

## PLANNING APPLICATION REPORT

**Case Officer:** Oliver Gibbins

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

**Application No:** 4092/19/FUL

**Agent:**

Rowan Edwards Ltd  
21 Plymouth Road  
Tavistock  
PL19 8AU

**Applicant:**

Mr & Mrs M Wood  
Hurdwick House  
Hurdwick Golf Course  
Devon  
PL19 0LL

**Site Address:** Hurdwick Golf Club House, Hurdwick, Tavistock, PL19 0LL

**Development:** Construction of new dwelling on site of redundant golf house

### Reason item is being put before Committee

Cllr Moody:

As it is a 'new-build' (not just a renovation/ extending of the existing building which, incidentally, is not a 'residential' building) in an unsustainable position in the open countryside beyond the Tavistock settlement boundary with no public transport, pedestrian or cycle links to Tavistock, surely it could be argued that it fails to accord with the new JLP.

It causes me concern as there is no definition in the JLP of settlement boundaries in Tavistock, I would be very concerned or this would be used as a precedent for other developers wishing to develop in other areas around the outskirts of Tavistock like Violet Lane for example.

I am minded to call this to committee for these reasons of planning uncertainty and to allow the committee to fully debate all the issues in relation to the JLP.



## **Recommendation: Approval**

### **Conditions**

Commencement  
Approved plans;  
Tree protection;  
Landscape plan;  
Material sample;  
Drainage.  
Tamar Valley Mitigation Contribution

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

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

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### **Site Description:**

The site is located on the eastern side of the Tavistock to Chillaton Road, about 1km north of Tavistock. The site forms part of the redundant Hurdick Golf Club.  
The proposed site is a currently disused clubhouse to the now redundant golf course on the site.  
The clubhouse is a single storey, timber clad building situated on an elevated position above the surrounding fields/course.

The site is not within an AONB and set within the collection of buildings on the site.

### **The Proposal:**

This is a planning application for a detached single storey dwelling. The dwelling has a hipped roof and will be finished with render, stone and a slate roof.

### **Consultations:**

- County Highways Authority – No Highway Implications.
- Drainage – No objection.
- Town/Parish Council – Object - >Unjustified loss of a recreational facility, contrary to Policy DEV 3 (JLP);  
Unjustified development in the countryside, contrary to Policy TTV 26 (JLP);  
Badly located with regard to public services, this will require the inevitable use of a private car, contrary to Policy SPT2 (JLP).
- Natural England - Therefore, we advise that specific measures will be required to prevent such harmful effects from occurring as a result of this development. We recommend that permission should not be granted until such time as the implementation of these measures has been secured.

### **Representations:**

None reported.

### **Relevant Planning History**

1556/19/FUL - Change of use of redundant clubhouse to dwelling  
Approved.

### **ANALYSIS**

Principle of Development/Sustainability:

The site is located to the north of Tavistock and in planning policy terms is in the countryside. Policy TTV1 (4) identifies that development in the countryside will only be permitted where it meets the principles of sustainable communities (SPT1 and 2) and provided for in Policies TTV26 and TTV27. TTV27 can be discounted as this development is not providing affordable housing.

In terms of Policy TTV26 this site cannot be considered isolated as is located less than 1km from Tavistock and is part of a group of buildings. This is taking into account the Braintree judgement.

However part 2 of Policy TTV26 can be considered.

As this is an open market dwelling that is replacing an existing building that is a disused clubhouse for a redundant golf course paragraphs ii, and v are not appropriate and can be discounted..

This development will not adversely impact on public rights of way or bridleways (paragraph (i)). The site is a disused club house for a golf course and therefore will not impact upon agricultural operations or other existing viable uses (paragraph (iii)) nor does it use the best and most versatile agricultural land (paragraph (vi))

Therefore the development needs to be considered in relation to how the development will enhance the immediate setting of the site and include a management plan (paragraph (vi)). This will be considered in a Design and Landscape section of this report.

There is a significant material planning consideration that needs to be taken into account.

Planning permission has been granted under application 1556/19/FUL for the conversion of the redundant club house into a detached dwelling. This is a material consideration in the determination of this planning application as the Council have already accepted the principle of residential accommodation in this location and this is a fallback position. A fall-back exists where there is a real prospect, which means no more than a possibility that the landowner will go ahead and implement an alternative permission. Whether a fall-back exists is a matter of planning judgement. In the instant case, it is plainly necessary for members to take account of the fall-back of implementing the earlier permission which is an option available to the landowner. Not to do so would be a failure to have regard to a material consideration.

