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WEST DEVON DEVELOPMENT MANAGEMENT AND LICENSING COMMITTEE - TUESDAY, 10TH FEBRUARY, 2015

Agenda, Reports and Minutes for the meeting

Agenda No Item

1. **Agenda Letter** (Pages 1 - 2)

2. **Reports**

Reports to P&L;

a) Planning Applications & Enforcement Reports (Pages 3 - 34)

b) Planning Appeals Update (Pages 35 - 36)

c) Delegated Decisions (Pages 37 - 48)

d) To determine whether to adopt a procedure for licensing Horse Drawn Omnibuses, Drivers and Conductors to operate within the West Devon Borough Council area
(Pages 49 - 66)

3. **Minutes** (Pages 67 - 76)

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Agenda Item 1

A G E N D A – PLANNING & LICENSING COMMITTEE – 10th FEBRUARY 2015

PART ONE – OPEN COMMITTEE

1. **Apologies for absence**

2. **Declarations of Interest**

Members are invited to declare any personal or disclosable pecuniary interests, including the nature and extent of such interests they may have in any items to be considered at this meeting.

If Councillors have any questions relating to predetermination, bias or interests in items on this Agenda, then please contact the Monitoring Officer in advance of the 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).

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4. Confirmation of Minutes Meeting held on 13 th January 2015	3
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8. To determine whether to adopt a procedure for licensing Horse Drawn Omnibuses, Drivers and Conductors to operate within the West Devon Borough Council area Report of the Business Support Manager – EH&H	53

PART TWO – ITEMS WHICH MAY BE TAKEN IN THE ABSENCE OF THE PUBLIC AND PRESS ON THE GROUNDS THAT EXEMPT INFORMATION MAY BE DISCLOSED (if any).

If any, the Committee is recommended to pass the following resolution:-

RESOLVED that under Section 100(A)(4) of the Local Government Act 1972, the public be excluded from the meeting on the grounds that exempt information is likely to be disclosed as defined in Part I of Schedule 12(A) to the Act.

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WARD NAME Type Ward
APPLICATION NUMBER 01182/2014
LOCATION Land Adjacent To Primrose Cottage, Bratton Clovelly, Devon

DEVELOPMENT Demolition of existing workshop and erection of 3 bed dwelling with associated car parking and garden.
APPLICANT NAME R Phillips

WARD NAME Tavistock South
APPLICATION NUMBER 01276/2014
LOCATION Chollacott Nursing Home, 61 Whitchurch Road, Tavistock, Devon, PL19 9BD

DEVELOPMENT Extension at side and rear to form 10 additional bedrooms with ancillary accommodation and covered car spaces.
Extension at side to form managers office
APPLICANT NAME Stonehaven (Healthcare) Ltd

WARD NAME Lew Valley
APPLICATION NUMBER 01194/2014
LOCATION 7 Kellands Lane, Okehampton, EX20 1FQ

DEVELOPMENT Householder application for retention of fence measuring 2.6 metres.
APPLICANT NAME Mrs A Murphy

WARD NAME LEW VALLEY
APPLICATION NUMBER 01379/2014
LOCATION Barn, Broomhill, Northlew, Devon

DEVELOPMENT Retention of barn for agricultural use.
APPLICANT NAME Mr J Dixon

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PLANNING APPLICATION REPORT

Case Officer: Mrs Nicola Glanville

Ward: Lew Valley

Ward Member: Cllr J McInnes

Application No: 01194/2014

Applicant:

Mrs A Murphy
Blackberry Stamps
Tregeseal
St Just
Penzance
Cornwall
TR19 7PY

Site Address: 7 Kellands Lane, Okehampton, Devon EX20 1FQ

Development: Householder application for retention of fence measuring 2.6 metres.



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Ordnance Survey 100023302

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Reason item is being put before Committee: Cllr McInnes has called this in on the grounds of visual intrusion.

Recommendation: Conditional approval

Conditions:

1. Strict compliance with the drawings.
2. Details of a paint finish to the fence shall be agreed in writing with the LPA and carried out within 6 months of the date of approval.

Key issues for consideration:

The main issues associated with this scheme are those of residential amenity and material finishes.

Financial Implications: None.

Site Description:

The site is on a modern housing estate, where housing is in close proximity with small rear gardens. The site is not Listed nor is it within a Conservation Area.

The fence is located between two garages and encloses both properties. 9 Kellands Lane and its garden are at a considerably higher level than No. 7 Kellands Lane and its garden.

The Proposal:

This is an application for the retention of an extension to the top of an existing wooden panelled fence between 7 Kellands Lane and 9 Kellands Lane. When measured on site, the additional fence panel to be retained measures 750mm. The height of the fence at the ground level of 7 Kellands Lane would be 2.6m overall, including the addition.

The officer has visited the site and taken site measurements as follows:

- The height of the fence at No.9 Kellands Lane is 1.80m from existing ground level to the height of the existing fence. The additional fence panel on top measures 0.75m.
- There is a significant change in levels within the garden of No.9. Immediately next to the fence, the garden level is 1.45m lower than the level of the garden next to the dwellinghouse. Therefore, without the additional fence, it would have been possible to look into the garden of the neighbouring property from the garden above.

Consultations:

County Highways Authority – No comments

Environmental Health Section – No comments

Okehampton Hamlets Parish Council – Object on the grounds that the proposal is not in-keeping with its surroundings and no precedent should be set allowing this. They see no justification for the need for a higher fence.

Representations – Four letters of objection on the following grounds:

- (i) The fence is too high and poor workmanship and not in-keeping with its surroundings.
- (ii) The fence blocks views of long vistas.

Relevant Planning History

12853/2009/OKE Erection of 103 dwellings with associated garages, roads and footpaths, public open space and drainage ponds. Conditional consent 21/12/2009

ANALYSIS

Principle of Development/Sustainability:

The erection of a fence in this location is considered acceptable in principle providing all other considerations below are met.

Design/Landscape:

The fence is constructed of timber to match the existing fence. It is not considered to be of poor workmanship and is therefore considered to be in-keeping with existing boundary treatments. The boundary treatments surrounding the rear gardens of other properties on the estate that back onto No.7 and No. 9 also have close boarded timber fencing, which is unpainted. The proposed fence panel is considered to be in-keeping with other fences on the housing development. It is higher than other fences, but, given the location of the fence and significant change in levels this is not considered visually dominant.

