed site is separated from existing residential areas of Tavistock by topography which results in the site appearing distant from the built form of the town. The access to the site is also provided by a substandard access track which is narrow, unlit, poorly surfaced and the site is also 230m from the adopted highway.

The site is also located in a valley which is neighboured by equine uses and the side of the valley where the site is located is undeveloped. As a result it is considered that the site is not within the built up area of Tavistock and consequentially in the countryside, where consideration needs to be given to Policy TTV1 TTV2 and TTV26. This is the policy framework that needs to be assessed in order to establish the principle of development.

Policy TTV1(4) identifies that in the Countryside, development will only be permitted where it can be demonstrated that the development will support the principles of sustainable development and communities.

In terms of the broad principles identified within Policy SPT1 the constrained access to the site through poor surfacing without a pavement, lack of street lighting, incline and distance from Butcher Park Hill results in the site scoring poorly.

Again the fact that the site is distant and poor access from the facilities of Tavistock results in the site scoring poorly against the criteria of Policy SPT2. For example the site will not have an acceptable level of access to facilities to meet the daily needs, and does not provide good

access to public transport, walking or cycling opportunities, and will undermine the protection and enhancement of the natural environment.

As a result it is considered that this site is located in the Countryside and will not provide a sustainable form of development and would therefore be contrary to the principles in Policies SPT1, SPT2 and TTV1.

Before any conclusions can be drawn it is also important to consider Policy TTV26. This policy regulates development in the Countryside and identifies that development in the Countryside will only be permitted in exceptional circumstances. The site visit identified that the site is being used for the equine purposes this is not considered to constitute a brownfield use. This will be an open market dwelling and will not provide the exceptional circumstances identified within the Policy and is therefore contrary to Policy TTV26.

Overall it is concluded that this is an unsustainable form of development in the Countryside without the special circumstances demonstrated to permit development and is therefore contrary to Policies TTV1, SPT1 and SPT2 and TTV26 of the Plymouth and South West Devon Joint Local Plan.

Design/Landscape:

The proposed dwelling has been designed to minimise its visual impact on the landscape. This has been achieved through using the natural changes in levels so that the gradient accommodates the lower ground floor and the development being limited to a single storey above ground level. The design has also used a modern pallet of materials, such as zinc roofing and vertical Red Cedar Cladding, and the level of design detailing and articulation of the elevations is good. This results in a coherent and visually interesting design.

However the location is characterised by a largely undeveloped valley, particularly on the western side of the valley. There are equine and agricultural field shelters. The undeveloped character is a key feature of this part of the landscape and the introduction of an urban form of development, albeit well designed, will undermine and introduce a form of development that is harmful to the character and appearance of the area.

As a result it is concluded that the development will appear as an unrelated dwelling in the landscape and will fail to have regard to the pattern of local development and the wider development context and have a harmful impact on the landscape and character of the area. The development is therefore contrary to Policies DEV10 and DEV20 of the Plymouth and South West Devon Joint Local Plan.

The position of the proposed development will result in expansion into the rural setting of Tavistock which is recognised as being important to the character and setting of the town, with the pastoral fields a valued attribute. A new dwelling in this location would erode that character, and whilst the building design and form is sympathetic to the local sensitivity of the landscape, a residential property with associated garden and paraphernalia would still fail to conserve or enhance the landscape character and visual amenity. This is contrary to JLP Policy DEV23 and therefore cannot be supported.

In terms of internal space standard Policy DEV10 of the development plan identifies that new dwellings are required to meet the National Described Space Standards. This dwelling will exceed the requirements of 124 sq.m dwelling for an 8 person 4 bedroomed house.

Neighbour Amenity:

As the site is located away from existing residential properties and therefore will not result in the significant loss of residential amenity to neighbouring properties.

Highways/Access:

Access to the site is via a private drive which is accessed from Butcher Park Hill. This junction provides a satisfactory level of visibility to accommodate this dwelling.

The access to the site is somewhat constrained owing to the fact that it is poorly surfaced, unlit and narrow in places. The application red line boundary also does not include this access within the application site. However from a highway safety perspective the Highway Authority have raised no concerns.

Minerals:

The site is located within a Minerals Consultation Area (Buddle Quarry) and as such Devon County Council, as Minerals Authority, have been consulted. The submitted Minerals Consultation Area Development Impact Report has demonstrated that the dwelling would not constrain future working of the quarry. As a result there no objection has been raised from the Minerals Authority to this proposal.

