

West Devon Development Management and Licensing Committee



West Devon
Borough
Council

Title:	Agenda								
Date:	Tuesday, 31st October, 2023								
Time:	10.00 am								
Venue:	Chamber - Kilworthy Park								
Full Members:	<p style="text-align: center;">Chairman Cllr Cheadle Vice Chairman Cllr Southcott</p> <p><i>Members:</i></p> <table style="margin-left: auto; margin-right: auto;"> <tr> <td>Cllr Cunningham</td> <td>Cllr Mann</td> </tr> <tr> <td>Cllr Guthrie</td> <td>Cllr Moody</td> </tr> <tr> <td>Cllr Jory</td> <td>Cllr Mott</td> </tr> <tr> <td>Cllr Leech</td> <td>Cllr Wakeham</td> </tr> </table>	Cllr Cunningham	Cllr Mann	Cllr Guthrie	Cllr Moody	Cllr Jory	Cllr Mott	Cllr Leech	Cllr Wakeham
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Cllr Jory	Cllr Mott								
Cllr Leech	Cllr Wakeham								
Interests – Declaration and Restriction on Participation:	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.								
Committee administrator:	Kathy Hoare - Democratic Services Specialist								

1. Apologies for Absence

2. Declarations of Interest

In accordance with the Code of Conduct, Members are invited to declare any Disclosable Pecuniary Interests, Other Registerable Interests and Non-Registerable Interests including the nature and extent of such interests they may have in any items to be considered at this 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

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Meeting held on 3 October 2023

5. Planning Applications

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:

<https://apps.westdevon.gov.uk//PlanningSearchMVC/>

Ward:	Exbourne
Application number:	0466/23/FUL
Location:	"Westacre", Sampford Courtenay
Proposal:	Erection of farm shop with on-site parking and landscaping

Ward:	Tavistock North
Application number:	1318/23/FUL
Location:	The Kiosk, Bus Station, Plymouth Road, Tavistock, PL19 8AY

(a) 0466/23/FUL

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(b) 1318/23/FUL

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- 6. Planning Appeals Update** **37 - 38**
- 7. Update on Undetermined Major Applications** **39 - 40**

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Agenda Item 4

Minutes of a meeting of the **WEST DEVON DEVELOPMENT MANAGEMENT & LICENSING COMMITTEE** held on **TUESDAY** the **3rd** day of **October 2023** at **10.00am** in the **COUNCIL CHAMBER, KILWORTHY PARK**

Present Cllr T Southcott – Chairman

Cllr A Cunningham	Cllr T Leech
Cllr M Ewings	Cllr U Mann
Cllr S Guthrie	Cllr J Moody
Cllr N Jory	Cllr C Mott

Cllr S Wakeham

Head of Development Management (JH)
Senior Planning Officer (BH)
Monitoring Officer and Head of Legal Services (DF) (Via MS Teams)
Senior Democratic Services Officer (KH)

***DM&L.15 APOLOGIES FOR ABSENCE**

Apologies were received from Cllr Ric Cheadle for who Cllr Mandy Ewings substituted.

***DM&L.16 DECLARATION OF INTEREST**

Cllr Mott declared she had received an email from the applicant of application 1314/23/OPA. Some other Members had received the same email.

Cllr Ewings declared her daughter had married a person with the surname 'Kneebone' which was the same surname as the applicants for planning application 1314/23/OPA, but was not sure they were related.

***DM&L.17 URGENT BUSINESS**

There was no urgent business brought forward to this meeting.

***DM&L.18 CONFIRMATION OF MINUTES**

The minutes from the Committee meeting held on 5 September 2023 were approved as a true and correct record.

***DM&L.19 PLANNING, LISTED BUILDING, TREE PRESERVATION ORDER AND ENFORCEMENT REPORTS**

The Committee proceeded to consider the reports that had been prepared by the relevant Planning Officer on the following applications 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:

(a) Application No. 1314/23/OPA Ward: Okehampton North

Site Address: Land at SX 567 996, Inwardleigh

Development: Outline planning application (with all matters reserved apart from access) for up to four holiday units and stable block

Recommendation: Refusal

Key issues for Committee consideration:

- **Principle of development**
- **Proven need for a countryside location**
- **Proven need for holiday accommodation**
- **Highways**
- **Biodiversity**
- **Drainage**
- **Low carbon**

Following the case officer's presentation of the application and her report, in response to a statement made by the applicant in the email that had been sent to members of the Committee, the Head of Development Management explained when a Planning Officer reviews any application, the higher level strategic policies within the Plymouth and South West Devon Joint Local Plan are looked at first. In the case of this application those policies identified that the application site is in a rural and unsustainable location and therefore 'in principle' would fail to meet the SPT policies of the Plan. The Planning Officer would then look at the TTV policies, which allocate development to certain areas and identify where development should be located, followed the DEV policies which look at the more detailed aspects of the application.

The applicant then addressed the Committee. He stated he farmed in Devon and Cornwall and ran holiday lodge accommodation and a 60 day camp site. He stated that he worked with an equestrian centre in Launceston where a similar equestrian business is established. The centre approached the applicant as they are full to capacity and cannot expand on their site. Staff for the site would be sourced locally and he felt this application would benefit the local economy.

The applicant was asked when the site was last used for equestrian use and he stated it was used last year for certain events but not used for long term use for some years.

The Ward Member spoke on the application, stating that he felt the detailed policies were important and in a rural area diversification was an important consideration.

In debate, policy DEV 32 was queried. The Planning Officer clarified that the proposal was contrary to the aims of the policy rather than specific parts of the policy. It was argued by a Member that in rural areas public transport was limited. A member voiced concerns over broadband connectivity to the site and the access out on to the main road for vehicles leaving the site.

Committee Decision: Refusal

(b) Application No. 4490/22/HHO Ward: Tavistock South-West

Site Address: 58 Whitchurch Road, Tavistock PL19 9BD

**Development: Readvertisement (revised plans)
Householder application for proposed demolition of single story garden room and erection of two storey extension, over cladding of existing external envelope with insulation, slating and render systems and replacement windows and doors with thermally broken PPC aluminium and new porch to north east elevation**

Recommendation: Refusal

Key issues for consideration:

- **Design, scale and massing.**
- **Visual impact on the host dwelling and its setting.**

The use of zinc cladding was questioned as it was stated in the report as not in keeping with the area but a Member felt it was within the remit of being of low carbon material and acceptable within policy DEV 20 in the Joint Local Plan.

In debate the size of the proposed extension was raised and there was disagreement to the Officer recommendation of refusal due to size and impact as they felt it was not an issue and it would not be visible from the road.

Another member stating the wrap around extension was an attempt to bring a low carbon element to the property.

The Head of Development reminded the Committee that the size and scale of the extension was the reason for the proposed refusal.

**Committee decision: Conditional Consent.
Conditions to be agreed by the Head of Development Management, in consultation with the Chairman and Vice Chairman of the Development and Licensing Committee**

***DM&L.20 PLANNING APPEALS UPDATE**

The Head of Development Management took Members through an application that was dismissed at Morwell ham Dam Bungalow, Morwellham, for a holiday let. The second appeal was at Brook Barn, Milton Combe for a householder application for an extension as a replacement for an existing conservatory. This was a split decision and the Inspector agreed the extension should be dismissed but allowed the slight increase in the size of the two accesses on the basis that it had a neutral effect on the conservation area and AONB.

***DM&L.21 UPDATE ON UNDETERMINED MAJOR APPLICATIONS**

There were no questions on this item.

(The Meeting ended at 11.30am)

Chairman

PLANNING APPLICATION REPORT

Case Officer: Peter Whitehead

Parish: North Tawton **Ward:** Exbourne

Application No: 0466/23/FUL

Agent/Applicant:

Mr Ian Little - Exbourne Planning Services
Exbourne Planning Services
Fenlea
Exbourne
EX20 3QS

Applicant:

Earl & Bullingham - Taw Valley Dairy
Westacre
EX20 2SE

Site Address: Westacre, Sampford Courtenay, EX20 2SE



Development: Erection of farm shop with on site parking and landscaping

Reason item is being put before Committee: Committee to consider the tension between the economic benefits of local businesses in rural locations with respect to policies DEV15 and DEV32

Recommendation: Refusal

Reasons for refusal:

1. The site is located in the countryside where development will be permitted only if it can be demonstrated to support the principles of sustainable development and sustainable communities. No exceptional circumstances have been identified to justify the siting of the farm

shop in an isolated location in the open countryside. The site is not considered to be safely or suitably located to encourage access on foot or by bicycle or by regular and convenient public transport and significant numbers of customers of the farm shop would therefore likely rely upon private car use, leading to the conclusion that the proposal would fail to deliver a sustainable pattern of development. The proposal is therefore contrary to Policies SPT1, SPT2, TTV1, TTV26 and DEV15 of the Plymouth and South West Devon Joint Local Plan 2014 – 2034.

2. The development, by reason of its location in the open countryside, remote from other buildings and development, would constitute an unrelated and incongruous feature in the rural landscape, detract from its pleasant character and appearance by day and, during the hours of darkness, eroding the intrinsically dark landscape in which the development would be situated, contrary to Policy DEV23 of the Plymouth and South West Devon Joint Local Plan 2014 – 2034 and Policies CH2 and CH3 of the North Tawton Neighbourhood Plan 2016 – 2034.
3. The submitted surface water drainage details fail to demonstrate compliance with the drainage hierarchy, specifically that it would be unfeasible that surface water be disposed of via above-ground SuDS components. In the absence of such evidence, the proposal is considered to conflict with Policy DEV35 of the Plymouth & South West Devon Joint Local Plan 2014-2034.

Key issues for consideration:

Principle of development/sustainability, Design/landscape, Biodiversity, Neighbour amenity, Highways/access, Drainage, Low carbon development

Financial Implications (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.

Site Description:

The applicant's dairy farm, Westacre, is situated in the countryside approximately 1.5 miles (by road) south-east of the village of Sampford Courtenay and approximately 1.8 miles (by road) to the south-west of the village of North Tawton.