Neighbour Amenity:

No.7 Kellands Lane and No.9 Kellands Lane are positioned with No.9 Kellands Lane being at a considerably higher level than No. 7, (the property below it). As such, part of the existing fence/boundary is a retaining wall, with a fence on top. Without some form of fence No. 9 would impinge on the privacy afforded to No. 7.

The additional height added to the existing fence improves this privacy issue, without having an overly dominant impact on No. 9. Therefore, the fence is not considered to have an adverse effect on the amenity of either property.

It is accepted that this addition to the fence does restrict long views from Number 9, however this view is partially blocked by other properties in the distance and there is no right to a view in planning terms, the fence is not overbearing on Number 9 or its amenity space.

Highways/Access: Unaffected by the proposal.

Conclusion

Overall the materials are in keeping with those already used within the development, although it does raise the fence it does provide additional privacy to both properties due to the change in levels, and does not adversely affect amenity at either property. As such it is considered acceptable.

Planning Policy

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

Planning Policy

NPPF:

West Devon Borough Council Core Strategy 2011

SP1 – Sustainable Development

SP17 – Landscape Character

SP20 – Promoting High Quality Design

West Devon Borough Council Local Plan Review 2005(as amended 2011)

BE13 – Landscaping and Boundary Treatment

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.

Notes of a Meeting of the **SITE INSPECTION PANEL** on **THURSDAY 29th JANUARY 2015**.

Present:

Cllr C M Marsh – Chairman
Cllr M J R Benson – Vice-Chairman
Cllr R Baldwin
Cllr T Pearce
Cllr D Whitcomb
Cllr L J G Hockridge
Cllr J Sheldon

Planning Officer (NG)
Committee & Ombudsman Link Officer

In attendance: Mr D Webber – Okehampton Hamlets Parish Council

Application 01194/2014 – 7 Kellands Lane, Okehampton, Devon EX20 1QF

The Panel met on site at 10.33 am.

Apologies for absence were received from Cllrs W Cann OBE, C Hall and D Wilde. Neither the Ward Member nor the applicant was able to attend.

In the absence of the applicant the Planning Officer, with prior approval, escorted the Panel through the property's side path into the rear garden to view the fence. The Panel noted the height of the fence, which matched the height of the older fencing around the remaining two sides of the garden. Venturing into the driveway backing onto the garden, through the garden gate, the Panel noted that the older fencing had been increased in height, possibly at the time that the property was first purchased.

The Panel then viewed the fencing from the neighbour's garden and noted that the new fencing had been erected in front of the original boundary fencing. The topography of the two gardens indicated that the applicant's garden had been built up against the new fencing and that the height of the new fencing did appear to have a detrimental effect on the amenity of the neighbour and was also out of keeping with the surrounding boundary dividers.

The Parish Council representative reiterated the Parish Council's strong objections to the fence.

The site meeting finished at 10.52 am.

PLANNING APPLICATION REPORT

Case Officer: Laura Davies

Ward: Lew Valley

Ward Member: Cllr J McInnes

Application No: 01379/2014

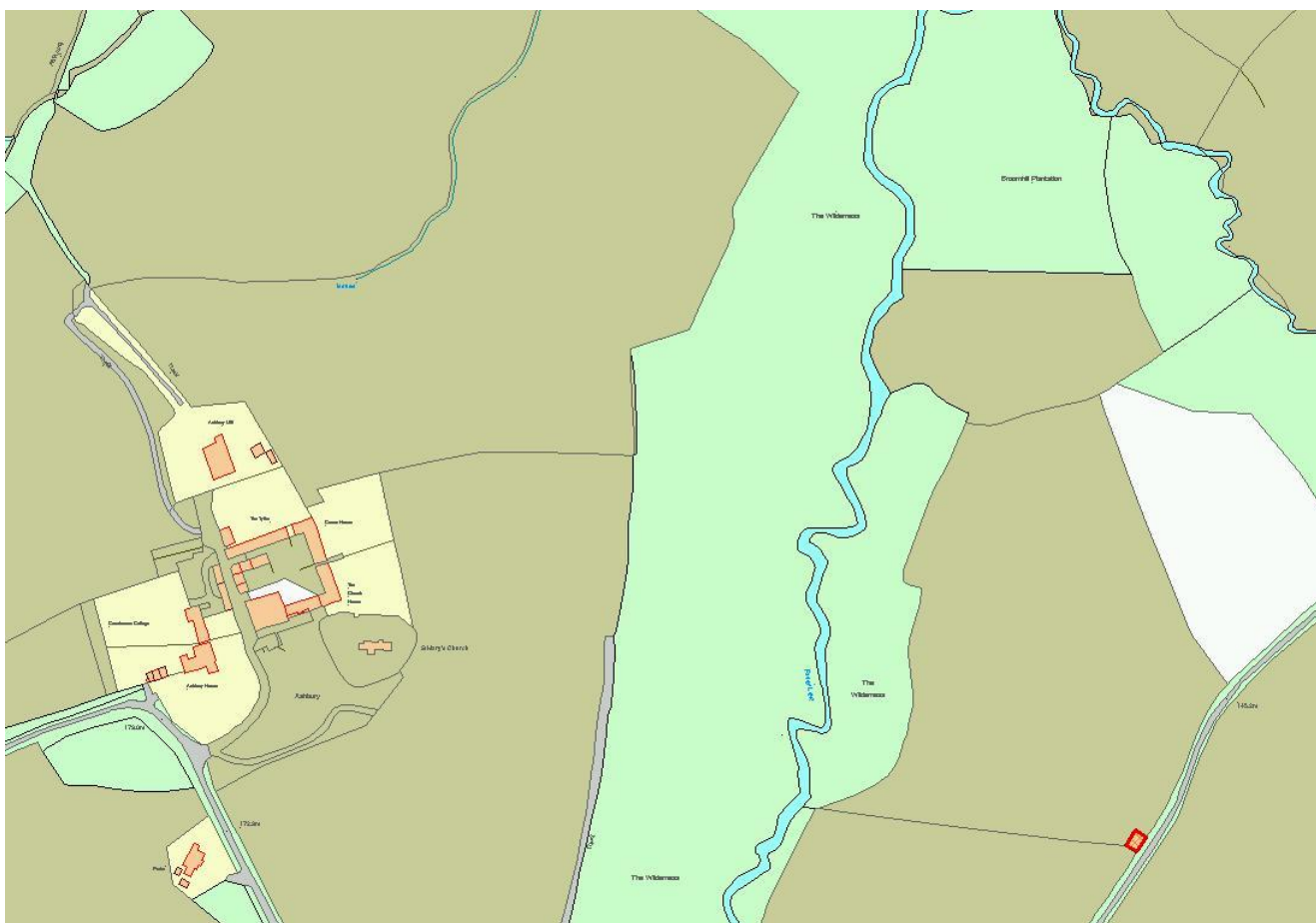
Agent/Applicant:

Mrs A Burden
Luscombe Maye
59 Fore Street
Totnes
Devon
TQ9 5NJ

Applicant:

Mr J Dixon
Lands End Farm
Northlew
Okehampton
Devon
EX20 3PP

Site Address: Barn, Broomhill, Northlew, Okehampton, Devon EX20 3PP



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Ordnance Survey 100023302

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Development: Retention of barn for agricultural use.

