

## PLANNING APPLICATION REPORT

**Case Officer:** Anna Henderson-Smith  
South West

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

**Application No:** 2142/19/FUL

**Agent/Applicant:**

Mr David Russell - Bovis Homes (South West) Ltd  
Sowton Industrial Estate  
Heron Road  
Exeter  
EX2 7LL

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**Site Address:** Land Adjacent To Callington Road, Callington Road, Tavistock, Devon

**Development:** Application for additional two dwellings



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

From Cllr Crozier (ward member for contiguous ward)

*'After attending Gulworthy Parish Council yesterday evening I have serious concerns of the back ground of this application. Firstly I would like a site visit so those of us who are new to the committee to acquaint ourselves with the site.'*

*This site was not available with the original application otherwise they would not be applying now. What has changed and are all the other agencies aware of the changes because there is no detail. I understand this could ramifications for the railway embankment of which we are hoping is going to become a transport In link to Bere Alston and beyond.*

*I call for this application to be examined in greater detail so the DM&L Committee have the opportunity to question the promoters.'*

From Cllr Crozier (ward member of contiguous ward)

**Recommendation:**

Delegate to Head of Practice lead to approve subject to DCC engineers being satisfied re embankment stability information and a satisfactory deed of variation to the original outline S106 to ensure that these 2 units count towards any unit number triggers.

**Pre-commencement conditions:**

Drainage  
Tree protection plan

**Conditions** (list not in full)

1. Standard time limit full
2. Accord with plans list
3. Contaminated land condition
4. Contaminated land condition
5. Contaminated land condition
6. Tamar Valley EMS standard condition
7. Electric vehicle charging points
8. Drainage
9. Tree protection plan prior to commencement
10. Landscaping scheme

**Key issues for consideration:**

The main issues associated with this application are those relating to the 2 units in themselves and whether they are acceptable, and also their implications on the wider site allocation and already approved outline and reserved matters.

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

n/a

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**Site Description:**

This site forms a small part of phase 1 of the 00554/2013 outline planning permission on allocated site TTV16. The application site is within the wider allocation to the east of the site adjacent to the railway embankment. It is not adjacent to any existing residential development other than the Bovis permitted houses under construction and it there are no immediately adjacent listed buildings. There are a number of mature trees around the site.

**The Proposal:**

Erection of 2 dwellings on the eastern side of the phase 1 approved development site. This area was previously required for placement of an attenuation tank, however following alterations to the drainage scheme this is no longer required and the area is now proposed to accommodate 2 additional units (now shown as plots 158 and 159). The 2 dwellings proposed are both detached, 2 storey with a shared double garage between them. Plot 158 is a 3 bed

house and 159 is a 4 bed. The garage and plot 159 are both white render (house to have grey upvc windows) and number 158 is off white render and tile hung, with white upvc windows. All three buildings are proposed to have Sandtoft Rivius Antique tiles

### **Consultations:**

- County Highways Authority- standing advice offered. Content not to seek highways contributions.
- Gulworthy Parish Council – object
- Environmental Health Section - initially objected due to lack of contaminated land info. This was then provided by covered the entire of the outline allocation site and wasn't site specific to this application. This was subsequently provided and EH raised no objections subject to conditions.
- Natural England: 'We can confirm that, on the basis of the appropriate financial contributions being secured to the Plymouth and South West Devon Joint Local Plan SAMMS list, Natural England concurs with your authority's conclusion that the proposed developments will not have an adverse effect on the integrity of Plymouth Sound and Estuaries SAC and the Tamar Estuaries Complex SPA European sites'
- DCC as Lead Local Flood Authority – 19/9 initially objected due to lack of info and thus policy compliance. Requested additional information. This was subsequently provided and the objection withdrawn on 19/10/19. Further clarification was sought from DCC as LLFA and the following was offered: *'In relation to the surface water drainage for this site. Although they have removed the attenuation tank where the two houses are now proposed they have a larger tank elsewhere on the site (immediately before the sewer requisition) to accommodate this. So from a suds/LLFA point of view it is all fine.'*
- DCC as owner of adjacent railway line /transport planning authority - require additional information regarding the excavation near to the base of the railway embankment regarding structural integrity, particularly re the excavation for attenuation tanks comprising part of the drainage scheme. Additional information from the agent sent to DCC – awaiting reply from DCC at the time of writing
- DCC as Education body – content not to request education contributions
- Tree Specialist – no objection subject to condition