The application site comprises a relatively flat triangular field laid to pasture, which is bounded by tall unmanaged hedges and trees.

The field adjoins the B3215 to the north and an unnamed narrow lane to the east. Access into the field is available from both these roads.

The buildings at Westacre, comprising a residential bungalow together with various outbuildings, adjoins this lane to the east.

Torre Cottage, a Grade II listed dwelling, lies to the north of Westacre. Although the application site extends to the western boundary of the field, on the opposite side of the lane from Torre Cottage, the development to which this application relates lies at the opposite end of the field and the listed cottage would not be materially affected by the development by virtue of intervening distance, hedging and trees.

The site is within open countryside but is otherwise free of specific spatial planning constraints.

No public rights of way adjoin or pass through the site. Indeed, there are no public footpaths or bridleways close to the site.

The land is indicated to be Grade 4 (Poor) agricultural land having regard to the South West Region Agricultural Land Classification map (Natural England 2010).

The Proposal:

The application proposes the construction of a building for use as a farm shop to support the growth of the existing dairy farm. The building would measure some 14m long approx. x 4.8m wide x 3m in height, with a floor area of some 63m². The building would be externally clad with timber and have a grey tiled roof, the south-facing side of which would be fitted with solar panels.

Internally, the submitted floor plan shows that the building would largely be open, with space for display of farm produce and other retail items. One end of the building would accommodate fridges and freezers. A counter is shown by the door with till and coffee sales. A seating area is also shown.

The farm shop be accessed via a driveway formed off the B3215 to the north, and the site layout depicts a total of 12 car parking spaces adjoining this access drive, together with turning space and access for delivery vehicles. The driveway and car parking would be surfaced with crushed stone. Space for cycle parking is also shown and three of the car parking spaces are indicated to have 'electric car charging pods.'

In terms of landscaping, new deciduous hedging is proposed along the boundary with the B3215, to the west of the access, and along the access drive into the site. The area around the building to the south and west is shown grassed. Surface water would be directed to a drainage swale within the field to the east. No foul drainage arrangements are shown or proposed.

The submitted Design and Access Statement provides detail on the applicant's dairy business and their proposed use of the farm shop, and further detail and clarification has been provided in a follow-up letter.

The applicants run a dairy enterprise selling milk and dairy products from their holding at Westacre Farm. As well as milk from their Jersey herd one of their popular products developed over time is ice-cream, which has sold well and proven popular with retail outlets and at outdoor events nationally. The applicants also sell meat products from the farm.

The applicants explain that they initially dairy production with a small herd of Jersey cows initially producing up to 250 litres of milk a week. In 2018, they had 30 Jersey cows. By 2023, this had grown to a milking herd of 100 Jersey cows.

The applicants currently sell milk directly to customers from Westacre using a fridge and honesty box but also sell milk, ice cream, beef and lamb from their own processing room during the hours of 9am - 3pm. They also provide milk and ice cream to 65 stockists including farm shops, village shops, local pubs, restaurants and community stores and sell nationally via 'Pipers Farm'. They also attend local events to promote their products and sell ice-cream.

Other dairy products such as butter, cream and cheese are also being developed. They have also looked at diversifying into other products based on their livestock and are producing a moisturising milk soap with a third party and making leather goods such as belts and shoes, again in collaboration with local craftspeople.

In order to maximise their return and control the marketing of their products and further consolidate and establish the business they propose a farm shop to sell direct to the public.

The applicants' submitted commentary further explains as follows:

“The business is based on a ‘nature and wildlife friendly farming’ model and the applicants actively engage with the wider public to promote that. This includes farm tours and walks and holding an annual summer open day on the farm. They have also set up and run the Rowden Wildlife Project which promotes nature friendly farming and wildlife.

There are a number of mixed habitats on the farm and the applicants engage with different user groups to survey wildlife on their farm including moth enthusiasts and botanists. They have also planted over 25,000 trees on the farm. They also use their Belted Galloway cattle and pedigree Dartmoor ponies as a conservation land management tool.

The business is therefore based on a successful mixed enterprise of dairy supported by beef and sheep thriving on a sustainable and wildlife friendly holding. The applicants actively engage with the public to promote that.

The model has proven successful and in its simplest terms the applicants have outgrown the Westacre Farm site and need additional retail space for their products. The proposed farm shop will satisfy that need while maintaining the sustainable and wildlife friendly farming model. It will be a low impact enterprise and have very little detrimental impact in the context of its setting.”

“The applicants will primarily sell their own products all produced on the holding to include milk, ice cream, beef, lamb, mutton, eggs and animal products from their holding made from leather and wool.

These include collaborations with local businesses like The Dartmoor Soap Company, Green Shoes and LG Leather and with local artists like Marielle Ebner-Rijke and Chloe Blount Monk selling animal and wildlife prints based on their own livestock and their farm and surrounding area. These are existing Taw River Dairy products. A small proportion of the products (less than 10% in line with current legislation) will be made by local craftspeople to include fruit and vegetables and jams and pickles made from local crops.

The primary products will therefore be farm produce from their own farm, supplemented by some local crafts peoples products which utilise in part products from the farm as well.”

“The shop will not sell hot food but it will have a seating area within it. The seating area will have less than 10 seats and therefore there are no toilets included in the design. The shop is designed to be a functional retail outlet for their farm products and as such it is not a ‘café or restaurant’ type destination requiring toilets and wash rooms. It is envisaged and intended that people will come to buy their products and then leave.”

Officers have sought clarification from the applicants regarding the possibility of providing their retail outlet in a village such as North Tawton or Sampford Courtenay. The agent has responded to advise as follows:

“Having a retail unit in a town or on an industrial estate does not allow customers to see the sustainable farm business the applicant operates. Being in a retail unit would also require them to travel to and from the site each day and be off site for times which is not best suited to farming and animal husbandry. Being on site allows them to move shop stock to and fro easily and reduces their carbon footprint. It is also prohibitive on price to relocate as they would have to pay rent.

The applicants want to present a ‘farm shop’ experience and this location works well as it has open land to the east that can graze animals and act as an educational element to the farm shop. That is part of their business plan and can only work in this setting. It would not work in town or on an industrial estate.

There are no other buildings available at Westacre as they are all used to capacity and

they are already outgrowing them. This has driven the need to expand and invest in the farm shop. They cannot expand within the site as there are no other buildings available and the site access off the main road cannot serve a business. They have to build the shop elsewhere and in a location that is near to the farm but also has safe access. This was discussed with the highway authority prior to submitting the application.”

In terms of access the agent also explains “any chance to expand [at Westacre] is limited by the lack of available buildings and also the sub standard site access from the highway. They cannot improve the junction as there is a railway bridge over the road at the junction. Moving to a site with a visible road side presence and safe access with parking will allow them to increase sales in line with increasing demand.”

“The application site is the best place to do that as it is intimately linked to the farm buildings to the east and has good off-road access (which is a significant limiting factor at Westacre) to encourage people to visit the site.”

“The only way to expand and be viable is to sell from their own shop on site. This reduces their exposure to rental and tenancy issues, it reduces their carbon footprint by remaining on site (customers having to travel to a shop regardless of its location) and it also allow them to manage the farm and graze their livestock next to the shop.

The sustainable transport plan relies on promoting sustainable transport options and monitoring compliance with them. This focuses mainly on promoting the buses that pass the site which will stop as required, also promoting customers to car share and also the use of both e-vehicles and bicycles.

This relies on third party good will in common with every sustainable transport plan, the important fact being that these options are available and will therefore be actively promoted.”

“The proposal will also retain and create employment opportunities and ensure the future viability of the farm for the applicant and his family in the area, which is an important socio economic consideration. The farm shop will still be seen in the context of Westacre to the east and have a functional connection through the adjoining field and grazed livestock that connect both the farm and the shop.”

In terms of employment, the application form lists 3 full-time members of staff and 1 part-time member of staff at present, with proposed employees listed as 5 full-time and 2 part-time. The proposed farm shop would thus create local employment.

The proposed opening hours of the farm shop are given as 08.30 – 18.00hrs Monday – Saturday and 08.30 - 12.00 Sundays.

Consultations:

- North Tawton Parish Council - North Tawton Town Council Neighbourhood Plan was made on 25th May 2021. The application complies with the relevant policies of the Neighbourhood Plan but the Council are concerned about the ecology and the access onto a National Speed Limit and would recommend that a more robust ecology report be provided by the applicant by a qualified ecologist and include details of the biodiversity net gain. The Council would also like the planning officers to consider imposing a new speed restriction to cover the access to the site
- County Highways Authority - The proposals were the subject of pre-application discussions and site meetings with the applicant, and the plans generally are acceptable and take on board the comments and recommendations that the highway authority made at that time. The detail that requires amendment though, prior to the plans being acceptable to the highway authority, is the distance from the carriageway edge to any (inwardly opening) gate (and possibly the concrete apron too - but this is not critical) shown as 'A-C' on Drawing Exe/5. This should be 6

metres rather than 5 metres, to enable any vehicle to wait clear of the carriageway while the gates are being opened. 5 metres is insufficient.

The highway authority reserves the right to comment further upon the receipt of amended plans. Alternatively, if the planning authority would prefer, even though this a 'full' application, the highway authority would be prepared to recommend the imposition of suitable conditions on any planning permission instead.

- Environmental Health Section - There are no environmental health implications of this application. The applicant should contact the commercial team of environmental health for advice regarding food hygiene requirements.
- Sampford Courtenay Parish Council – no comment as neighbouring Parish
- Tree Officer - The submitted information has been principally reviewed in accordance with the Plymouth & South West Devon Joint Local Plan 2014-2034, BS5837:2012 Trees in relation to Design, Demolition & Construction & further additional industry best practise guidance, policies and legislation as required.
An assessment of the application has been undertaken by way of a desktop study of G.I.S. and aerial imagery. It is concluded there to be no significant arboricultural features present on or off site that may bear potential to act as material constraints to the application on strictly arboricultural merit.
Recommendation No objection on arboricultural merit subject to submission of the following information prior to/ after any commencement on site including any demolition or earthworks.
 1. Tree Protection Plan in accordance with BS5837 2012
- Police Designing Out Crime Officer – provides advice on alarm systems, locks and CCTV

Representations:

One letter of representation has been received which supports the application, considering that a local shop for local produce is needed, that the proposal is of the perfect scale and the site is easy cycling from North Tawton and Sampford Courtenay.