Reason item is being put before Committee

This application is to be considered by the Planning and Licensing Committee at the request of Cllr McInnes.

Recommendation: Conditional Consent

Conditions

1. Development in Accordance with Approved Plans
2. Surface Water Drainage - within 3 months of the date of decision.
3. Protected Species - Prior to works re-starting on site, details of proposed re-provision within the building for bats and barn owls, in accordance with the recommendations set out in the Ecological Survey Report submitted in relation to application 01485/2011 (available on the Council's website) shall be submitted to and approved in writing by the Local Planning Authority. Such provision shall be implemented on site and retained permanently unless otherwise agreed in writing.
4. The application site shall only be used for agricultural purposes, unless otherwise agreed in writing by the Local Planning Authority.

Key issues for consideration:

- Impact on character and surrounding landscape;
- Impact on neighbouring occupiers.

Site Description:

The application site is located on the west side of the road within the open countryside to the south of Northlew. The application site relates to an existing agricultural building and adjacent hardsurfacing. The barn is located immediately adjacent to the highway and site levels fall away from the highway to the west.

The Proposal:

This application seeks the retention of the existing barn for agricultural purposes. The applicant has confirmed that the barn was in a poor state of repair and works were undertaken to repair it although the Council's Enforcement Officers, further to an investigation, confirmed that the nature of the works were too extensive to be considered as repairs to an existing building. Due to the structural issues with the barn works have been started to secure it prior to this application. This application seeks to retain the barn with the following additions/alterations:

- The addition of new quoins to the southern and northern corners;
- Two door openings to the south western elevation to be replaced with windows;
- Door created to the north-western elevation in place of a previous arrow slit;
- Strengthening of walls with internal concrete blocks;
- Re-siting of wall to north-west elevation 0.45m increase in width to accommodate concrete block structure;
- Removal of existing corrugated roof and replacement with slate roofing.

The barn is intended to be used for shelter for livestock and storage for farm equipment, feed and logs.

Consultations:

County Highways Authority: Do not wish to comment.

Northlew Parish Council: Support the proposal – Agree this is retained for agricultural use only and would not support any further application to change of use.

Borough Engineer: No objection subject to a condition to ensure details of the proposed surface water drainage system are provided.

Ecology Officer: Seek the reinstatement of a permanent Bar Owl nest provision and features for bats in accordance with previously submitted Ecological Survey Report.

Representations

Two letters of representation have been received in objection to the proposed development and can be summarised as follows:

- Works undertaken without consent;
- Loss of habitat for barn owls;
- Intention to change use to a dwelling;
- Alterations to character and design of building out of character with original barn;
- Previous applications for change of use to dwelling refused;
- Increase in scale of building with walls rebuilt;
- Consideration should be given of views to Ashbury church.

Relevant Planning History

Planning permission has previously been sought for the conversion of the barn to a holiday let (application reference: 00698/2010). This was refused and dismissed on appeal due to its effect of the proposed development on the character and appearance of the surrounding countryside. A revised scheme for the conversion of the barn to holiday accommodation was also refused and dismissed on appeal for the same reasons (application reference: 01485/2011).

ANALYSIS

Principle of Development/Sustainability:

The proposed development would result in the retention of a barn in the open countryside for use for agricultural purposes. The principle of this development would be in keeping with the provisions of Policies NE10 of the Local Plan and SP1 and SP5 of the Core Strategy.

The concerns raised in representations in relation to the potential use of the site for residential purposes and the previous history of the site are noted, however further consent for any change of use would need to be sought.

Design/Landscape:

The retained barn has been and will continue to be rebuilt with stonework to the main elevations, brick quoins and a slate roof. In this respect the traditional character of an agricultural barn would be retained and would be in keeping with the rural character of the surrounding area. The works to the barn would not result in additions or extensions to the original barn structure with the exception of alteration to the door and window openings and a slight increase in the footprint to accommodate the internal concrete block structure. The agent for the applicant has confirmed that this increase in the footprint of the original building would only be to the north-western elevation. The external appearance of the completed barn would be of a similar scale to the original barn on the site and would not result in a dominant feature in the surrounding landscape. The development is not considered to be out of keeping with the provisions of Policy SP20 of the Core Strategy or Policy ED19 of the Local Plan.

Concerns raised within the representations received in relation to views from St Marys Church at Ashbury to the west of the application site are noted and there are views from the barn of the top of the tower of the church, just above the tree line to the north-west of the site. Notwithstanding this, given the nature of the proposed development and the previous barn on the site, together with its relationship with the church, it is not considered that the works would result in a harmful impact on the setting of this Grade II* listed building. In addition, Officer's and Inspector's decisions on previous applications on the site have not raised any objections in terms of the impact on the setting of the nearby church and these applications included a greater degree of external alterations than those contained within the current proposals.

It is noted that whilst many of the works associated with the application have been commenced on site, the concrete apron to the front (north-western) side of the building is proposed. It is noted that a similar hardstanding area to the front of the building existed previously, however this would now be amended to take account of the slight increase in footprint to this side of the building and sloped to permit more level access to the building. These works are not considered to be out of keeping with the character of the barn or the surrounding landscape character.

Neighbour Amenity:

The application site is in an isolated rural location with no immediate neighbouring buildings. On this basis, a harmful impact on the amenities of neighbouring occupiers is not considered to result.

Highways/Access:

The existing highways access to the site would remain unaltered as a result of the development, although hardsurfacing has been added from the highway access to serve the barn. These works fall outside of the application site in this instance. No objections have been raised by the County Council's Highways Officer.

