

PLANNING APPLICATION REPORT

Case Officer: Oliver Gibbins

Parish: Tavistock **Ward:** Tavistock North

Application No: 2518/18/FUL

Agent/Applicant:

Edward Persse - EJFP Planning Ltd
49 Bannawell Street
Tavistock
PL19 0DP

Applicant:

Mr J McDowall
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PL19 9NN

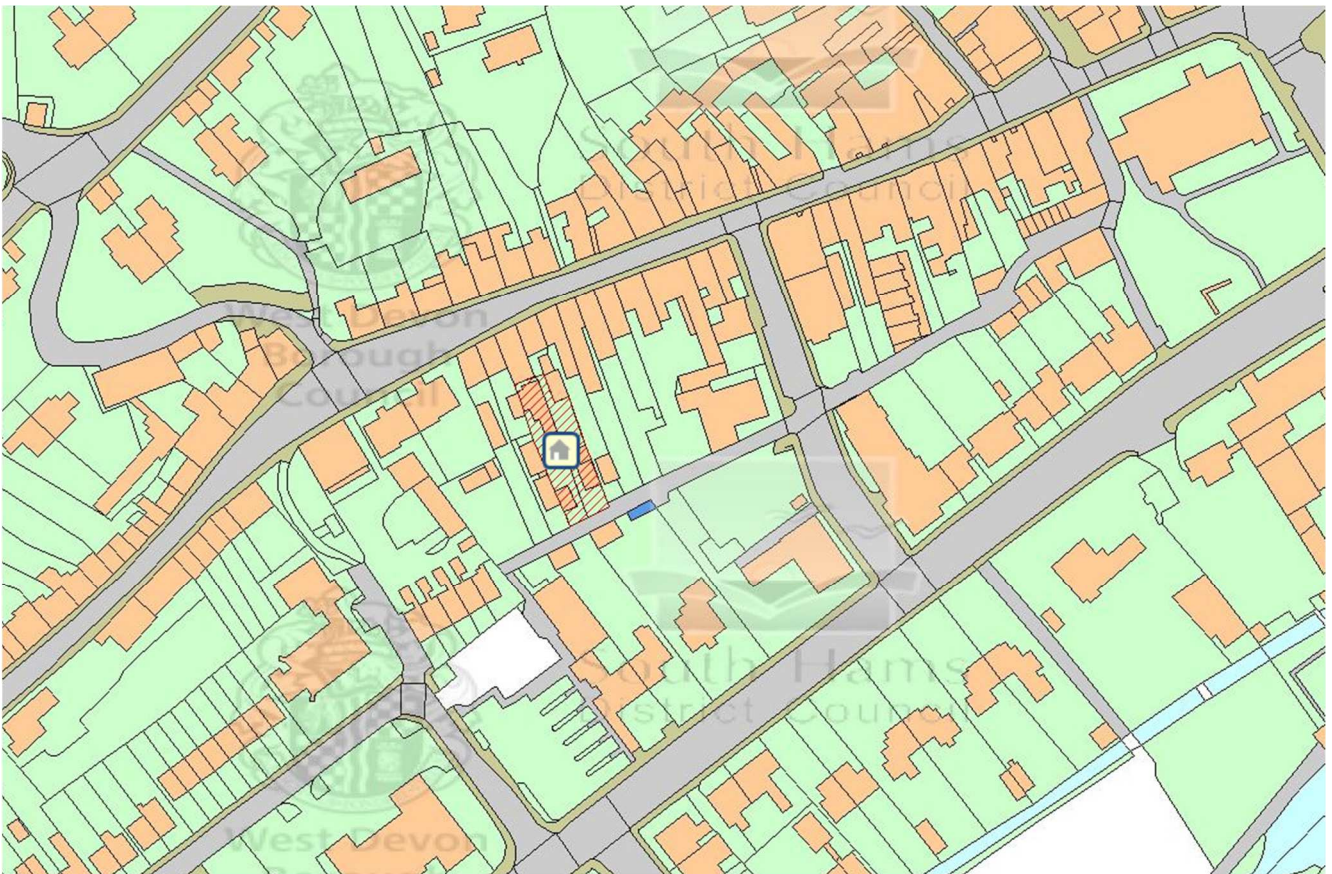
Site Address: 22 West Street, Tavistock, PL19 8AN

Development: Demolition of existing single storey garage/storage building and erection of 3 x 2-bed dwelling

Reason item is being put before Committee

Cllr Hipsey, Cllr Moody and Cllr Coulson have advised that they would like the application to be reported to committee to take into account the following issues:

Vehicular access, highway safety and condition of roadway;
Over development of small site;
Lack of parking;
No housing need.