Relevant Planning History

None

ANALYSIS

Principle of Development/Sustainability:

The highest level policy within the JLP is SPT1, which creates an overarching framework for how sustainable development is anticipated to be delivered across the plan area, and creates the foundation for all subsequent policies within the plan. With regard to ensuring that economic development within the plan area is sustainable and compatible with the local and national climate emergencies, the expectation is for applications to contribute to a;

1. A sustainable economy where:

- i. Opportunities for business growth are both encouraged and supported.
- ii. Environmentally conscious business development takes place.
- iii. Strategically important economic assets are protected for the purpose of economic activity.
- iv. A low carbon economy is promoted.

The relevant spatial policy that seeks to ensure these aims are met is TTV1 – Prioritising growth through a hierarchy of sustainable settlements. The proposal site sites within a tier 4 location ‘smaller villages, hamlets and countryside’ on account of its countryside location, wherein TTV1(4) sets out that “development will be permitted only if it can be demonstrated to support the principles of sustainable development and sustainable communities (Policies SPT1 and 2) including as provided for in Policies TTV26 and TTV27.”

TTV27 concerns meeting local housing needs in rural areas and is not relevant to this application.

TTV26 (Development in the countryside) sets out as follows:

“The LPAs will protect the special characteristics and role of the countryside. The following provisions will apply to the consideration of development proposals:

1. Isolated development in the countryside will be avoided and only permitted in exceptional circumstances, such as where it would:
 - i. Meet an essential need for a rural worker to live permanently at or near their place of work in the countryside and maintain that role for the development in perpetuity; or
 - ii. Secure the long term future and viable use of a significant heritage asset; or
 - iii. Secure the re-use of redundant or disused buildings and brownfield sites for an appropriate use; or
 - iv. Secure a development of truly outstanding or innovative sustainability and design, which helps to raise standards of design more generally in the rural area, significantly enhances its immediate setting, and is sensitive to the defining characteristics of the local area; or
 - v. Protect or enhance the character of historic assets and their settings.
2. Development proposals should, where appropriate:
 - i. Protect and improve public rights of way and bridleways.
 - ii. Re-use traditional buildings that are structurally sound enough for renovation without significant enhancement or alteration.
 - iii. Be complementary to and not prejudice any viable agricultural operations on a farm and other existing viable uses.
 - iv. Respond to a proven agricultural, forestry and other occupational need that requires a countryside location.
 - v. Avoid the use of Best and Most Versatile Agricultural Land.
 - vi. Help enhance the immediate setting of the site and include a management plan and exit strategy that demonstrates how long term degradation of the landscape and natural environment will be avoided.”

With regard to whether the proposal constitutes ‘Isolated development in the countryside’ it is first necessary to examine the meaning of the word ‘isolated.’

In this regard, the LPA is applying the Bramshill Ruling City & Country Bramshill Ltd v Secretary of State for Housing, Communities and Local Government & Ors (2021) EWCA Civ 320 when considering whether a proposal site should be described as ‘isolated’ in planning terms. In terms of isolation, in applying the Bramshill ruling, “...the word “isolated” in the phrase “isolated homes in the countryside” simply connotes a dwelling that is physically separate or remote from a settlement. Whether a proposed new dwelling is or is not “isolated” in this sense is a matter of fact and planning judgement for the decision-maker in the particular circumstances of the case in hand.”

In this case, the application site as a whole adjoins the applicant’s property, Westacre, and a second dwelling, Torre Cottage, to the east. These two dwellings would not reasonably constitute a ‘settlement’ for the purposes of applying the Bramshill ruling, and the nearest obvious settlement, Sampford Courtenay, lies approximately 1.5 miles from the site. On this basis, the site is physically separate or remote from a settlement and it is thus only reasonable to conclude that the site should be considered ‘isolated’ and the farm shop to ‘isolated development in the countryside.’

In this regard, the proposal would not “i. Meet an essential need for a rural worker to live permanently at or near their place of work in the countryside and maintain that role for the development in

perpetuity; ii. Secure the long term future and viable use of a significant heritage asset; iii. Secure the re-use of redundant or disused buildings and brownfield sites for an appropriate use; iv. Secure a development of truly outstanding or innovative sustainability and design, which helps to raise standards of design more generally in the rural area, significantly enhances its immediate setting, and is sensitive to the defining characteristics of the local area; or v. Protect or enhance the character of historic assets and their settings.”

Whilst some support is provided to the proposal by TTV26(2) insofar as the proposal would “iii. Be complementary to and not prejudice any viable agricultural operations on a farm and other existing viable uses”, the proposal does not meet any of the ‘exceptional circumstances’ to justify isolated in the countryside. There is thus a fundamental conflict with Policy TTV26(1) with regard to the siting of the proposal and lack of exceptional circumstances to justify ‘isolated development in the countryside.’

As the proposal has a clear economic and business focus, policy DEV15 is also of particular relevance. The policy needs to be considered as a whole, and with the broader policy framework of the JLP providing context to this. The first sentence creates the basis upon which the individual criterion are applied, which is that “Support will be given to proposals in suitable locations which seek to improve the balance of jobs within the rural areas and diversify the rural economy.”

DEV15(5) is of note setting out that “The creation of new, or extensions to existing, garden centres or farm shops in the open countryside and unrelated to a settlement will only be permitted if the proposed development is ancillary to, and on the site of, an existing horticultural business or existing farming operation, and provided that 75% per cent of the goods sold will be produced within the immediate and adjoining parishes.”

In this case, the farm shop would lie in the open countryside unrelated to a settlement but is on the site of an existing farming operation. It is clear from the supporting information provided on behalf of the applicants that it is intended that a proportion of the products to be sold would be produced off-site. Whilst the details provided are not precise and products sold could vary over time, a condition could be used to limit the range of products sold and the proportion of products made on site/in immediate and adjoining Parishes to secure compliance with this element of DEV15 and retail policy generally.

However, whilst accepting that the proposal would support the growth and diversification of the farm and create employment, the starting point to consider the principle of the development is whether the location of the site itself is ‘suitable’ and in this regard it is again necessary to consider where the site lies within the settlement hierarchy, and conclusions drawn with regard to the above policies.

DEV15(8) sets out four criteria via which the suitability of a development proposal’s location should be gauged:

“Development proposals should:

- i. Demonstrate safe access to the existing highway network.
- ii. Avoid a significant increase in the number of trips requiring the private car and facilitate the use of sustainable transport, including walking and cycling, where appropriate. Sustainable Travel Plans will be required to demonstrate how the traffic impacts of the development have been considered and mitigated.
- iii. Demonstrate how a positive relationship with existing buildings has been achieved, including scale, design, massing and orientation.
- iv. Avoid incongruous or isolated new buildings. If there are unused existing buildings within the site, applicants are required to demonstrate why these cannot be used for the uses proposed before new buildings will be considered.”

With regard to these criteria:

- i) no objection to the proposal is raised by the Local Highway Authority;
- ii) A Sustainable Travel Plan has been provided.

- iii) The building is remote from the existing group of buildings at Westacre and it is not considered that it would have a positive relationship to them.
- iv) The building can only reasonably be considered 'isolated', again having regard to the site's location in the open countryside remote from any defined settlement.

With regard to point ii), as noted a Sustainable Travel Plan has been provided. This details the provision of electric car and bicycle charging points and the intention to encourage staff and customers to car share. The Plan also notes that "There is a regular bus service to and from Okehampton that passes the site. The applicant will ask that the farm shop be included on that route to encourage public transport use. That has been achievable on other sites as the service provider wants to increase its service users. The site is located on a primary route with numerous existing private car and public transport vehicle movements" and advises that the applicant will contact the bus company to arrange a stop at the shop.

Officers have given consideration to the Sustainable Travel Plan but are not persuaded that the measures identified would prevent a significant number of trips to the farm shop by private car having regard to its isolated location.

Whilst the farm shop may attract passing trade from vehicles already passing by the site along the B3215, it is considered the isolated and remote location, and siting on an unlit road with no footways where the national speed limit applies, would dissuade potential customers from walking to the site, and indeed cycling.

Whilst some buses do serve the villages of Sampford Courtenay and North Tawton, officers have not identified existing services that pass the application site, and regularly and conveniently so, that could offer customers a viable alternative means to reach the site than reliance upon private car. Accordingly, whilst the intentions of the Sustainable Travel Plan are noted, in reality it is considered likely that the vast majority of customers to the farm shop would travel by private car, and officers are not persuaded that the proposal would comply with DEV15(8)(ii) and "Avoid a significant increase in the number of trips requiring the private car and facilitate the use of sustainable transport, including walking and cycling, where appropriate."

In conclusion, whilst it is understood and appreciated that the proposal could facilitate job creation and diversification of the rural economy, the starting point and foremost consideration is whether the site lies in a 'suitable' location.

It has already been found that the site is 'isolated' and that the proposal constitutes 'isolated development in the countryside' with no exceptional circumstances identified to justify this.

With regard to DEV15, whilst the proposal relates to a farm shop, for which some support is given by DEV15(5), again consideration returns to the suitability of the location; and again the site can only be considered 'isolated' and the development to constitute an 'isolated building' (DEV15(8)(iv)).

It is recognised that sales of dairy and meat products already takes place from Westacre. Whilst this is so, the arrangements there are modest. The proposal now tabled reflects a step change in the scale of business and the likely number of customers likely to be served, with the intention to introduce new products not manufactured on the farm. It is considered the farm shop would become a destination in its own right, resulting in significant car movements that would not otherwise occur.

Overall, given the isolated location, it is concluded that the proposal is contrary to SPT1, SPT2, TTV1, TTV26 and DEV15.