Protected Species:

Concerns have been raised in representations received in relation to the impact of the works undertaken to date on site on protected species, particularly barn owls, noting that much of the work has already been undertaken to the building, including the removal of the roof. The Council's Ecology Officer has commented on the submission noting that the Ecological Survey Report submitted with the application in 2011 to convert the barn to holiday accommodation confirmed the presence of barn owls on the site. Notwithstanding the works which have taken place to the barn since the date of this ecology report, it is considered reasonable to request the reinstatement of a permanent Barn Owl nest provision and features for bats. This would be in keeping with national and local level policies and specifications for such provisions were set out in the previously submitted Ecological Survey Report. These included the provision of a box within the roof void and appropriate access points

Planning Policy

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

Planning Policy

West Devon Borough Council Core Strategy 2011

- SP1 – Sustainable Development
- SP5 – Spatial Strategy
- SP11 – Rural Regeneration
- SP17 – Landscape Character
- SP19 – Biodiversity
- SP20 – Promoting High Quality Design

West Devon Borough Council Local Plan Review 2005(as amended 2011)

- NE10 – Protection of the Countryside and Other Open Spaces
- ED16 – Development for Employment in the Countryside
- ED18 – New Farm Buildings in the Countryside
- ED19 – Agricultural Related Activities

National Planning Policy Framework (2012):

Paragraphs 28, 56 & 118

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: Jeremy Guise

Ward: Tavistock South

Ward Members: Cllr M Ewings; Cllr R Oxborough; Cllr E Sherrell

Application No: 01276/2014

Agent/Applicant:

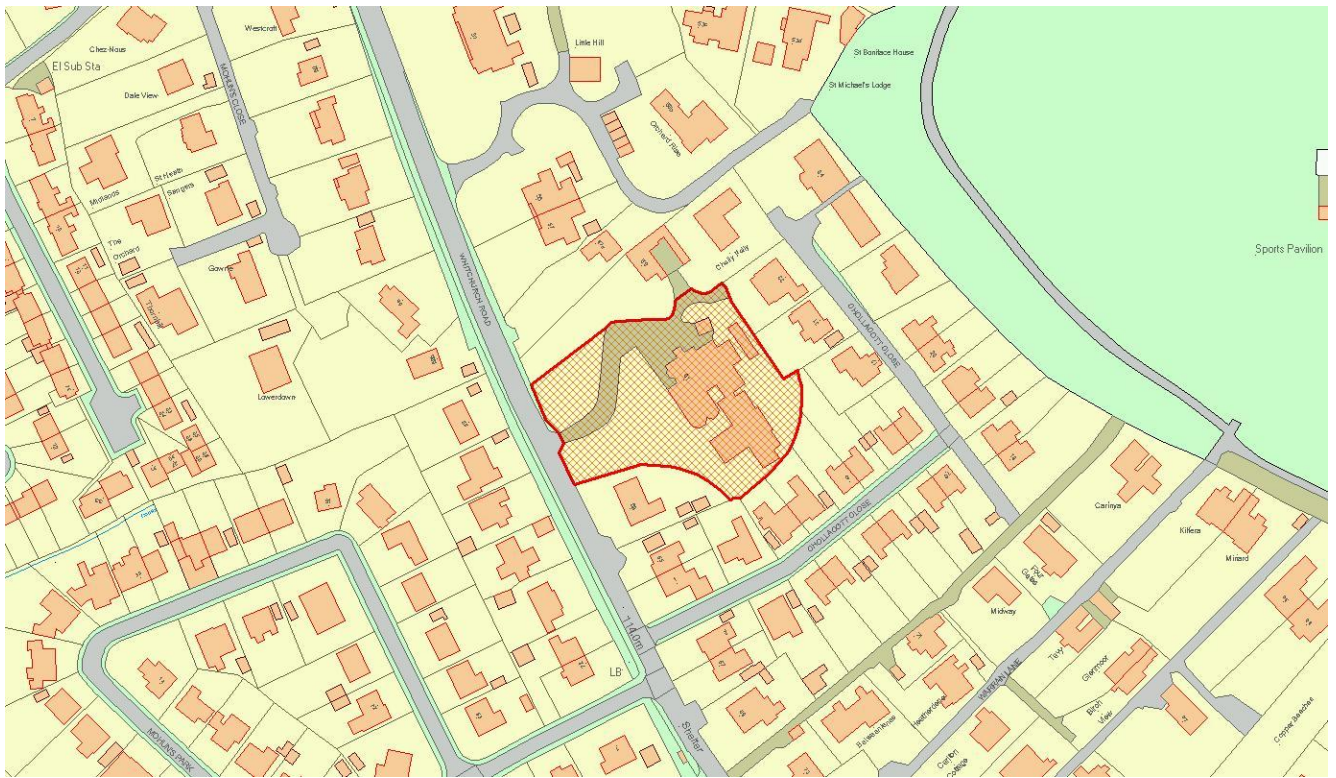
Mr R Barnes
37 Laura Grove
Paignton
Devon
TQ3 2LP

Applicant:

Stonehaven (Healthcare) Ltd
Mr S Stone
Mardle House
Mardle Way
Buckfastleigh
Devon
TQ11 0NS

Site Address: Chollacott Nursing Home, 61 Whitchurch Road, Tavistock, Devon PL19 9BD

Development: Extension at side and rear to form 10 additional bedrooms with ancillary accommodation and covered car spaces. Extension at side to form manager's office.



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Reason item is being put before Committee

Cllr R Oxborough: I would like this application to be considered at Planning for the following reasons:-

- (i) Adverse affect on neighbours' amenity
- (ii) Inadequate car parking
- (iii) Whitchurch Road is hazardous
- (iv) Overdevelopment

Recommendation: Grant conditional planning permission

Conditions:

1. Time Limit
2. Approved Plan numbers
3. Unexpected contamination
4. Material samples
5. Details of bat roosting and bird nesting provisions prior to commencement
6. Construction management plan required
7. Drainage assessment and details required

Key issues for consideration:

- The principle of residential extension to the building
- The design and the impact of the proposed extensions upon the appearance of the building
- The impact upon the amenities of neighbouring residential property
- The adequacy of access and parking arrangements

Site Description:

No. 61 Whitchurch Road is a large late Victorian/Edwardian house currently occupied by Chollacott Nursing Home. Originally a double fronted villa style property with a square bay and angled bays; it has been much altered with large extensions added to the south and east, and a large conservatory structure on the front, in connection with the current use.

The current complex of linked buildings is located on the higher, eastern part of the site and is accessed via a steep dive through a heavily wooded front garden from Whitchurch Road.