### **Representations:**

#### **3 letters of objection received from one objector:**

- Lack of electric vehicle charging points or low carbon additions
- Issues around contaminated land on site and its investigation and disposal
- Local energy constraints, local high mains supply voltages, concern this is not adequately considered alongside fabric first insulation and heating/water use options

## **Relevant Planning History**

1100/19/VAR - Application for variation of condition 2 (approved plans) following grant of planning permission 2780/18/ARM – approved delegated 29/11/19

957/19/VAR - Variation of condition 2 (approved plans) of planning consent 2780/18/ARM (residential development comprising 157no. dwellings with associated landscaping and drainage infrastructure) – with officer for determination

1325/19/NMM - Non-material minor amendment to approved application 2780/18/ARM-granted delegated 15/10/19

3345/18/ARM - Application for approval of reserved matters for details of appearance, landscaping, layout and scale for a residential development comprising 240no. dwellings with associated landscaping and drainage infrastructure following outline approval 00554/2013 – approved 27/9/19

2807/18/ARC - Application for approval of details reserved by conditions 1, 6, 7, 13, 16, 20, 23, 24, 25 and 26 following grant of planning consent 00554/2013 – approved 31/7/19

1111/19/ARC - Application for approval of details reserved by condition 3 of planning consent 2780/18/ARM – approved 3/7/19

0491/19/ARC - Application for approval of details reserved by condition 14 of planning consent 00554/2013 – approved 2/7/19

1281/19/ARC - Application for approval of details reserved by conditions 4, 5, 6, 8,9 and 10 of planning consent 2780/18/ARM – approved 12/6/19

0943/19/ARC - Application for approval of details reserved by conditions 12 and 17 of planning consent 00554/2013 – approved 21/3/19

2780/18/ARM – Application for approval of reserved matters for details of appearance, landscaping, layout and scale for residential development comprising 157no. dwellings with associated landscaping and drainage infrastructure following outline approval 00554/2013 – approved by committee 5/3/19

00554/2013 – outline planning permission for outline mixed use development comprising up to 750 dwellings (Use Class C3), a primary school site (Use Class D1), a local convenience store (Use Class A1), railway station related development (Sui Generis) and associated infrastructure; including detailed drawings for a new vehicular and pedestrian access from the A390 – granted 22/10/15

## **ANALYSIS**

Principle of Development/Sustainability:

The principle of 2 dwellings in this location is acceptable and policy compliant. The wider site is an allocation including housing under TTV 16 and thus 2 houses in this location is sustainable and acceptable.

The two extant approved reserved matters schemes for phase 1 and 2 approved 157 and 240 units respectively. As such these two additional units bring the numbers at present to 399 so they do not trigger the next set of contributions in the Outline s106 which 'bite' at 400 units.

#### Design/Landscape:

As above, this site has been considered in the round through its allocation and then the later outline application and larger detailed reserved matters application. It is not considered that there are any unacceptable landscape impacts of the proposal, these two dwellings sit within the wider approved development screened by the housing which is commenced and underway plus the adjacent railway embankment. It is not considered they will impact upon the AONB or WHS.

There are some mature trees adjacent to the plots and as such a tree protection plan is required to be in place prior to commencement.

Re the design, they are in keeping with the area and the design and materials of the other adjacent approved dwellings and the materials proposed are acceptable.

#### Neighbour Amenity:

The relationship between the 2 houses is acceptable and allows each of them an acceptable level of privacy, amenity and garden. Similarly the relationship between both proposed properties and plots and the existing approved adjacent plots is acceptable with no undue levels of overlooking/ overbearing nature or intrusion.