Design/Landscape:

Policy DEV23 of the JLP sets out that "Development will conserve and enhance landscape, townscape and seascape character and scenic and visual quality, avoiding significant and adverse

landscape or visual impacts. Development proposals should:

1. Be located and designed to respect scenic quality and maintain an area's distinctive sense of place and reinforce local distinctiveness.
2. Conserve and enhance the characteristics and views of the area along with valued attributes and existing site features such as trees, hedgerows and watercourses that contribute to the character and quality of the area.
3. Be of high quality architectural and landscape design appropriate to its landscape context.
4. Be located and designed to prevent erosion of relative tranquility and intrinsically dark landscapes, and where possible use opportunities to enhance areas in which tranquility has been eroded.
5. Restore positive landscape characteristics and features that reinforce local landscape quality and distinctiveness.
6. Where necessary, be supported by Landscape and Visual Impact Assessments and landscaping schemes that enhance that proposed development.
7. Avoid, mitigate, and where appropriate compensate, for any residual adverse effects and take opportunities to secure landscape character and visual enhancements."

Policy CH2 of the North Tawton NP is also considered relevant setting out that "Proposals will only be supported where they are of high quality design, enhance the visual character of any heritage assets setting, minimise any adverse impact on residential properties, and clearly demonstrate how they meet the requirements of the North Tawton Town Design Statement. Particular attention should be paid to ensuring:

- a) size, height, density, scale and location respects the key characteristics of the form, scale and character of the surrounding built environment setting of the site;
- b) external materials and detailed design are in keeping with the character of the surrounding built environment, prioritising the use of local materials;
- c) design and scale minimise adverse impact on and/or effectively mitigate impact on the:
 - a) visual character and quality of the wider landscape..."

Policy CH3 of the NP is also of note stating that "Development proposals will only be supported where they conserve and/or enhance landscape, townscape, scenic and visual quality, and where they do not compromise the local landscape setting and special character of North Tawton."

As noted, the application proposes the construction of the farm shop building in the corner of a field remote from other buildings. The building would be clad with timber and have a grey tiled roof.

The building would not be readily visible when approaching the site and site access from the north-east along the B3215, given the hedging and trees to the site frontage. Noting that the hedging is largely deciduous, views of the building would be greatest in the winter when the hedging was not in leaf and/or at times when the building/site was illuminated (i.e. 16.00-18.00+ during the winter).

With regard to views approaching the site along the B3215 from the south-west, it is noted that new hedge planting is proposed along the road frontage, allowing for the necessary visibility splay, and also along the access drive. This planting would, once matured, provide reasonable screening of the building from the B3215, and the presence of the building is further reduced by the use of visually recessive materials/colours, which could be controlled by condition.

Nevertheless, even with such mitigation, the development would not be invisible, with the building, cars and other vehicles parked on the site visible through the hedge, and the site prominent if/when the building/site was illuminated, (i.e. 16.00-18.00+ during the winter) given the current absence of lighting in this rural location.

With regard to DEV23, CH2 and CH3, it is considered that the building is of utilitarian design and appearance and cannot reasonably be concluded to maintain the area's distinctive sense of place or reinforce local distinctiveness. The use of visually recessive materials such as timber cladding and grey roof tiles would help reduce the conspicuousness of the building, but the siting of the building, isolated and remote from other buildings, would nevertheless result in the development having an

adverse impact upon the visual character and quality of the landscape by day, and during hours of darkness in winter (i.e. 16.00-18.00+ during the winter) when the building/site was illuminated. In this regard, officers conclude that the building and use of the site would result in light spill and erode the intrinsically dark landscape in which the building would be situated. Overall, the proposal would not conserve the scenic and visual qualities of the landscape and would compromise the local landscape setting.

For these reasons, it is considered the proposal would conflict with DEV23 of the JLP and CH2 and CH3 of the North Tawton NP.

Biodiversity:

Policy DEV26 seeks to ensure that development supports the protection, conservation, enhancement and restoration of biodiversity and geodiversity across the Plan Area. The policy recognises the hierarchy of wildlife sites from those sites given protection under European legislation to those of local designation/importance. The policy also seeks to avoid harmful impacts on UK protected species and Biodiversity Action Plan habitats and species and seeks a biodiversity net gain for all major developments.

Policy DEV28 covers trees, woodland and hedgerows and seeks to avoid their loss deterioration, requiring replacement planting if loss cannot be avoided.

The application is accompanied by a completed Wildlife Trigger Table and Ecological Impact Assessment.

The assessment found the majority of the site to comprise improved grassland (which is grown and cut for silage), with hedges and trees to site boundaries. No protected species were identified on site, or was the site deemed suitable for such. A bat box is recommended to be installed on the farm shop as 'biodiversity enhancement'.

Whilst noting the representations of the Parish Council, the proposal is deemed compliant with the requirements of DEV26 and no concerns are raised regarding DEV28, indeed the submitted landscaping scheme proposes the planting of additional hedgerows compared to those that now exist.

Neighbour Amenity:

The nearest dwelling to the site (Torre Cottage) lies some 175m approximately to the east of the site of the proposed building. Given this intervening distance, it is not considered that the proposal would impact upon the residential amenity of persons occupying that property.

It is thus considered that the proposal would comply with the requirements of Policies DEV1 and DEV2 of the JLP.

Highways/Access:

Policy DEV29 sets out that development will be required to contribute positively to the achievement of a high quality, effective and safe transport system in the Plan Area with DEV29(2) requiring development to provide safe and satisfactory traffic movement and vehicular access to and within the site.

In these regards, the Highway Authority has raised no concerns regarding the access proposed onto the B3215 beyond matters of detail, which would be the subject of conditions were the application otherwise acceptable. Accordingly, the proposal would comply with DEV29 in these regards.

Car parking is covered by DEV29(3) which seeks to ensure 'sufficient provision and management of car parking in order to protect the amenity of surrounding residential areas and ensure safety of the

highway network.’ The car parking standards set out in the SPD require shops with less 370m gross floorspace to provide 1 space per 28m²; albeit these standards would be geared towards urban sites with an expectation of access by sustainable modes of transport, including walking and cycling. Given the floor area of 63m², this would give rise to a need for 3 parking spaces. The commentary in the SPD acknowledges at para 8.8 that higher parking standards may be applicable to West Devon than Plymouth for residential developments ‘due to greater reliance upon private cars’ and it is logical to consider requirements for car parking for non-residential development similarly.

In this case, whilst officers have concerns that a significant proportion of visitors to the farm shop would arrive by private car, the car park offers 12 parking spaces which, based on the current information, is considered reasonable and to comply with DEV29(3).

Drainage:

DEV35 sets out that the LPAs will assist the Lead Local Flood Authority in the management of flood risk and water pollution within the Plan Area by directing development away from areas at highest risk, but where development is necessary ensuring that it is safe without increasing flood risk and pollution elsewhere.

In this regard, it is noted that the site lies in Flood Zone 1 and does not lie in a Critical Drainage Area. The level of flood risk is thus low.

In terms of surface water drainage, the submitted Drainage Plan shows surface water from the car park and roof water from the building being directed to a soakaway in the field to the east.

Whilst the information provided is limited, officers have no evidence to indicate that the type of surface water drainage method would be ineffective or result in flooding off-site.

However, DEV35(4) sets out that “Development should incorporate sustainable water management measures to reduce water use, and increase its reuse, minimise surface water run-off, and ensure that it does not increase flood risks or impact water quality elsewhere, in compliance with the Local Flood Risk Management Plan and national standards for sustainable urban drainage systems. Surface water from proposed developments should be discharged in a separate surface water drainage system which should be discharged according to the drainage hierarchies set out in the Plymouth and Devon Local Flood Risk Management Strategies.”

In terms of the drainage hierarchy, sustainable drainage solutions would include the use of open swales or open attenuation ponds or basins to accommodate surface water drainage, rather than a below-ground soakaway and drainable field. Under DEV35(4) such a solution would not be accepted until/unless other sustainable drainage methods had been ruled out.

Thus, had the development been otherwise acceptable revised details would have been sought/agreed by condition. However, given wider concerns with proposal, they have not. The proposed drainage arrangements therefore constitute a second technical reason for refusal due to the apparent conflict with DEV35(4).

Low Carbon Development:

Policy DEV32 sets out that ‘The need to deliver a low carbon future for Plymouth and South West Devon should be considered in the design and implementation of all developments, in support of a Plan Area target to halve 2005 levels of carbon emissions by 2034 and to increase the use and production of decentralised energy.’

The application is supported by a DEV32 checklist, Climate Emergency Compliance Form and D&A Statement identify a range of ways in which the proposal seeks to minimise carbon including the

construction of the building, use of solar panels and battery storage, inclusion of electric car and bike charging points.

Had the application been otherwise acceptable, a condition would have been recommended to these features were included in the development when built to secure compliance with DEV32.

Conclusion and Planning Balance:

The applicant's dairy farm, Westacre, is situated in the countryside approximately 1.5 miles (by road) south-east of the village of Sampford Courtenay and approximately 1.8 miles (by road) to the south-west of the village of North Tawton.

They have diversified their business by bottling and selling milk, other dairy products and meat via a fridge/honesty box and modest outbuildings at Westacre. In order to expand and consolidate the business they now wish to construct a farm shop in the field to the west of Westacre which would be accessed via the B3215 rather than the narrow lane that serves Westacre. The shop would sell their own produce together with artwork, leather goods, foodstuffs and other goods made locally.

In terms of benefits, the proposal would support the growth and diversification of an existing business and result in local job creation.

However, the site is situated in an isolated location and, whilst officers have considered the submitted Sustainable Travel Plan, it is not considered that customers would easily access the site on foot, on bicycle or via public transport and it is thus considered that the use would result in significant private car usage. Whilst the use would attract some passing trade on the B3215, it is considered the farm shop would be a destination in its own right.

Notwithstanding the benefits of the proposal in supporting an existing business and the creation of local employment, in policy terms the acceptability of new development hinges upon it being proposed in a 'suitable' location. In this case, the overriding concern is the isolated location of the site and the likely reliance upon private car use to reach it. On this basis, notwithstanding the benefits of the proposal identified, the proposal would not support the principles of sustainable development and sustainable communities and would constitute isolated development in the countryside.