Recommendation: Approve

Conditions/Reasons for refusal (list not in full)

Commencement;
Approved drawings;
SUDS details;
Cill details;
Window and door/garage door details;
Gable end details;
Stone sample;
Natural slate roof;
Ecology mitigation
HRA Mitigation.
CEMP
PD Removal;
Written Scheme of Investigations;
Landscape Plan.

Key issues for consideration:

The key issues for consideration relate to the impact on the Conservation Area and the impact on amenity and highway safety.

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 site is located within the central area of Tavistock and is surrounded in the immediate area with a mix of residential properties typically characterised as mews style houses.

The site is located in the Tavistock Conservation Area and also within the Cornwall and West Devon Mining Landscape World Heritage Site.

The plot sizes indicate that the layout is a historic Burgage Plot.

The Proposal:

This application is to demolish the existing buildings on the site and replace them with 3 new dwellings.

The development will remove the existing buildings on the site, retaining stone to be reused, and replace them with a terrace of three new buildings orientated along the north south access. The buildings will be two storeys in height with slate pitched roofs and finished with natural stone.

Two car parking spaces will be provided to the front of the dwellings, and access is provided from Garden Lane.

Consultations:

- County Highways Authority – Further reviewed the site following concerns from local Ward Member and advised Garden Lane is a private street and is not maintained by Devon County as Highway Authority. The junction with Russell Road is certainly adequate to accommodate the proposed development and the street can accommodate the development adequately in its completed form without prejudice to highway safety. Construction will be a challenge, as with all town centre sites, but the finite construction period can be controlled by a suitable condition for a construction management plan, which you could impose on any permission for amenity reasons. There are certainly no sustainable highway safety grounds to object to the application.
- Town/Parish Council – Objection, based on over development of 4 properties, lack of parking and pedestrian safety.
- Town Council- Re-consultation 26th June 2019 with amended scheme to 3 dwellings – No response received.

- SUDS – No objection subject to condition;
- Conservation Officer – No objection subject to conditions and materials;
- Historic England – Do not comment on application of this scale.
- Environmental Health – No objection subject to unexpected contamination condition.
- DCC Archaeology – Written Scheme of Investigation recommended.

Representations:

None received.

Relevant Planning History

None

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 continue to thrive, achieve strong levels of self-containment, and provide a broad range of services for the wider area;
2. Smaller Towns and Key Villages, which will receive support for growth commensurate with their roles in supporting the small villages and hamlets;
3. Sustainable Villages, where development to meet locally identifies needs and to sustain limited services and amenities will be supported;

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 site is located within walking distance of the town centre of Tavistock and is therefore considered to be sustainable in terms of its location and therefore the principle of residential accommodation can be accepted.

Responding to concerns from both the Conservation Officer and the Town Council the proposal has been reduced in scale from 4 dwellings to 3 dwellings.

The Council are able to demonstrate a 5 year land supply for housing. Whilst this results in the titled balance as outlined within paragraph 11 of the NPPF 2019 not being engaged, the application needs to be considered on its own merits in relation to the overall presumption in

favour of sustainable development and the material planning considerations outlined in this report.

Design/Historic Environment:

The Tavistock Conservation Area Management Plan (MP) was adopted in 2009. Part 7.3 deals with the control of new development. The MP identifies that new development should be sympathetic to the surrounding historic buildings in terms of materials and details. Consideration should be given to existing views in and out of the Conservation Area, the scale and form of development should follow established precedents.

The rear of West Street is characterised by a range of mews style developments which have been constructed over the last few decades. Notably the adjoining sites have both been developed into mews style houses that front onto Garden Lane. This sets an established built form which sets the context for this development.

The proposed development will remove some existing buildings that have a negative impact on the character and appearance of the Conservation Area, including a modern UPVC conservatory and replace it with new dwellings.

The bulk and massing of the proposed units align with the linear nature of the historic Burgage Plots, although unit 1 has a dog leg to provide enclosure to Garden Lane. This is considered acceptable and will relate well to the range of buildings in the locality.

The positioning on the plot is supported and the removal of the existing buildings will result in some enhancement to the Conservation Area as the modern and out of character uPVC conservatory will be removed which are not heritage assets. Through providing a new frontage onto Garden Lane the development also improves the relationship with the street scene.

The reduction in density, through the removal of a unit also assists in assimilating the development into the established character of the Conservation Area, it will also allow for the quality of the materials to be provided to be of a quality that will conserve and enhance the character of the Conservation Area.