#### Highways/Access:

DCC Highways offered standing advice on this proposal both due to its scale, but also as the proposal is an extension of/encompassed within an existing approved development for which the highways and access arrangements have already been approved in detail. As such the proposal is considered acceptable in this regard.

DCC were content not to have an individual S106 for contributions on these 2 plots, however a deed of variation has been agreed to be drawn up with the case officer to ensure that these 2 units count towards the threshold triggers of unit numbers on the site so that the next trigger of 400 units can't be avoided by this full application (although at present the total number of units which would have been approved in detail would only total 399).

#### Other Matters:

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 condition, and this approach has been agreed by Natural England.

The amended drainage arrangement which is the reason that these 2 units can now be accommodated, has been confirmed by DCC to be acceptable to continue to serve both the impending wider 157 house scheme and the proposed additional 2 houses.

The properties and the proposed drainage tanks are close to the embankment. A query has been raised regarding the possibility of the development /excavation undermining this or in some way affecting its structural integrity. This has been raised with the agent and they have provided reassurance and additional information. This is currently with DCC engineers for consideration at the time of writing.

Concerns have also been raised by third parties regarding electric vehicle charging points, energy and climate change. Any shortfalls of the previous allocation or permission can not be redressed by this application. It is a full and therefore stand alone application for 2 properties. The EVCP condition will be applied to this permission.

DCC education were content not to have an individual S106 for contributions on these 2 plots, however, as with Highway contributions, a deed of variation has been agreed to be drawn up with the case officer to ensure that these 2 units count towards the threshold triggers of unit numbers on the site so that the next trigger of 400 units can't be avoided by this full application (although at present the total number of units which would have been approved in detail would only total 399).

Contamination and minerals concerns have also been raised in detail by the objector. This issue and the objection itself have been looked at carefully by the EH Specialist, however they consider that the conditions proposed combined with the information already provided satisfactorily covers these issues and that they have no further concerns regarding this aspect.

### **Conclusion:**

The proposal is acceptable in principle given it is for 2 additional residential units on a predominantly residential allocation. The design and materials are acceptable and there is sufficient amenity afforded to the new units and no undue impact on any neighbouring units or the wider landscape or historic environment.

On the basis that DCC are satisfied with the embankment stability information or content to a degree to which anything remaining can be conditioned, and either DCC do not wish for a highways contribution or it is secured through s106, it is recommended this scheme be approved.

***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  
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  
DEV1 Protecting health and amenity  
DEV2 Air, water, soil, noise, land and light  
DEV3 Sport and recreation  
DEV8 Meeting local housing need in the Thriving Towns and Villages Policy Area  
DEV9 Meeting local housing need in the Plan Area  
DEV10 Delivering high quality housing  
DEV20 Place shaping and the quality of the built environment  
DEV21 Development affecting the historic environment  
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  
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

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

### **Neighbourhood Plan – not applicable**

#### **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.

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#### **Full conditions list:**

1. Standard time limit for 3 years

2. Accord with plans:

Location Plan 1:100 0156 Rev B

18.06.152 Surface Water Calculations

152 2511 P05 Proposed Impermeable Areas Plan

Email from Sands Consulting to Bovis Homes ref change in impermeable areas dated  
15th October  
2019

0135-02-201 C Planning Layout

0135-02-202 E Materials Layout

0135-02-203 Storey Height layout

0135-02-205 A Enclosure Layout

0135-04-400 A Street scenes

1623-enclosure details

1623-garage

1623-N7-det-(bc) house type

1623-N12-(ec) house type



3. Prior to the commencement of development, the following components of a scheme to deal with the risks associated with contamination of the site shall be submitted to and approved, in writing, by the Local Planning Authority. That scheme shall include all of the following elements unless specifically excluded, in writing, by the Local Planning Authority.

A preliminary risk assessment/desk study identifying:

- All previous uses
- Potential contaminants associated with those uses
- A conceptual model of the site indicating sources, pathways and receptors
- Potentially unacceptable risks arising from contamination at the site

A site investigation scheme, based on (1) to provide information for an assessment of the risk to all receptors that may be affected, including those off site.