Moreover, in terms of landscape impact, whilst accepting that the siting of the building would allow it to be accessed off the B3215, which would enable improved access off the public highway, the building would not be grouped with the existing buildings at Westacre but in a corner of a field some 175m to the west of them. The building would appear remote and unrelated to them, and detract from the character of its rural surroundings by day and when illuminated during hours of darkness (i.e. 16.00-18.00+ during the winter).

Finally, it is considered that the submitted drainage details (proposing a soakaway) fail to offer a sustainable drainage solution and do not explain why the drainage hierarchy has not been followed.

Having regard to the above, officers consider the development to conflict with SPT1, SPT2, TTV1, TTV26, DEV15, DEV23 and DEV35 of the JLP and CH2 and CH3 of the North Tawton NP and a recommendation of refusal is thus made.

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 the Housing Requirement 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 confirming the change.

On 14th January 2022 the Department for Levelling Up, Housing and Communities published the HDT 2021 measurement. This confirmed the Plymouth, South Hams and West Devon's joint HDT measurement as 128% 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 5.97 years at end of March 2022 (the 2022 Monitoring Point). This is set out in the Plymouth, South Hams & West Devon Local Planning Authorities' Housing Position Statement 2022 (published 19th December 2022).

[*now known as Department for Levelling Up, Housing and Communities]

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
DEV1 Protecting health and amenity
DEV2 Air, water, soil, noise, land and light
DEV15 Supporting the rural economy
DEV16 Providing retail and town centre uses in appropriate locations
DEV20 Place shaping and the quality of the built environment
DEV21 Development affecting the historic environment
DEV23 Landscape character
DEV28 Trees, woodlands and hedgerows
DEV29 Specific provisions relating to transport
DEV32 Delivering low carbon development
DEV35 Managing flood risk and Water Quality Impacts

North Tawton Neighbourhood Plan 2016 – 2034

CH2 Design, Heritage and the Built Environment
CH3 Important Amenity Views and Landscape Character

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:

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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PLANNING APPLICATION REPORT

Case Officer: Charlotte Howrihane

Parish: Tavistock **Ward:** Tavistock North

Application No: 1318/23/FUL

Agent:

Miss Sophie Ford - Kendall Kingscott
Kendall Kingscott Ltd
Windward House
Fitzroy Road, Exeter
EX1 3LJ

Applicant:

Mr Tom Morris – West Devon Borough Council
Kilworthy Park
Tavistock

Site Address: The Kiosk, Bus Station, 20 Plymouth Road, Tavistock, PL19 8AY



Development: Conversion of existing offices into three flats with associated courtyard area & soft landscaping to front

Reason item is being put before Committee: This is an application which has been submitted by West Devon Borough Council.

Recommendation: Conditional approval subject to completion of Unilateral Undertaking to secure Tamar EMS mitigation.

Conditions:

- Standard time limit
- Accord with plans
- Temporary accommodation only
- Details of stone for boundary walls to be agreed

Windows to be retained and restored unless replacements agreed
Conservation rooflights.
Details of door to be agreed
Details of hard and soft landscaping
Adhere to ecology report and confirmation submitted from ecologist
Lighting strategy to be submitted prior to commencement
No clearance or works during bird nesting season

Key issues for consideration:

Principle of development, design, landscape impact, heritage (Conservation Area and World Heritage Site), residential amenity, highways, low carbon development, ecology, drainage

ADDENDUM REPORT:

The purpose of this addendum is to update members on a number of matters that have arisen since the Committee resolved to grant planning permission. None are considered to have a material impact and as such the Committee is recommended to confirm its previous decision.

This application has been brought back to the Development Management and Licensing Committee due a number of small errors coming to light (Min DM&L refers). Whilst the Committee report provided the correct information, it transpires that the address of the proposal site while correctly referring to 20 Plymouth Road erroneously referred to the Bus Station kiosk; part of the land for one of the flats while shown correctly on the submitted plans as being in the ownership of the applicant, was outside of the red line; due to an administrative error by the applicant's agent when completing the application form, the applicant was identified as being South Hams District Council and not West Devon Borough Council.

Having sought legal advice, it has been confirmed that, "*As a matter of principle, the identity of the applicant for planning permission is, or should be, irrelevant when considering the merits of an application for planning permission.*" And Further "*the identity of the applicant is a procedural requirement and unlike an error in an ownership certificate it does not go to jurisdiction.*" A formal letter has been received from the representatives of West Devon Borough Council to correct the error. An amendment of this type can be accepted provided it does not materially change the character of the development. Officers consider that the matters set out do not result in any material change to the development proposed and so as such subject to no further representations, the recommendation is unchanged.

The application has been re-advertised in relation to the red line and address issues. The advertisement will expire on 26th October. At the time of writing no further comments have been received. If any are received up until that date, they will be reported verbally at the Committee meeting.

Site Description:

Number 20 Plymouth Road is a semi-detached Victorian property over three storeys with a basement. The building is currently within a commercial use, and is divided into six offices.

The building is located next to the bus station in the centre of Tavistock. The main access to the building is via Plymouth Road. The property benefits from parking to the front, and to the rear of the property, access can be gained via a garage into the courtyard and up the fire escape stair leading to the first floor.

The site is within the Tavistock Conservation Area, as well as the World Heritage Site.

The Proposal:

This application seeks permission to refurbish and reconfigure the existing offices across the three floors to create three residential flats. There would be one flat created on each floor:

- Ground floor: 1 bed flat (GIA 48.6sqm)
- First Floor: 2 bed flat (GIA 89.3sqm)
- Second Floor: 1 bed flat (35.5sqm)

The existing circulation space (hallways, landings, etc.) would be retained, along with the outdoor space to the rear of the building.

The intention is for the flats to be used as temporary accommodation for vulnerable young people within Tavistock.

Consultations:

- County Highways Authority- no highways implications
- Heritage- no objection subject to conditions (details in analysis)
- Ecology- no objection subject to conditions (details in analysis)
- Affordable Housing- support
- Drainage- support
- Town Council- support

Representations:

None

Relevant Planning History

- 00764/2013- Change of use of office to beauty room- conditional approval
- 03106/2012- Change of use of office to beauty room- conditional approval
- 2843/2002/TAV- Non-illuminated board sign on front elevation adjacent to entrance- conditional approval
- 1600/01- Change of use of existing garage to retail grocery, ground floor to storage and ancillary accommodation, and existing hard standing to car parking- conditional approval
- 1600/01- Use of existing premises for office purposes at Bus Station site- conditional approval
- 1086/2000/TAV- Erection of non-illuminated wall mounted sign- conditional approval

NOTE: Following the determination of the application by the West Devon Development Management Committee, it was brought to Officers' attention that the red line denoting the application site on the location plan was incorrect, and omitted the rear of the building where flat 2 is proposed. Subsequently, an amended location plan was submitted with an amended red line and the application readvertised for 21 days. As this error was missed during validation of the application, and the amendment would not result in any change to the development description, application fee, or nature of the proposal as considered by Officers and the Development Management Committee, it was considered appropriate to readvertise the application with the amended plan, rather than requiring the application to be withdrawn and resubmitted. (27th September 2023).

ANALYSIS

1.0. Principle of Development/Sustainability:

- 1.1. Policy SPT1 of The Plymouth and South Devon Joint Local Plan 2014-2034 (JLP) sets out a framework for growth and change with sustainability underpinning all of the guiding principles. Under this policy sustainable development is delivered across the plan area by promoting a sustainable economy, sustainable society and sustainable environment. Policy SPT2 of the JLP requires the application of principles of sustainable linked neighbourhoods and sustainable rural communities as a means of guiding how growth and development takes place across the plan area. Development can support the overall spatial strategy, by creating neighbourhoods and communities which, amongst other criteria, are well served by public transport, walking and cycling opportunities, and should have an appropriate level of services to meet local needs.
- 1.2. The approach to sustainable development in the JLP is further explained in Policy TTV1 (Prioritising growth through a hierarchy of sustainable settlements). This policy identifies Tavistock as one of the Main Towns of the Thriving Towns and Villages Policy Area, and the site is therefore in a location where the plan directs development.
- 1.3. The site is currently in commercial use, and is let as six separate offices. As such, policy DEV14 is relevant to the assessment. This policy relates to maintaining a flexible mix of employment sites and states the following:

‘DEV14(1). Change of use of existing employment sites (including vacant sites whose lawful use is for employment purposes) will only be allowed where the following applies:

 - i. The proposal is specifically provided for by the local plan to deliver wider strategic objectives, or*
 - ii. There are overriding and demonstrable economic, regeneration and sustainable neighbourhood / communities benefits from doing so, or*
 - iii. There is no reasonable prospect of a site being used for employment use in the future’*
- 1.4. The Council declared a housing crisis in February 2022 and backed its declaration with a detailed action plan. The South Hams and West Devon Housing Strategy Action Plan (2022-23) aims to ‘provide quality temporary accommodation... and reduce the need for inappropriate forms of temporary accommodation¹’. The Council’s current strategic plan, ‘A Plan for West Devon’ (2021) is the Council’s 20-year vision for West Devon and its communities. It forms the strategic Plan for the Council and includes the delivery of self-contained apartments to support people who are homeless as one of the first steps to achieving the vision of the plan².
- 1.5. The Council as a whole has a responsibility and commitment to support the vulnerable in our communities, which is a material consideration in this case. In planning terms, applications must also comply with the current planning policies. In this case it is considered that whilst the policy is restrictive in relation to losing existing employment sites, the proposal does result in the delivery of wider strategic objectives (DEV14 ii).
- 1.5. During pre-application discussion, the applicant provided some details about the commercial viability of the site, which noted that over the past five years the property

¹ South Hams and West Devon Housing Strategy - Action Plan (2022-23), p8

² A Plan for West Devon (2021), p14

only ever reached 80% occupancy, with this figure dropping further since the pandemic, until only one unit was let at the time of these discussions (early 2023).

- 1.6. Although the property has been advertised, the applicant also advised that the poor quality specification and limited headroom within the building, and the challenging market conditions mean that it is proving difficult to let the building as commercial units.
- 1.7. The site is in a sustainable location for development and the principle of the development is considered to be acceptable.