Drainage:

This is a small scale minor development for the erection of a new dwelling with associated access and parking, located within a Critical drainage Area (CDA).

The information submitted has demonstrated a workable drainage scheme, with foul sewerage being managed through a private system. The Council's Drainage Engineer has raised no objection to this proposal subject to further information being secured by planning condition.

Trees;

The Council's Tree Specialist has reviewed the plans and raised no objection to the proposal subject to a condition requiring additional information.

Low Carbon:

Policy DEV32 requires new development, of this scale, to identify opportunities to minimise the use of natural resources as well as consider the energy hierarchy.

In this instance the design has incorporated both photo voltaic and thermal solar panels. This will ensure that natural resources are minimised.

In addition to maximising the natural gradient of the site and thereby reducing the energy demand of the dwelling the dwelling is orientated along the east-west axis with significant glazing on the southern elevation to maximise solar gain.

As a result of both the use of solar panels and orientation it is concluded that the proposal will meet with Policy DEV32.

Ecology:

Policy DEV26 identifies that for major development that development will need to provide for a net gain in biodiversity. As this is not a major development this element of the policy is not applicable to this proposal.

Nonetheless the application has been submitted with a Mitigation Method Statement for Bats. This report was produced following a Preliminary Ecological Assessment and has recommended a series of mitigation measures to ensure that the proposal does not significantly adversely impact on protected species. Key to the mitigation is the conversion of an existing building on the site to a bat roost.

This mitigation will be important to ensure that the development can proceed without adversely impacting on a protected species and will assist provide for the long term management of bio diversity in accordance with Policy DEV26.

The site is located within the sphere of influence for the recreational impacts of the Tamar Special Area of Conservation. In line with the Council's approach to mitigating the impacts of the development, if approved a condition and informative will secure an appropriate level of mitigation.

Waste:

The level of access to the highway will result in difficulty for refuse vehicles to access the site and a refuse store may be required closer to the public highway. This would need to be conditioned if the application was approved. This would need to provide a waste management plan with details of how waste would be stored, put out for collection and bins returned after. It is noted that the site is located a long way from the road, but as the applicants do not own the land there limited options to store waste, unless a land transfer could be achieved.

Conclusion:

The site is located in an area that is outside of the built form and will result in a unsustainable location and will have a harmful impact on the character and appearance of the area.

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

Planning Policy

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

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

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

The relevant development plan policies are set out below:

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

SPT1 Delivering sustainable development
SPT2 Sustainable linked neighbourhoods and sustainable rural communities
SPT3 Provision for new homes
SPT4 Provision for employment floorspace
SPT5 Provision for retail development
SPT6 Spatial provision of retail and main town centre uses
SPT7 Working with neighbouring areas
SPT8 Strategic connectivity
SPT9 Strategic principles for transport planning and strategy
SPT10 Balanced transport strategy for growth and healthy and sustainable communities
SPT11 Strategic approach to the Historic environment
SPT12 Strategic approach to the natural environment
SPT13 Strategic infrastructure measures to deliver the spatial strategy
SPT14 European Protected Sites – mitigation of recreational impacts from development
TTV1 Prioritising growth through a hierarchy of sustainable settlements
TTV2 Delivering sustainable development in the Thriving Towns and Villages Policy Area
TTV3 Strategic infrastructure measures for the Main Towns
TTV20 Spatial priorities for development in Tavistock.
TTV16 Callington Road, Tavistock
TTV17 Plymouth Road, Tavistock
TTV23 Pixon Lane Employment Area, Tavistock
TTV19 Other sites allocations in Tavistock
TTV24 Site allocations in the Smaller Towns and Key Villages
TTV25 Development in the Sustainable Villages
TTV26 Development in the Countryside
TTV27 Meeting local housing needs in rural areas
TTV28 Horse related developments in the countryside

TTV29 Residential extensions and replacement dwellings in the countryside
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
DEV15 Supporting the rural economy
DEV19 Provisions for local employment and skills
DEV20 Place shaping and the quality of the built environment
DEV22 Cornwall and West Devon Mining Landscape World Heritage Site
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
DEV30 Meeting the community infrastructure needs of new homes
DEV31 Waste management
DEV32 Delivering low carbon development
DEV33 Renewable and low carbon energy (including heat)
DEL1 Approach to development delivery and viability, planning obligations and the Community Infrastructure Levy

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

Neighbourhood Plan

The Tavistock Neighbourhood Plan has reached regulation 7 stage. Until adopted it cannot hold significant weight.

Considerations under Human Rights Act 1998 and Equalities Act 2010

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