The nursing home is accessed from a drive off Whitchurch Road which it shares with number 59 Whitchurch Road and Cholly Folly to the north. Parking is provided for approximately 10 cars, either in an informal area in front of the property or in a parking bay 2/3rds of the way up the drive.

Nearly half of the 0.4ha site is occupied by mature TPO protected trees (18 specimens). But there is also a row of non TPO protected trees including a row of poplars, planted by the previous owner, that screen the care home from Cholly Folly, and some along the north eastern boundary.

The surrounding area is established residential in character mainly large detached and semi detached houses in Chollacott Close to the south east, Orchard Close Rise to the North West and the opposite side of Whitchurch Road to the south west.

The Proposal:

Planning permission is sought for a part 2 and part 3 storey extension on the north east rear (north east) elevation and an extension to the existing front entrance porch to provide a new office space

The proposal would provide:-

- An extended and re-fitted kitchen, laundry, store, WC and bin store and 4 covered car parking spaces at ground floor level; a new sitting room (approx. 41sqm);
- 6 new bedrooms with en-suite bathrooms one with a private terrace, assisted bathroom and WC at first floor level; and
- 4 new bedrooms with en-suite bathrooms at second floor level

These would all be linked by a lift.

Externally the main proposed extension would take the form of a tiered structure with slate hipped roof with a similar pitch to the original villa type property. The proposed walls are shown render at ground and first floor level and slate tile hanging on the top level. There are new door and window openings proposed on every elevation, but these are limited on the north east elevation to a double door and a row of 4 roof lights serving the new sitting room.

Since submission the applicants have clarified a number of points about the application, including the level of staffing currently provided for the 42 existing residents and that proposed for the additional 10 resident capacity which would result from approval, and occupation, of this extension.

The nursing home currently has 31 staff in different roles: carers, cook, cleaner, laundry worker etc who work at different times during the day: most in the morning; least at night.

- 12 morning
- 9 afternoon
- 7 evening
- 3 night

The proposed extension would create a capacity for up to 10 more residents requiring the services of five more staff. These would cover the following periods

- 12 morning +2
- 9 afternoon +1
- 7 evening +1
- 3 night +1

In relation to staffing and parking provision the applicant's have commented as follows:-

'Two additional parking spaces will cater for all new needs as existing visitor parking is not under any significant pressure and visitors are able to be encouraged to visit during afternoons and evenings. '

They have also provided a supplementary plan ref. 866-P-06 Rev.A indicating how additional parking spaces might be provided in the future. (As these would be under TPO protected trees the landscape officer has been consulted and asked to comment)

A preliminary ecological assessment and building inspection prepared by Bluebell Ecology Ltd and a contamination assessment has been provided to support the application.

Consultations:

County Highways Authority: An additional two on-site parking spaces which would seem appropriate having regard to the additional ten residents that will be accommodated. It is not appropriate for me to seek to address what might be perceived as a retrospective shortfall in parking (there are no adopted minimum parking standards for this type of use in the adopted West Devon Borough plan) as part of a current application.

I have also researched the County Council's Collision data base and, in the vicinity of the site access on Whitchurch Road, there have fortunately been only two 'slight' personal injury collisions in recent years, both in 2011. Although one of the collision's descriptions mentions a parked vehicle, neither includes a parked vehicle as a contributory factor to the collision (data protection prevents me being more specific here). This being the case there is no evidence base that the presence of parked vehicles on Whitchurch Road is prejudicial to highway safety, so I would not be able to sustain an objection to the proposals on that basis, especially having regard to the additional two spaces that are being proposed.

Environmental Health Section: Have no objection to the application subject to a standard unexpected contaminated land condition:

Environmental Health has never received a noise complaint regarding the nursing home. The issues you describe (call alarms left ringing for long period, patients shouting and playing radios into the early hours) would not form a basis of an objection and can be dealt with under EH legislation. There for EH would not be objecting or requesting any noise conditions.

Tavistock Town Council: Support the proposal

WDBC Senior Engineer: Seeks a Drainage Assessment is needed to support these proposals.

WDBC Landscape Officer: There is a Tree Preservation Order (TPO) ref.S192 made in 1997 that protects 18 individual trees at Chollacott Nursing Home. The protected trees are all located to the front of the property away from the proposed extension. Please request the following;

A Tree Protection Plan to BS5837;2012 is submitted for LPA written approval

That a BS5837;2012 Tree survey is carried out on the three trees located within the vicinity of the proposed new soakaway and new SW drain

WDBC Countryside & Special Projects Officer: Seeks a condition requiring details of bat roosting and bird nesting provisions prior to commencement

Representations

A site notice has been posted and neighbours notified of the application. This has resulted in receipt of 12 letters of representation (LOR's). Most raise objection to the

proposal, whilst some only raise partial objections or concerns. The grounds of objection and concern raised can be summarised as follows:-

Overdevelopment - Questions whether as home of 'nursing' stature appropriate in such a built up area, and indeed, will increasing the home to accommodate 10 further bed rooms exacerbate an already intolerable situation! We can only ask that anyone reading this put themselves in our position. A satisfactory solution should be found for the existing development before any consideration is given to the above application.

The nursing home is already larger than the staff can cope with – patient alarms often ring for a very long time before they are answered. The management is obviously not willing to pay for sufficient staff. The problem will only be exacerbated if there are more residents.

Traffic & Parking

No objections to the extension, but adequate consideration to the parking of staff who work at the premises. Currently staff are parking in Whitchurch Road for anything up to 48 hours. Although they can legally do this it causes a considerable amount of trouble to the residents in the area

Should this development go ahead without an adequate parking area it will be an accident waiting to happen. Please do not use the excuse of traffic calming it doesn't work. I witness the road rage, stupidity and lack of consideration to other drivers day after day.

With regard to this application, having not made comment on the previous and now completed extension, it has been more difficult to exit my driveway due to the staff parking along Whitchurch road in close proximity of the home, so that the traffic passing have severely reduced space to pull in and as it is already extremely difficult to pull out towards Tavistock town centre from my driveway is this application going to add to the problem due to an increase of staff and visitor traffic/parking along Whitchurch Road or is the application going to alleviate the present problem.

Children going to and from school along Whitchurch Road and pedestrians using Whitchurch Road find it difficult to cross the road due to the increase in parked cars. I feel there should be double yellow lines opposite any junctions along Whitchurch Road.

On street parking is a nightmare for local residents already, this will make it worse, suggest staff parking is more important to everyone rather than a large extension that does not benefit the long suffering community.