The site investigation results and the detailed risk assessment (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action. Any changes to these agreed elements require the written consent of the Local Planning Authority. The scheme shall be implemented as approved

Reason: The condition covers the full range of measures that may be needed depending on the level of risk at the site. If the LPA is satisfied with the information submitted with the application they can decide to delete any of elements 1 to 4 no longer required. The LPA may still decide to use the whole condition as this would allow them to declare the information no longer satisfactory and require more or better quality information if any problems are encountered in future.

4. 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.

The report shall include results of sampling and monitoring carried out to demonstrate that the site remediation criteria have been met. It shall also include, where relevant, a plan (a “longterm monitoring and maintenance plan”) for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action and for the reporting of this to the local planning authority.

Reason: Without this condition, the proposed development on the site may pose an unacceptable risk to the environment. This is listed as a separate condition as it gives the LPA the option to choose a later control point: i.e. prior to occupation, rather than commencement of the development for the main phase of the remedial works.

5. 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 [amended] investigation and risk assessment and, where necessary, a[n amended] 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

6. 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 ensure adequate mitigation of the impact of the development upon the Tamar European Marine Site.

7. Prior to the building being brought into first use, the applicant shall submit for approval, full details of proposed electric vehicle charging points to be provided, these details shall include the location, number and power rating of the charging points. This shall accord with good practice guidance on mitigating air quality impacts from developments produced by the Institute of Air Quality Management.

This agreed scheme shall be implemented as agreed and available for use prior to first occupation of any building approved by this permission, and retained as such.

Reason: in the interests of the environment, health and air quality management

8. Prior to occupation of the units hereby approved the drainage system shall be installed as approved and as detailed in the following: drainage scheme plots 158/159 SK-401A, 18.06.152 Surface Water Calculations, 152 2511 P05 Proposed Impermeable Areas Plan, Email from Sands Consulting to Bovis Homes ref change in impermeable areas dated 15th October 2019. It shall be maintained as such thereafter.

Reason: in the interests of amenity and the environment

9. Those trees shown to be retained on plan planning layout 02-201 C shall be achieved as follows:
  - (a) no equipment, machinery or material shall be brought onto the site area for the purpose of development or demolition until fencing has been erected in accordance the approved tree protection plans.
  - (b) if that fencing is broken or removed during the course of carrying out the development, it shall be promptly repaired or replaced to the satisfaction of the Council;
  - (c) the fencing shall be maintained in position to the satisfaction of the Council, until all equipment, machinery and surplus materials have been moved from the site; and
  - (d) within any area fenced in accordance with this condition, nothing shall be stored, placed or disposed of on above or below the ground, the ground level shall not be altered, no excavations shall be made, nor shall any fires be lit, without the prior written consent of the Council.

Reason: To ensure the preservation and protection of existing trees on the site.

10. Prior to commencement (other than access), a scheme of hard and soft landscaping shall be submitted to and approved in writing by the Local Planning Authority. The Landscape Scheme shall be prepared by an appropriately qualified professional and shall include:

- location, number, species, density, form and size of proposed tree, hedge and shrub planting;
- the method of planting, establishment and protection of tree, hedge and shrub planting;
- maintenance schedules for the establishment of new planting for a minimum period of 5 years;
- details, including design and materials, of ancillary structures such as bin stores and signage;
- the construction method, facing and ground profile of any planted banks; and
- materials, heights, levels and extent of hard landscape treatment, including access points, tracks, roads and any hardstanding areas.

All elements of the Landscape Scheme shall be fully implemented within the first planting season following reasonable completion or occupation of the dwellings (whichever is sooner), and maintained in accordance with the approved details unless otherwise agreed in writing by the local planning authority. Any plants that die, are damaged, removed or fail to thrive within the first five years after planting shall be replaced with the same size and species in the following planting season, unless otherwise agreed with the local planning authority.

Reason: To protect visual amenity and the character of the area and to ensure a satisfactory environment.