In this instance the conversion, and therefore the principle, of residential development has been accepted. The applicants have confirmed that the development would be better to be rebuilt with a more thermally efficient building. This does not discount a conversion and therefore there is a clear fall back position.

The Town Council have raised as concern about the loss of leisure facilities. It is understood that the golf course has been closed for over 3 years and is not in use. As a result no objection to the loss of the facilities can be substantiated.

#### Design/Landscape:

The new dwelling will replace an existing building with a similar scale dwelling and position. The dwelling sits above the ground level and has been designed to reflect local context. The new dwelling will be larger than the existing dwelling, measuring less than 20% bigger than the existing footprint. As a result it can be considered to comply with Policy TTV29.

In design terms the proposed dwelling is a single storey building which has a slate roof, with Hurdwick Stone columns and facing details, with render walls and timber effect uPVC doors and windows. The design is considered to be appropriate for the context of the site and will be compatible with the character and appearance of the area. It therefore helps to enhance the immediate setting of the site in accordance with paragraph (vi) of Policy TTV26(2)

#### Neighbour Amenity:

It is not considered that this development will result in a significant loss of residential amenity.

#### Highways/Access:

The Local Highway Officer has confirmed that there are no highway implications as a result of this development. In addition to a garage there are two spaces proposed and this complies with the emerging SPD.

Other Matters:

Sufficient details have been submitted in terms of drainage and as such there is no objection to this from the drainage officer.

There has been some concern about the location near a quarry. It has been confirmed that the site is not within a Devon County Council Minerals Consultation Zone.

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.

This development will replace an existing building which has poor thermal efficiency. In this instance the rebuilding of the building with modern materials and insulation will comply with the energy hierarchy and DEV32.

***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  
TTV1 Prioritising growth through a hierarchy of sustainable settlements  
TTV2 Delivering sustainable development in the Thriving Towns and Villages Policy Area  
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  
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  
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 11 and guidance in Planning Practice Guidance (PPG).

### **Neighbourhood Plan**

None identified.

### **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.

## **Schedule of conditions:**

The development to which this permission relates must be begun no 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, Garage Plans, GF Plan, Proposed Elevations and Block Plan received by the Local Planning Authority on 17/12/2019.

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 development hereby approved shall be carried out in such a manner as to avoid damage to the existing trees and hedgerows as shown on the plans, including their root systems, or other planting to be retained as part of the landscaping scheme, by adopting the following:

- (i) All trees to be preserved should be marked on site and protected during any operations on site by a fence.
- (ii) No fires shall be lit within the spread of the branches of the trees
- (iii) No materials or equipment shall be stored within the spread of the branches of the trees
- (iv) Any damage to the trees shall be treated with an appropriate preservative.
- (v) Ground levels within the spread of the branches of the trees shall not be raised or lowered in relation to the existing ground level, or trenches excavated, except in accordance with details shown on the approved plans.

Reason: To protect the existing trees and hedgerows in order to enhance the amenities of the site and locality.

Prior to the installation of the external stone a sample 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 ensure a good quality external finish.

Notwithstanding the submitted information, no development shall be commenced until full details of the most sustainable drainage option has been submitted to and approved in writing by the Local Planning Authority (LPA). Design steps as below:

Soakaway testing to DG 365 to confirm the use of soakaways or to support an alternative option. Three full tests must be carried out and the depth must be representative of the proposed soakaway. Test results and the infiltration rate to be included in the report.

SuDS to be designed for a 1:100 year event plus 40% for climate change and it should be reliant on gravity rather than any pumping system.

The site is within a Critical Drainage Area which means that any surface water leaving the site must be limited to the 1:10 year green field runoff rate.

If the calculated Greenfield runoff rate is too small to be practically achievable, then a maximum offsite discharge rate of 1.0l/s can be considered. Which is achievable in most cases with suitable pre-treatment and shallower storage depth.

If the Local Planning Authority concludes that the method of drainage approved as part of this permission is undermined by the results of the percolation tests, a mitigating drainage alternative shall be agreed with the Local Planning Authority.

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.

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. Due to the scale of the development and site being within CDA, pre-commencement conditions are considered necessary to ensure workable drainage solution is in place prior to work commencement.