Noise pollution – The sound of nurse call alarm causes problems in the summer when alarms can be heard ringing for long periods. The automatically closing door on the Drakes' unlit is wedged open in the summer with staff complaining about the heat. Suggest a clause requiring staff to carry individual bleeps to replace anti-social ring. Repeated shouts from patients suffering, which is distressing. Antisocial playing of a radio by a patient to the early hours of the morning. Stress caused to ourselves and patients.

Understand that previous construction at Chollacott House was ongoing for an extended period of time (couple of years). I would like to be assured, that as a neighbouring property that will be affected by any noise of construction etc, that the amount of construction time will be constrained to a realistic period.

Light Pollution – Will increase light pollution from the home

Other grounds for objection – Hope that there will be sufficient planting of new trees to help ‘soften’ the impact of yet another extension in a fairly tight plot.

The proposal will devalue our homes

The plans refer to possibility removing, or reducing, a conifer hedge to the north east side of the development (alongside the proposed covered car spaces). As the new development would currently be screened by the hedge, and so prevent any overlooking of my property, I object to the remove or substantial reduction to the hedge.

Relevant Planning History

Ref.10110/2007/TAV – Erection of first floor extension to existing single storey extension Refusal 08/05/2007

ANALYSIS

Principle of Development/Sustainability:

The Core Strategy recognises the age profile of the population of the Borough and acknowledges the need to approve more accommodation that is suitable for occupation by people who are elderly or disabled. Supporting paragraph 4.32 of chapter 4 ‘*Balancing the Housing Market*’ section states:-

‘The HMNA highlights a growing gap between the need for, and current provision of, appropriate housing for elderly and disabled residents in West Devon. Projected increases show that the retired population of West Devon will rise by 56.0% by 2026, meaning that there will be over 15,000 people above the age of 65. 26% of households have also been identified as having a support need 7.7% of which felt they needed additional care or support which is not currently being provided These trends show that the existing housing stock cannot meet these needs. A full consideration of the needs of the rising elderly and less mobile population must be addressed and incorporated into new housing proposals. Extra support is needed for people with mobility issues.... and for the elderly and vulnerable members of the community.’ (*HMNA = the 2006 Housing Market and Needs Assessment)

This demographic understanding is reflected in Strategic Policy 8 Inclusive communities which states:-

‘Development should provide a mix of housing sizes and types to meet the needs of the Borough’s communities. Provision should particularly be made for smaller homes to meet the needs of existing and new households.

It is aimed to create a socially inclusive balanced community with an adaptable environment suitable for a range of occupiers which meets the long term needs of all. When making social planning decisions and when

determining planning applications the needs of the following groups must be addressed:

- (i) An aging population, providing appropriate housing and health care accessible to all people and which is capable of adaptation to reflect changing lifestyles'*

Of course, this broad brush policy framework does not mean that every application or a new nursing or care home, or extension to an existing one, should be approved. But it does set out a presumption that is supportive, where possible.

In practical terms provision of nursing and residential care homes has followed two routes: the construction of specialist purpose built homes in brownfield sites within settlements or new estates, or the conversion, adaptation and extension of exiting property. Often the latter has involved the conversion of large detached houses in established residential areas. Such established residential areas within settlements are suitable locating such homes.

Frequently, the use of detached property in such areas generates more traffic, noise and lighting issues than use a single large dwelling/or sub-division into flats. What needs to be considered is the reasonableness of what is being proposed, in relation to the specific policies.

As an extension to an existing building the proposal needs to be considered, in the first instance, against Policy H40 of the West Devon Borough Council Local Plans Review March 2005, as amended by the adopted Core Strategy. It states:-

'Permission will be granted for extensions and alterations to buildings provided that:-

- (i) The external appearance, scale, massing, size and materials are generally consistent with the character of their surroundings band to the existing building.*
- (ii) There is no significant adverse affect on the privacy or amenity of nearby residents;*
- (iii) The proposal would not cause the loss or prejudice the retention of any significant landscape or townscape feature;*
- (iv) Adequate open space can be provided to meet the reasonable needs of occupiers; and*
- (v) Adequate access and parking can be provided'*

The property is located in an established residential area within the Tavistock settlement where there is no objection, in principle, to a residential extension subject to the provisions of Policy H40.

Design/Landscape:

The architectural unity and integrity of the original late Victorian/Edwardian house has already been somewhat eroded by earlier incremental extensions in connection to with the nursing home use. These are mostly on the north east elevation. The proposed extensions and alterations will, to some extent, 'tidy up' the earlier extensions whilst adding to the size and bulk of the building and taking it further away from its original inception as a large detached house. Given that the property is not located in the conservation area and is not listed, even as an unregistered heritage asset, there is scope to allow a design that suits its' practical modern use, as much as it is respectful of the original. With the exception of the proposed single storey office extension on the side, the extensions are all to the rear of the original house.

The proposal development is located away from the TPO protected trees to the south and west and front facade of the building. It is shown set into the bank, on rising land, with much of the building mass of the functional ground floor area (kitchens/laundry/store etc) subterranean and hidden from view. This difference in levels, means that, from the north east boundary, the building would have a two storey appearance with roof sloping away. For its size, the proposed extension will have relatively little impact upon the wider landscape.

Neighbour Amenity:

Neighbouring properties are too distant to be over shadowed or overlooked by the proposed extension, which has been carefully designed to avoid the provision of windows on the upper floor of the north east rear elevation closet to the neighbours at Nos.31 and 33 Cholocott Close. The loss of some foliage screening along this boundary and on the northwest boundary, where the site abuts Cholly Folly will result in the building being more conspicuous, but there will remain a footpath separating the building from these boundaries and some screen planting is shown between the footpath and the building the relationship is considered to be satisfactory.

New construction frequently causes some localised disruption with additional noise, construction traffic and dust. In the event that the proposed extension is approved these activities would take place in close proximity to a sensitive environment, where elderly people live and adjoining residential property. It has long been held that the disruption caused by construction does not provide substantive reason for withholding planning permission. However, it is important that the level of disruption is kept to a minimum that is compatible with timely implementation of the permission. A condition requiring submission and approval of a code of construction practice is considered appropriate. This would require details of access, noise and dust mitigation, storage of building materials, separation of vulnerable residents from builders etc, and would seek to limit times of construction to the 7am- 6pm Monday – Friday and 7am-1pm Saturday mornings.