2.0. Housing mix:

- 2.1. Policies SPT2(4) and DEV8(1) of the Joint Local Plan (JLP) seek to provide a good balance of housing types and tenures to support a range of household sizes, ages, and incomes, and to meet identified local housing needs.
- 2.2. The proposed development would create two 1-bed flats, and one 2-bed flat. ONS data for Tavistock shows that there is currently an over-provision of smaller units and flats in the town compared to the average for the borough.
- 2.3. Whilst the development may not address an existing imbalance in housing stock in terms of size, there is a need for the type of accommodation proposed. The current lack of private rented accommodation options means that the time taken to source long-term accommodation has increased, and applicants are staying in temporary accommodation for longer periods of time.
- 2.4. Temporary accommodation costs are predominantly met through housing benefit claims made by applicants, however the lack of available provision has led to more applicants staying in B&Bs, which costs significantly more, and the difference is being paid by the Council.
- 2.5. The Council's Affordable Housing Officers have reviewed the application and are supportive of it, making the following comments:

'The Affordable Housing Team support this application.'

There has been an increased use of temporary accommodation in the form of Bed and Breakfast type since the closure of the hostel accommodation at Springhill in Tavistock. The use of temporary accommodation for single persons in particular is on the increase at a huge cost to the public purse and the health and wellbeing of people that we are currently placing out of the area where they access their support. B&B is a challenging setting to be placed in and should only be used where there is no other accommodation option available. The provision of self-contained units of accommodation creates better use of public funds and is a more suitable setting for homeless households.

Percentage of affordable housing – 100%. *This application will be for affordable housing use in the form for supported temporary accommodation for the homeless usually with a local connection to the borough.*

Tenure – *These properties will be affordable within the remit of supported temporary accommodation.*

1 bed = £103.56 pw

2 bed = £134.63 pw

Size of the affordable units

2 x 1 bed flats

1 x 2 bed flats

Space Standards

Internal floor area of the units and bedroom sizes comply with national space standards. The second floor flat is slightly below space standards but only by 1.5sqm so it's acceptable

Layout

The existing building can accommodate the required specifications for the proposed 3 flats with some viable internal works.

Housing Need

In the last financial year 72 households were placed in temporary accommodation in West Devon. Length of stays in temporary accommodation have increased to 108 days as move on options become further impacted by the Housing Crisis.

S106 requirements – N/A

Parking – *Parking spaces are not a requirement of supported accommodation as this is not normal residential use.*

Housing Crisis – February 2022

In February 2022 West Devon Borough Council declared a Housing Crisis indicating that West Devon Borough Council should recognise current difficulties in the housing market and the effect on the affordability of good quality housing within the Borough and to:

1. Demonstrate our commitment to the wellbeing of homeless people in the Borough by providing quality temporary accommodation and reduce the need for less appropriate and more costly forms of temporary accommodation;

Should this application be approved it would have a direct positive impact on the type of accommodation available for use for homeless households.

2. Act where the Council has a land holding and take an interventionist approach to the housing market over the longer-term, where there is demonstrable housing need, leading to improved long term housing outcomes;

This application for change of use makes good use of an existing council asset to help meet the housing needs of homeless households across the borough.

3. Recognise the market failures locally around accommodation options for vulnerable people (exempt accommodation), work in close partnership with Devon County Council to provide alternatives –putting people before profit. At the same time lobby national government to make legislative changes to remove the incentives for unscrupulous providers and to protect the needs of this vulnerable group;

The delivery of supported temporary accommodation in the place of placements such as B&B creates a safer and more suitable accommodation setting for vulnerable households.

4. Recognise the need for extra care accommodation in the Borough and ensure such schemes are supported to come forward;

5. Actively contribute to 'Team Devon's' housing task force and housing commission to build the case for affordable housing as a key priority in any pan-Devon devolution ask;

7. As the Council moves towards a review of the JLP, aspire to the highest affordable housing threshold that is sustainable and underpin it in policy;

The delivery of this scheme would increase the provision of affordable housing in West Devon by 3 but would positively impact on many households as they move through the homelessness process.

12. Actively seek opportunities to invest in Council owned social housing with high sustainability specification (including modular housing) to support those on low incomes who are unable to afford 'affordable' rented housing;

This scheme provides 3 units of council owned affordable accommodation.

Summary:

This application addresses several of the motions detailed within the declared Housing Crisis. In addition to this there are other benefits:

These properties, should they be granted consent, will assist local people in gaining access to housing that is affordable to them. They will also generate income for the council and reduce the current spending on B&B placements.

- 2.6. The redevelopment of the application site would enable the Council to increase their temporary accommodation provision with their own asset. As such, Officers consider that the proposal would provide demonstrable community benefits, as required by policy DEV14(1)(ii) when a proposal would result in the loss of employment space.
- 2.7. There is a particular need for temporary accommodation to support vulnerable or homeless people in the town. As such, the proposal is considered to meet an identified need and therefore complies with policies SPT2(4), DEV8(1), and the wider strategic aims of the Council to ensure adequate provision of housing for those in need.

3.0. Space standards:

- 3.1. Policy DEV10(5) of the JLP states that '*new dwellings (including conversions of existing properties into flats) should be of sufficient size and layout to provide good quality accommodation to meet the needs of their occupants, with developers required to meet Nationally Described Space Standards. Sufficient external amenity space or private gardens should also be provided*'.

Space standards are prescribed as follows:

- One bed units: 37sqm (if shower room, 39sqm if bathroom)
- Two bed units: 70sqm

The proposed flats would be sized as follows:

Ground floor: 1 bed flat (GIA 48.6sqm)

First Floor: 2 bed flat (GIA 89.3sqm)

Second Floor: 1 bed flat (35.5sqm)

- 3.2. The ground and first floor flats exceed the NDSS by some margin, but the second floor flat does not meet the minimum space standards. However, Officers are mindful that the proposed flats would be used as temporary accommodation, rather than as permanent residences. Officers have also taken into account the very small difference between the NDSS and the GIA of the second floor flat, with the flat falling short of the NDSS by only 1.5sqm. Had the difference been larger, this would have been a cause for concern, however, in this instance, the small shortfall in space to one of the three flats is not considered to warrant refusal of the application.
- 3.3. The JLP SPD sets guidance for minimum standards for external amenity space. Whilst the application proposal falls short of these standards, this is guidance only, rather than policy. Lack of external amenity space should be considered on a case-by-case basis, and take the location of the site into consideration.
- 3.4. In this instance, the site is within the town centre, in close proximity to the park, leisure facilities, and other outdoor and recreation spaces. Occupants of the proposed flats would therefore have access to outdoor space and the lack of amenity space within the site is therefore not considered to be detrimental to future occupants.

4.0. Design/Landscape:

- 4.1. There are no external changes proposed to the building, and so the development would not have any adverse impact on the design of the property, or the local landscape. The immediate area is mixed in terms of use, with both residential and commercial uses occupying neighbouring buildings, and so the conversion of the site to residential use would not be out of keeping with the local character.
- 4.2. The proposal includes the removal of the tarmac parking area to the front of the building, which would be replaced by an area of decking and soft landscaping. In landscape terms, this would be an enhancement of the site, although Officers note that limited information has been provided in terms of landscape details. As such, a condition is recommended to require hard and soft landscaping details to be submitted within six months of the date of any planning permission granted.
- 4.3. The development is therefore considered to accord with policies DEV20 and DEV23 of the JLP, which requires proposals to have regard to the local pattern of development and maintain an area's distinctive sense of place.

5.0. Heritage:

- 5.1. The site is within the Cornwall and West Devon World Heritage Site. Despite the property itself not being listed, it is in close proximity to 16 Plymouth Road, which is a Grade II listed building, and is also within the Tavistock Conservation Area.
- 5.2. Policy DEV21 of the JLP requires development to '*sustain the local character and distinctiveness of the area by conserving and where appropriate enhancing its historic environment, both designated and non-designated heritage assets and their settings, according to their national and local significance.*'

- 5.3. As such, the application has been reviewed by the Council's Heritage Specialist, who made the following comments:

'The site is a 'positive' building within the conservation area and has Attributes that contribute to the Outstanding Universal Value of the WHS. Although not listed (due to later alterations and additions) the building exhibits the architectural character of other Bedford era properties on Plymouth Road and forms part of the setting to the other listed buildings.

At pre-application the idea was supported and advice given. I have a few points I would like to be considered and addressed either by amendments or via conditions.

1 There is no design for the front door – it is just blank space. A suitable timber panelled door based on historic examples elsewhere on Plymouth Road should be provided.

2 A condition is needed that windows be retained and restored unless details of replacements are otherwise agreed. Thermal and acoustic enhancement can be best achieved via secondary glazing.

3 The rooflights should be metal framed conservation types set close to flush within the roof slope. This can be required by condition.

4 Improved landscaping is welcome but having bins visible adjacent to the pavement and road is poor. This is a negative part of the proposal that should be addressed. The reason for the recess is that there was a telephone kiosk there. Now that is gone the space should be taken back within the garden of the property and the historic line of garden wall restored as that would be a significant enhancement to the CA. Hedge planting behind the railings could then screen the bins kept within the property boundary.

5 The landscaping shows a raised planter but no indication of materials to be used in its construction or of what planting is proposed. The structure could be stone or perhaps timber sleepers but should not be rendered blockwork as that will stain and the character of garden walls in Plymouth Road is stone. This planting, along with a hedge to the roadside, is an opportunity to achieve biodiversity gain. Details can be required by condition if not provided before determination.

With these issues addressed I support the proposal.'