The buildings will be aligned so that they relate well to the existing buildings to the south and will result in a built form that is considered sympathetic to the character in this location.

In terms of detailing and materials the principal elevations will be constructed from natural stone, with a natural slate roof. Further details will be required for windows, cils and lintels as well as a landscaping plan.

The development will not adversely impact upon the Outstanding Universal Value of the World Heritage Site.

The Council's Conservation Officer has reviewed the plans and requested that further details are provided of the materials.

The Devon County Archaeology Officer has recommended a condition requiring a Written Scheme of Investigation as a condition. This is justified as the site is located in a Conservation Area and there could be historic environment assets of interest.

Overall it can be concluded that the development will preserve and enhance the character and appearance of the Conservation Area. The development will follow established precedents in the area and it can therefore be concluded that the development complies with Policies DEV10, DEV22 and DEV23 in terms of character and appearance of the area.

Policy DEV10 also identifies that new development is required to meet the Nationally Described Space Standards. For a new 4 person 2 bedroom development, such as this, 79 sq.m of is required. In comparison this development will provide 3 2 bed room units. The first two will measure 70 sq.m and the third will measure 90 sq.m. This development provides less than the Nationally Described Space Standard and there is a conflict with Policy DEV10.

However, site is located in a Conservation Area where the historic plot layout limits the amount of space available and one of the units is also larger than the minimum. In this instance the scale and massing of the development has been designed to integrate with the historic Burgage Plots, if the width was increased then this would undermine the form of the development on the historic environment. Policy DEV21 requires great weight to be placed on preserving the historic environment and based on this the failure to comply with DEV10 is considered acceptable on balance.

Neighbour Amenity:

There are a number of other mews developments adjoining both sides of the site. The orientation of the proposed flats together with the established urban grain and density results in this development not being considered to give rise to a significant loss of residential amenity.

Although the two of the three new dwellings are slightly undersized the level of outlook and amenity is considered to be adequate for this town centre location.

Highways/Access:

The Council do not have adopted minimum parking standards. Policy DEV29 requires that development will be required to contribute positively to the achievement of a high quality, effective and safe transport system.

The site is located very centrally to Tavistock. There are a wide variety of amenities locally including the bus station within a 3 min walk. As a result a car free development in this location would be potentially acceptable in principle at present. Notwithstanding this 2 spaces have been provided. As a result this development is considered to provide an acceptable level of car parking for this sustainable location.

The Local Highway Authority has advised that Garden Lane is a private drive and not maintained by the County Council. It is noted that the drive is not in optimum condition and does provide access for a number of residential properties located along Garden Lane it also provides access to the existing site with no restrictions on the ability of the applicant to access the site. The condition of the access would be a civil issue with the owners of this lane being responsible for its upkeep and repair.

Furthermore the Highway Authority have advised that the junction with Russell Street is certainly adequate to accommodate the development and that the street can accommodate

the development adequately in its completed form without impacting adversely on highway safety.

Overall it is concluded that the development not considered to give rise to an unacceptable impact on highway safety, compared to the existing level of access the site enjoys. As a result it is concluded that the development will comply with Policy DEV29 of the Joint Local Plan.

Drainage

Full details of the surface water and foul drainage have been provided. And evidence to demonstrate why offsite discharge has been considered and written permission from SWW to discharge surface water to combined sewer have been provided. As a result there is no objection from a drainage perspective subject to a condition.

Ecology

The application has been Ecology Report which has been reviewed. No evidence of roosting birds or bats was identified. Mitigation through provision of bat/bird roosting boxes will be provided. This mitigation ensures that the proposal will comply with Policy DEV26 and deliver a net gain in biodiversity.

As this is within the recreational zone of influence for the SPA a condition will require a mitigation contribution, this will be achieved through a combination of planning condition and informative.

Low Carbon

This application was submitted in September 2018 and prior to the adoption of the JLP and Policy DEV32 therefore an assessment against this policy was not provided. Notwithstanding this the orientation of the properties are restricted by the Conservation Area and the Burgage Plots. As a result it is considered on balance that this proposal will meet with this Policy where applicable.

Contamination

There are no identified sources of contamination locally and as a result an unexpected contamination condition is recommended.

Conclusion

This development will deliver three new dwellings in an town centre sustainable location, the development will conserve and enhance the character of the Conservation Area and will not result in any significant loss of amenity. As a result the application complies with the policies of the development plan and is recommended for approval.