Highways/Access:

Proposed parking levels on site are considered to be acceptable for staff and visitors, without a requirement to add more than the additional two spaces proposed as part of the current submission. The provision of additional spaces under TPO protected trees is likely to cause them long term compaction damage and shorten the lives of the trees.

Whilst many local residents clearly have a sense of proprietorship in respect of on-street parking in front of their houses, and are understandably upset when inconsiderate parking obstructs their drives and garages, staff and visitors are entitled to use the on-street parking.

Consideration has been given to requiring a staff travel plan, but given the nature of the shift work it is considered to be impractical.

Other Matters:

In relation to Cholly Folly access, a non planning matter, the applicants have commented as follows:-

'With reference to the access right, there is no intention to reduce the width of the driveway in any location. There is a discrepancy on the submitted Ground Floor Plan ref. 866-P-02 Rev.A which is corrected by the attached revised Ground Floor Plan ref 866-P-02 Rev.B clarifying that the access drive to the north of the proposed

extension will be maintained at its existing width. Please substitute this for the submitted plan. Please find attached supplementary information, plan ref. 3732-A01 comprising a topographical site survey which verifies the width of the existing access drive.'

Planning Policy

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

Planning Policy

West Devon Borough Council Core Strategy 2011

- SP1 – Sustainable Development
- SP4 – Infrastructure Provision
- SP5 – Spatial Strategy
- SP8 – Inclusive Communities
- SP9 – Meeting Housing Needs
- SP10 – Supporting the Growth of the Economy
- SP13 – Community Services and Facilities
- SP14 – Accessibility Planning
- SP15 – Traffic Management
- SP16 – Safer Communities
- SP17 – Landscape Character
- SP19 – Biodiversity
- SP20 – Promoting High Quality Design

West Devon Borough Council Local Plan Review 2005(as amended 2011)

- BE13 – Landscaping and Boundary Treatment
- BE19 – Development on Contaminated Land
- H28 – Settlements with Defined Limits
- H29 – Smaller Settlements
- H40 - Residential Extensions
- H42 – Disabled and Those with Mobility Issues
- T1 – Walking and Cycling
- T2 – Pedestrian and Cyclist Safety
- T3 – Protection of Existing Footways, Cycleways and Bridleways
- T4 - Footpath Links to Okehampton Town Centre
- T5 – Public Transport
- T7 – Railways
- T8 – Car Parking
- T9 – The Highway Network
- PS2 – Sustainable Urban Drainage Systems
- PS3 – Sewage Disposal

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.

Notes of a Meeting of the **SITE INSPECTION PANEL** on **THURSDAY 29th JANUARY 2015**.

Present: Cllr M J R Benson – Vice-Chairman
Cllr R Baldwin Cllr T Pearce
Cllr J Sheldon Cllr D Whitcomb

Senior Planning Officer (JG)
Committee & Ombudsman Link Officer

In attendance: Cllr R Oxborough – Ward Member
Mr C Rogers – Tavistock Town Council
Mr P Townsend – Devon County Highways

Application 01276/2014 – Chollacott Nursing Home, 61 Whitchurch Road, Tavistock, Devon PL19 9BD

The Panel met on site at 11.45 am.

Apologies for absence were received from the Chairman Cllr C M Marsh and from Cllrs W Cann OBE, C Hall, L J G Hockridge and D Wilde.

Prior to viewing the site, the Panel convened on the road side opposite the entrance drive to the Nursing Home and noted the amount of kerbside parking together with the traffic flowing past the location.

The officer from Devon County Highways reported that the highway view was clearly given in the report to Committee and added that the proposal to provide an additional two parking spaces on the site was in accord with Highway Authority recommendations. Further Highway Authority records showed that there had been no personal accidents on this part of the road although he accepted that there could have been minor accidents that did not involve personal injury.

The Panel then moved onto the site and viewed the plans from the shelter of the entrance lobby. The Senior Planning Officer explained the proposed development and then the Panel walked the site (outside) noted where the extensions would be located.

The Panel then viewed the site from a perimeter footpath which boarded neighbouring property to gain a view on the height of the development and its possible impact on the neighbouring properties. The Panel was advised that the proposed new extension would be the same height as the established property.

Cllr Rogers for Tavistock Town Council expressed the concern of neighbours for the loss of trees and the adverse effect on their amenity and that there appeared to be no mitigation for bats, however, the Senior Planning Officer reported that bat mitigation was a condition should approval be given for the development. The Town Council, however, supported the proposal.

The site meeting finished at 12.26 pm.

PLANNING APPLICATION REPORT

Case Officer: Jeremy Guise

Ward: Bridestowe

Ward Member: Cllr L J G Hockridge

Application No: 01182/2014

Agent/Applicant:
EJFP Planning
49 Bannawell Street
Tavistock
PL19 0DP

Applicant:
R Phillips
Bratton Mill
Bratton Clovelly
Devon

Site Address: Land Adjacent To Primrose Cottage, Bratton Clovelly, Devon

Development: Demolition of existing workshop and erection of 3 bed dwelling with associated car parking and garden.



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Ordnance Survey 100023302

Scale 1:1250 For internal reference only – no further copies to be made

Reason item is being put before Committee

Cllr J Hockridge, Ward Member - The Parish Council have raised concerns about highways issues - visibility - and the proposal being out of character. I am concerned about the highways issues. Please bring to Planning & Licensing Committee for decision.

Recommendation: Conditional Consent

Conditions

1. Time limit
2. In accordance with approved plans
3. Material samples
4. Removal of PD
5. Unexpected contamination
6. Details of surface water design
7. Schwegler bat box requirement
8. Access parking and visibility splays to be provided before first use
9. Natural Slate
10. Natural stonework

Key issues for consideration:

- Principle of subdivision to create a separate building plot
- The impact upon the amenities of the existing dwelling
- The adequacy of the residential arrangements for the proposed dwelling
- The design and appearance of the proposed dwelling, including its impact upon the street scene
- The impact of the proposed dwelling upon the amenities of neighbouring residential property
- The adequacy of access arrangements and impact upon the highway network
- The adequacy of measures to offset the impact of the development

Site Description:

Primrose Cottage is located within the village settlement of Bratton Clovelly. It forms part of a ribbon of development that extends to the south west of the village along Chapel Street.

Buildings are located on both sides of Chapel Street, but are more extensive on the western side, where modern houses have been in filled. Beyond Primrose Cottage, there are no separate dwellings on the eastern side of Chapel Street, only the single storey workshop building, that forms the subject of this application, and parking, gardens and outbuildings associated with the dwellings opposite. Primrose Cottage is orientated south west/north east and extends across the whole depth of its plot. Its garden and many of the windows serving the main habitable rooms face towards the south west and the workshop/ application site.