- 5.4. Subsequently, the applicant has provided details of the front door, proposing a steel composite door which has the appearance of timber. However the site is in the Tavistock Conservation Area and the World Heritage Site and the need to maintain historic fabric is a key consideration in policy DEV22 relating to the World Heritage Site. It is therefore proposed to add a condition to the consent to deal with the need for a timber door. The applicant has also relocated the bin store to a space inside the boundary wall, which is proposed to be reinstated along the front of the site. This would enhance the appearance of the front of the site, subject to appropriate stone being used. To ensure that the works to the boundary walls are in keeping with the local vernacular, a condition is proposed to ensure that the stone details are submitted to the Local Planning Authority prior to installation.
- 5.5. Planters are proposed within the site, as well as the wooden bin store. These elements are considered acceptable in principle and conditions are recommended to require details of these features as well as hard and soft landscaping details, in accordance with the Heritage Officers comments, to be submitted for agreement.
- 5.6. Subject to the recommended conditions, the proposed development is not considered to harm the significance of this positive building within the Conservation Area.

5.7. Paragraph 202 of the NPPF 2021, relates to whether the proposal will lead to less than substantial harm to the significance of a designated heritage asset and that the Harm if identified should be weighed against the public benefits of the proposal, including where appropriate securing its optimum viable use. The Heritage Specialist has identified that the site *“has Attributes that contribute to the Outstanding Universal Value of the WHS”*. However he has not identified that the proposal will lead to less than substantial harm to the heritage assets. He has asked for the concerns he has raised to be addressed, at which point he will support the proposals. The conditions proposed will address the concerns he has raised and therefore it is considered that the proposal will be acceptable in relation to the relevant NPPF paragraphs and the JLP policies. The proposal will preserve the Outstanding Universal Value of this site. The development therefore complies with policies DEV21 and DEV22 of the JLP, and paragraphs 197, 199, 201, 202 and 206 of the NPPF.

6.0. Neighbour Amenity:

6.1. The bus station is to the immediate south-west of the site, with a residential dwelling (Abbeymead) adjoining the building to the north-east. There are no extensions, or other physical alterations proposed to the building which would have a harmful impact on the neighbouring property. The proposal is therefore in compliance with policy DEV1 of the JLP.

7.0. Highways/Access:

7.1. The SPD provides guidance on appropriate parking provision for new residential development, suggesting 1 space per one-bed dwelling, and 2 spaces per two-bed dwelling, although these are just indicative figures.

7.2. There is no specific parking provision proposed as part of the development, although there is currently a vehicular access from the road, and space for 4- 5 cars at the front of the site. The proposed plan shows these spaces being removed, and replaced with hard landscaping.

7.3. Whilst there would be no parking provision included in the proposal, Officers are mindful that the site is in a highly sustainable location, within the town centre, and in walking distance to local services and amenities. The bus station next door offers accessibility to public transport links, and so in this instance, Officers consider the lack of parking to be acceptable and does not warrant refusal of the application.

7.4. The existing use of the building is six office units. The conversion of this building to three residential units would result in fewer vehicular journeys to and from the site, assuming each office was occupied, as well as less demand in terms of parking.

7.5. The Highways Authority has raised no objection to the application, and the proposal is considered acceptable in terms of access, parking, and highways matters.

8.0. Ecology:

8.1. The application includes a Preliminary Bat Roost Assessment, which identified the presence of bat roosts / potential for bats to use the property. As such, three emergence surveys were undertaken in May, June, and July respectively.

8.2. A peak count of 4 Lesser Horseshoe bats were seen to emerge from the Undercroft of the building into the courtyard. These bats were then observed to fly up and over a wall immediately adjacent to the roost entrance into a neighbouring garden/property.

No bats were seen to emerge from the main house, or underneath the hanging tiles, or in the loft space.

8.3. The undercroft supports a day and night roost for up to 4 LHB. The Undercroft is also believed to have suitable conditions to be used as hibernation roost. As such, roosting bats may be negatively impacted by the development without appropriate mitigation.

8.4. Mitigation can be secured by conditions, which have been recommended by the Council's Ecological Consultant. This includes timing of the works to avoid core winter hibernation months, provision of a temporary roost during the construction works, and the retention of the Undercroft as a roost once works are completed. Additional bat boxes are also proposed to offer biodiversity enhancement.

8.5. The proposed mitigation also includes an application for an EPSL from Natural England as the consultant ecologist believes an offence cannot be avoided. The authority must consider whether the proposal meets the three derogation tests of the Conservation of Habitats and Species Regulations 2017 (as amended), and accordingly whether Natural England are likely to grant an EPS license which would permit the proposal to lawfully proceed. The three tests are as follows:

1. Imperative reason overriding public interest

It should be noted that Natural England's guidance for the first test is that in the case of alterations to existing domestic dwellings, over-riding public interest is assumed.

2. There is no satisfactory alternative

As discussed in Section 2 of the report, there is an identified need for the type of housing proposed, and Officers are satisfied that there is no reasonable alternative site for the proposed development.

3. There will be no significant detrimental population impact (on the bats).

The Council's Ecological Consultant has confirmed that the detailed mitigation measures included in the report satisfy the third test of the Habitats Regulations.

8.6. It is therefore concluded that the development would meet the three tests, and it is reasonable to assume that an EPSL would be granted.

8.7. The existing car parking area at the front of the dwelling would be replaced by an area of decking and soft landscaping. In terms of biodiversity, this would be a benefit and would accord with policy DEV26 in the JLP which seeks protection of and where possible enhancement of biodiversity. A condition will be added to ensure the maintenance of these new biodiverse areas.

8.8. 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 legal agreement, and this approach has been agreed by Natural England. The applicant has entered into a unilateral undertaking to require payment of the required mitigation prior to the occupation of the flats, and this is currently being reviewed by the Council's Legal Officers.

9.0. Low carbon development:

- 9.1. The Council has declared a climate emergency, and Policy DEV32 of the JLP requires all development to contribute to the carbon reduction targets of the Plan.
- 9.2. There are no specific carbon saving measures proposed, such as renewable energy products, however the conversion of an existing building to flats has significant benefits in terms of carbon reduction, compared to building a new unit. Policy DEV32 identifies in para. 1. that making the best use of existing buildings is a valuable opportunity for carbon reduction. Given the minimal physical works required to carry out the development, there are few opportunities for additional carbon reduction measures to be included in this proposal. Given the community benefit that will occur as a result of this development and that it is reusing an existing building, the lack of specific carbon reduction measures will have a slightly negative impact on the planning balance of this case.

10.0. Drainage:

- 10.1. The existing foul and surface water drainage are discharged to the mains sewer. There are no changes proposed to the existing drainage management and the proposal is acceptable in this regard and compliant with Policy DEV35 of the JLP. The Council's Drainage Team have reviewed the proposal and are satisfied that with no increase in impermeable area, they are happy to support the development.

11.0. Summary:

- 11.1. The proposed conversion would have a minimal impact on the local townscape character or nearby residents. It would provide much needed temporary accommodation within the town during a period of housing crisis.
- 11.2. Conditions are proposed regarding the finer details to ensure that the development preserves the historic assets of the Tavistock Conservation Area and the World Heritage Site.
- 11.3. The proposal complies with many of the relevant planning policies and whilst there is a slight negative in regard to the provision of specific carbon reduction measures, officers are of the view that the proposal reuses an existing building and the its embodied carbon associated with that and the overall public benefits of the provision of housing for vulnerable members of our community outweigh this slight negative. Therefore the proposal is recommended for conditional 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

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 the Housing Requirement 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 confirming the change.

On 14th January 2022 the Department for Levelling Up, Housing and Communities published the HDT 2021 measurement. This confirmed the Plymouth, South Hams and West Devon's joint HDT measurement as 128% 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 5.97 years at end of March 2022 (the 2022 Monitoring Point). This is set out in the Plymouth, South Hams & West Devon Local Planning Authorities' Housing Position Statement 2022 (published 19th December 2022).

[*now known as Department for Levelling Up, Housing and Communities]

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
SPT11 Strategic approach to the Historic environment
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
DEV1 Protecting health and amenity
DEV2 Air, water, soil, noise, land and light
DEV8 Meeting local housing need in the Thriving Towns and Villages Policy Area
DEV10 Delivering high quality housing
DEV14 Maintaining a flexible mix of employment sites
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
DEV29 Specific provisions relating to transport
DEV32 Delivering low carbon development
DEV35 Managing flood risk and Water Quality Impacts

Neighbourhood Plan

The site is within the Tavistock neighbourhood plan area, however this plan is not yet at an advanced enough stage that it can be given weight in the decision-making process.

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:

Joint Local Plan Supplementary Planning Document (2020)
Tavistock Conservation Area Appraisal and Management Plan

World Heritage Site Management Plan Plymouth & South West Devon Climate Emergency Planning Statement

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.

Recommended 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 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 220894-AP(0)01A, 220893(0)03A, 220894-AP(2)04A, 220894-AP(2)05A, and 220894-AP(2)06A received by the Local Planning Authority on 28th April 2023, and drawing numbers 220894-AP(3)01, 220894-AP(2)02, and 220894-AP(9)01B, received on 21st June 2023.

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 residential units hereby approved shall be used for temporary accommodation for homeless persons, families, young people entering or leaving the care system and those with additional support needs only and not for any other form of residential accommodation or any other use.

Reason: To ensure that the units remain available for their required purpose and do not become permanent units of accommodation.

4. All new areas of stonework and boundary walls shall be constructed of natural stone which matches the colour and texture of that occurring locally, details of which shall be submitted to and agreed in writing by the Local Planning Authority, prior to the installation. The new stonework shall be laid on its natural bed and pointed in a lime mortar recessed from the outer face of the stone. Machine cut or sawn faces shall not be used in the wall or for quoin stones.

Reason: To ensure that the development displays good design practice in respect of the age and character of the development and to allow the Local Planning Authority to assess the details of the scheme to sure that their character is maintained.

5. All existing windows shall be retained and restored, unless details of replacement windows have been submitted to and approved in writing by the Local Planning Authority prior to installation.

Reason: To ensure that the development displays good design practice in respect of the age and character of the development and to allow the Local Planning Authority to assess the details of the scheme to sure that their character is maintained.

6. All new rooflights shall be of a metal-framed conservation type and shall be fitted so as to be flush with the existing roof profile. Reason: To ensure that the development displays good design practice in respect of the age and character of the development

7. Prior to the insertion of the new door, details of the proposed door shall be submitted to and agreed by the Local Planning Authority. The door inserted shall accord with the details as agreed.