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

Planning Policy

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

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

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

The relevant development plan policies are set out below:

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

SPT1 Delivering sustainable development
SPT2 Sustainable linked neighbourhoods and sustainable rural communities
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
TTV24 Site allocations in the Smaller Towns and Key Villages
TTV25 Development in the Sustainable Villages
DEV1 Protecting health and amenity
DEV2 Air, water, soil, noise, land and light

DEV3 Sport and recreation
DEV4 Playing pitches
DEV5 Community food growing and allotments
DEV7 Meeting local housing need in the Plymouth Policy Area
DEV8 Meeting local housing need in the Thriving Towns and Villages Policy Area
DEV9 Meeting local housing need in the Plan Area
DEV20 Place shaping and the quality of the built environment
DEV21 Development affecting the historic environment
DEV22 Cornwall and West Devon Mining Landscape World Heritage Site
DEV23 Landscape character
DEV24 Undeveloped coast and Heritage Coast
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
DEV33 Renewable and low carbon energy (including heat)
DEV34 Community energy
DEV35 Managing flood risk and Water Quality Impacts
DEV36 Coastal Change Management Areas
DEL1 Approach to development delivery and viability, planning obligations and the Community Infrastructure Levy

Other material considerations include the policies of the National Planning Policy Framework (NPPF) including but not limited to paragraphs 93 and guidance in Planning Practice Guidance (PPG). Additionally, the following planning documents are also material considerations in the determination of the application: Conservation Area Management Plan.

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.

Conditions

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.

The development hereby approved shall in all respects accord strictly with drawing number(s) Site Location Plan received 02/05/19, GA03,04,05,06,07,08 received by the Local Planning Authority on 01/06/19.

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.

The drainage scheme shall be installed in strict accordance with the approved plans (Drawing No. J-488-3001 Rev A), maintained and retained in accordance with the agreed details for the life of the development.

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

Prior to the commencement of the development hereby approved full details of the window and door details to include sill and lintels as well as the type and form of glazing 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.

Justification: Details are required prior to commencement as they need to be agreed before they are ordered.

Reason: To ensure a satisfactory external appearance for the Conservation Area.

PRE-COMMENCEMENT CONDITION

Prior to the commencement of the development hereby approved details of the treatment for the gable ends of the roof 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.

Justification: The site is in a Conservation Area and insufficient detail has been provided at application stage.

Reason: To ensure satisfactory quality for a development in the Conservation Area.

PRE-COMMENCEMENT CONDITION

Prior to the commencement of the development hereby approved details of the stone to be used on the external surfaces of the building 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.

Justification: The site is in a Conservation Area and insufficient detail has been provided at application stage.

Reason: To ensure satisfactory quality for a development in the Conservation Area.

PRE-COMMENCEMENT CONDITION

The roofs hereby approved shall be clad in natural slates, a sample of which shall have been submitted to and approved in writing by the Local Planning Authority prior to the commencement of development.

Reason.

A pre-commencement condition is considered necessary to safeguard the environment in the interests of the amenities of the area.

Prior to first occupation of any residential unit, a scheme to secure mitigation of the additional recreational pressures upon the Tamar European Marine Site, shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in full prior to first occupation.

Reason: To provide acceptable Mitigation to the Plymouth Sound and Estuaries SAC.

The development hereby approved shall be carried out in accordance with the recommendations from the JL Ecology Report sated Oct 2016.

Reason: To provide ecological mitigation.

Prior to the commencement of the development hereby approved a Construction and Environmental Management 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.

Justification: This is required prior to commencement as will be needed to regulate the construction on site.

Reason: To ensure that the construction provides satisfactory access arrangements and minimises the impact on local residents.

Notwithstanding the provisions of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 as amended (or any Order revoking, re enacting or further amending that Order), no development of the types described in Schedule 2, Part 1, Classes A-H of the Order, including the erection of extensions, porches, garages or car ports, the stationing of huts, fences or other structures shall be carried out on the site, other than that hereby permitted, unless the permission in writing of the Local Planning Authority is obtained.

Reason: To protect the appearance of the area to ensure adequate space about the buildings hereby approved and in the interests of amenity.

PRE- COMMENCEMENT

No development shall take place until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Planning Authority.'

The development shall be carried out at all times in strict accordance with the approved scheme, or such other details as may be subsequently agreed in writing by the Planning Authority.

Justification: The works need to be recorded prior to works which could result in the loss of historic interest.

Reason

To ensure that an appropriate record is made of archaeological evidence that may be affected by the development.

Prior to the occupation of the dwellings hereby approved full details of a landscaping plan to detail soft and hard landscaping and boundary treatments 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.

Reason: To assist in the development conserving and enhancing the Conservation Area.

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.