Reason: To ensure the door materials and detailing causes no harm to the attributes of the World Heritage Site.

8. *Within three months of the date of this decision, a detailed landscaping scheme shall be submitted to, and agreed in writing by the Local Planning Authority. Details shall include areas of hard and soft landscaping, the proposed decking and planters, bin stores and details of all planting, as well as a maintenance plan for the soft landscaping. All elements of the landscaping plan shall be implemented and maintained in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority. All work shall be completed before the end of the current first available planting season following practical completion of the development hereby permitted; unless otherwise agreed in writing by the Local Planning Authority.*

Reason: In the interests of visual amenity and to ensure the continued benefits of biodiversity gain.

9. *Development shall be carried out in accordance with the actions set out in the Bat Emergence Survey Report (Burton Reid Associates, August 2023). This condition shall be discharged when the consultant ecologist confirms in writing to the LPA that the recommendations have been implemented.*

Reason: In the interests of protected species of wildlife.

10. *Prior to any commencement works a Lighting Strategy for agreement with the LPA must be submitted. The strategy shall minimise impacts from lighting associated with pre-construction, construction and operational activities, and demonstrate how the current best practice (BCT/ILP, 018) guidance has been implemented. This shall include details such as the following: artificial lighting associated with public realm lighting, car headlights associated with traffic movements through the development and internal and external lighting associated with the residential development. The purpose of this lighting strategy is to ensure the retained LHB roost in the undercroft and associated bat flight lines are kept dark (0.5 lux and warm light).*

Reason: In the interests of protected species of wildlife

11. *No vegetation clearance or building works shall take place during the bird nesting season (01 March to 31 August, inclusive) unless the developer has been advised by a suitably qualified ecologist that the clearance will not disturb nesting birds and a record of this kept.*

Reason: In the interests of protected species of wildlife.

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West Devon Borough Council Agenda Item 6

PLANNING AND LICENSING COMMITTEE 31-Oct-23

Appeals Update from 18-Sep-23 to 9-Oct-23

Ward Bere Ferrers

APPLICATION NUMBER: **4034/22/HHO** APP/Q1153/W/23/3320171
APPELLANT NAME: Mr H Thornton
PROPOSAL: Householder application for proposed detached garage
LOCATION: Pump Cottage Bere Alston PL20 7BW **Committee**
APPEAL STATUS: Appeal Lodged
APPEAL START DATE: 19-September-2023
APPEAL DECISION:
APPEAL DECISION DATE:

APPLICATION NUMBER: **1047/22/FUL** APP/Q1153/W/23/3316022
APPELLANT NAME: Mr Patrick Callaway
PROPOSAL: Construction of a replacement 3-4 bedroom house
LOCATION: 49 Station Road Bere Alston PL20 7EN **Officer delegated**
APPEAL STATUS: Appeal decided
APPEAL START DATE: 14-July-2023
APPEAL DECISION: Dismissed (Refusal)
APPEAL DECISION DATE: 06-October-2023

APPLICATION NUMBER: **3072/22/HHO** APP/Q1153/W/23/3316253
APPELLANT NAME: Mr & Mrs Robert & Alison Coombs
PROPOSAL: Householder application for proposed new storage enclosure in back garden
(Resubmission of 3590/21/HHO)
LOCATION: Treyard Weir Quay Bere Alston PL20 7BS **Officer member delegated**
APPEAL STATUS: Appeal decided
APPEAL START DATE: 03-July-2023
APPEAL DECISION: Dismissed (Refusal)
APPEAL DECISION DATE: 28-September-2023

Ward Buckland Monachorum

APPLICATION NUMBER: **0791/23/CLE** APP/Q1153/X/23/3327542
APPELLANT NAME: Craig Howells
PROPOSAL: Certificate of lawfulness for existing material commencement of building operations pursuant to planning consent 0192/16/FUL within 3 years of being granted and are now therefore extant
LOCATION: Crossways Axtown Lane Yelverton PL20 6BU **Officer delegated**
APPEAL STATUS: Appeal Lodged
APPEAL START DATE: 03-October-2023
APPEAL DECISION:
APPEAL DECISION DATE:

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Undetermined Major applications as at 9-Oct-23

	Valid Date	Target Date	EoT Date
2915/19/FUL Steven Stroud	18-Dec-19	18-Mar-20	31-May-23

Address: Wool Grading Centre, Fore Street, North Tawton,

Description: READVERTISEMENT (Revised plans received) Conversion of existing Grade II listed mill buildings (Building A) into 11 open market townhouses and redevelopment for B1 office use. Conversion/re-erection of Building B into 3 open market dwellings

Comments: Need for re-plan due to EA objection. Sketch revised layout with Heritage for comment. Going through viability review.

	Valid Date	Target Date	EoT Date
4113/21/OPA Steven Stroud	16-Nov-21	15-Feb-22	20-May-22

Address: Rondor And Gunns Yard, North Street, Okehampton,

Description: Outline application with some matters reserved for the development of 19 No. dwellings with new private access road, parking and external works

Comments: Written as approval. Dele authority given. Awaiting completion of s106.

	Valid Date	Target Date	EoT Date
0107/22/OPA Steven Stroud	13-Jan-22	14-Apr-22	1-Jun-22

Address: Land north of, Green Hill, Lamerton,

Description: READVERTISEMENT (additional information and amended description) Outline application for proposed development of 19 dwellings with access and external works with all matters reserved other than the access

Comments: Further recon carried out following receipt of further detail and completion of viability review. Comments received under consideration

	Valid Date	Target Date	EoT Date
4004/21/FUL Steven Stroud	26-Apr-22	26-Jul-22	11-Nov-22

Address: Former Hazeldon Preparatory School, Parkwood Road, Tavistock, PL19 0JS

Description: READVERTISEMENT (revised plans and documents) Refurbishment of Hazeldon House to form a single dwelling (including demolition of non listed structures), demolition of all other structures (including former classroom blocks) on site, the erection of 10 open market dwellings, reinstatement of original site access, restoration of parkland, associated infrastructure (including drainage and retaining structures), landscaping, open space, play space, removal of some trees, parking and boundary treatments

Comments: Revised plans received, out for consultation. Site visit undertaken. Currently under review

	Valid Date	Target Date	EoT Date
2441/21/FUL Steven Stroud	13-Sep-22	13-Dec-22	31-May-23

Address: The Old Woollen Mill, Fore Street, North Tawton,

Description: READVERTISEMENT (revised plans) Hybrid application for full planning for 24 dwellings, office unit (class E), and cafe and business unit (class E) and 13 dwellings as outline permission (Self Build Plots).

Comments: Need for re-plan due to EA objection. Sketch revised layout with Heritage for comment. Going through viability review

	Valid Date	Target Date	EoT Date
4440/22/OPA Peter Whitehead	23-Jan-23	24-Apr-23	

Address: Land Adjacent To Baldwin Drive, Radford Way, Okehampton,

Description: Outline planning permission with some matters reserved (access) for a mix of around 60 1 to 4 bedroom residential dwellings and associated infrastructure

Comments: Appeal lodged against non-determination.

	Valid Date	Target Date	EoT Date
3198/22/ARM Clare Stewart	27-Jan-23	28-Apr-23	

Address: Land Adjacent To Lifton Strawberry Field, Lifton,

Description: Application for approval of reserved matters following outline approval 1408/20/OPA for access and adoptable road Layout

Comments: Under consideration. Further details submitted by agent September 2023, rolling EoT.

		Valid Date	Target Date	EoT Date
2045/23/FUL	Clare Stewart	13-Jun-23	12-Sep-23	

Address: Manor House Hotel, Okehampton, EX20 4NA

Description: Change of use from agricultural land to use ancillary with Manor House Hotel (Retrospective)

Comment: Under consideration.

		Valid Date	Target Date	EoT Date
1116/23/VAR	Hayley Easter	15-Jun-23	14-Sep-23	29-Sep-23

Address: Land south of North Tawton Primary Substation, North Tawton, EX20 2DA

Description: READVERTISEMENT (updated Applicant's details, revised plans and documents) Application for variation of conditions 2 (approved drawings), 3 (programme of archaeological work), 4 (CEMP), 5 (LEMP), 6(site decommissioning and remediation strategy) and 7 (details of all external materials) of planning consent 2094/21/FUL

Comment: In consultation period

		Valid Date	Target Date	EoT Date
2584/23/FUL	Bryony Hanlon	16-Aug-23	15-Nov-23	

Address: Rathkenny Stud, Higher Lowton Stables, Bondleigh, EX20 2AL

Description: Proposed horse gallop and associated fencing

Comment: Awaiting consultation responses.

		Valid Date	Target Date	EoT Date
2384/23/FUL	Clare Stewart	16-Aug-23	15-Nov-23	

Address: Land At Sx 455 868, Cross Roads, Lewdown,

Description: Construction of 20 dwellings and associated estate road, gardens and open space

Comment: Under consideration

		Valid Date	Target Date	EoT Date
2435/23/FUL	Lucy Hall	16-Aug-23	15-Nov-23	

Address: Land At Sx 453 669, Bere Alston,

Description: 31no new dwellings, associated access road, pedestrian link, landscaping, public open space and drainage

Comment: In consultation period

		Valid Date	Target Date	EoT Date
2596/23/FUL	Bryony Hanlon	17-Aug-23	16-Nov-23	

Address: Rathkenny Stud, Higher Lowton, Bondleigh, EX20 2AL

Description: Proposed horse paddocks

Comment: Awaiting consultation responses.

		Valid Date	Target Date	EoT Date
2861/23/FUL	Clare Stewart	21-Aug-23	20-Nov-23	

Address: Development Site At Sx511893, Town Meadow, Bridestowe,

Description: Application for 28 dwellings including access, appearance, landscaping, layout and scale and associated Infrastructure

Comment: Under consideration

		Valid Date	Target Date	EoT Date
2074/23/FUL	Clare Stewart	31-Aug-23	30-Nov-23	

Address: Land At Sx 608 563 Known As Plot A, Higher Stockley Mead, Okehampton,

Description: Construction of building for warehouse use (Class B8) together with parking area

Comment: Under consideration.