The village of Bratton Clovelly occupies an elevated position within the landscape with open countryside falling away to the south east.

The Proposal:

Permission is sought to demolish the existing single storey workshop and erect a 126sqm dwelling, with associated car parking, on approximately 2/3rds of the garden, to the south west.

Plans show a large, 126sqm, house comprising entrance hallway, study, WC living room kitchen and utility room on the ground floor and three bedrooms – all with en-suite bathrooms on the first floor.

The external appearance of the proposed house is dominated by a slate gabled roof and a chimney on the south east elevation with rendered walls and extensive glazing on the south west elevation. The first floor windows on the north west elevation, that would serve a bedroom and bathroom and face towards Primrose Cottage are shown obscure glazed.

Overall the ridge height of the proposed dwelling would, at 7m from ground level, the same as Primrose Cottage.

Plans show two off street parking spaces and a 135sqm garden area for the proposed dwelling and a single off street parking space and reduced garden area of approximately 75sqm for the existing Primrose Cottage.

In section 4, 'Evaluation', of the Design and Access statement that accompanies the application the applicant's agent comments on the revised proposal. He states:-

'the previous application for the development of the site for a 4 bed dwelling was refused for the height, width, roof pitch and shape and external chimney of the proposed dwelling and the perceived impact on the surroundings. My client met with officers of the council to discuss the refusal and what could be done to overcome the objections. The current scheme is now for a 3 bed dwelling, with the appropriate alterations that in our view address the above stated concerns.'

An Ecological and Emergence survey report, prepared by David F Wills, has been submitted as part of the application. It concludes that there is no evidence of use of the existing building by bat, birds or other wildlife, but concludes with a recommendation that a Schwegler type bat box is erected on the replacement building.

In response to concerns about highway safety and visibility raised by objectors, and subsequently endorsed by the County Highway Authority the applicant has amended the plans to relocate the front of the building 1.5m further from the highway.

Consultations:

County Highways Authority – The highway aspects of the application were originally identified to be considered by the case officer following Standing Advice procedure.

However the County Highways officer was asked to specifically look into the matter. He raised objection on the grounds that the proposal as submitted did not provide adequate visibility. Following discussions with the applicants amended plans were sought that showed the proposed house re-located 1.5m from the back of the pavement. The County Highway Authority's views are in relation to the latest amended submission.

Consultation response 8th December

Further observations following receipt of amended plans and additional supporting information. The application plans have now been amended following discussions with the applicant and show the proposed building set back from the edge of the carriageway in order to optimise achievable visibility from the accesses. In addition, explanation has been provided about the potential authorised uses of the building to be demolished and the former site boundary treatment, which, up until very recently, was a high hedge on the edge of the carriageway. On balance, now, the proposed accesses are acceptable for their proposed use, having specific regard to the previous access to the site and the potential authorised uses of the former building.

Recommendation: that a condition is appended to any grant of planning permission requiring the accesses, parking facilities and visibility splays to be provided before the development is brought into use and henceforth maintained.

Environmental Health Section- Have no objection subject to a condition relating discovery of unexpected contamination, and necessary remedial measures in the event that it is found.

WDBC Drainage Engineer – Seeks a drainage assessment to support these proposals

WDBC Countryside & Special Projects Officer - The ecology survey recorded no evidence of use of the garage by protected species. The report recommends that an externally mounted Schwegler bat box Type 1FQ (or similar) be included in the new dwelling, and I would consider this is reasonable by way of enhancement – I note that the submitted drawings indicate a bat box on the southwest elevation, and this location is suitable. A condition requiring the erection of a bat box, and an informative about bats are recommended, if the application is approved.

Bratton Clovelly Parish Council – (Comments on original application) The Parish Council unanimously object to this proposal on the following grounds:

- (i) Because of the lie of the road, visibility for vehicles both egressing the new single parking space at Primrose Cottage and those already on the highway is limited to 20 metres . With a speed limit of 30mph applying, the breaking distance would be 23 meters at that speed.
- (ii) The new development also reduces the off-road parking available for Primrose Cottage from 2 spaces to 1, which is unsatisfactory for such a 4 bedroom dwelling. This will cause more on-road parking, further reducing visibility in this location and increasing hazard to all road users.
- (iii) The Parish Council request that the application is referred to the Planning Committee.

Parish Council comments on the amended submission are awaited.

Representations

Neighbours have been consulted about the application in accordance with council practice and a site notice posted. This has resulted in receipt of nineteen (11) letters of representation (L.O.R.s). There is one (1) letter in support of the proposal the others raise objection.

The single letter in support states:-

'I regularly visit Bratton Clovelly and have often thought how well a house would fit into this space and what a wonderful view it would have!

In my view the proposed dwelling would not only fill a need, but it makes the best use of the site, and would enhance the appearance of the village as you entre. The construction, using modern building technology, is cleverly designed to make the best use of natural light to both heat and light the building, without hindrance to other properties'

I see the previous application for this site was turned down - and wondered why? I note that there have been some changes made in the design of the building to which this application refers and feel that the building will fit in beautifully with the surrounding, without causing any problems to other properties. It would certainly be an improvement on what is there already.

The grounds of objection can be summarised as follows:-

Principle

The plot is too small for such a development. It is inappropriate development in a residential garden.

'I regularly visit Bratton Clovelly and pass Primrose Cottage on a regular basis. I love the charm of the village, the whitewashed and thatched little cottages which all blend so well together.

Having looked at the plans, I don't feel this new property is suitable for the village in particular that location. The site being too small for a three bed roomed property and being highly visible for miles around. It is an interesting design for an urban location, not a rural village. The design is almost identical, in size and appearance to a previous application which was recently turned down by the Authority, I hope the same decision will be made on this new application'

Questions whether this community requires this type of housing. The development appears to be aimed at wealthy second home owners. A four bedroom house does not cater for the requirements of affordable housing required. There is a need for smaller more affordable housing in the village for youngsters who want to stay but can't afford to. There are plenty of larger sized house already. Strategic policy 24 developments will only be supported if they contribute to communities well being

Design

Hideous eyesore. Totally uncharacteristic of its immediate surroundings. The sheer vastness of the proposed building, in height volume beggars belief.

The proposed dwelling will be the first on the right coming into the village from the south west. At present this approach has a soft landscape*, this dwelling would be uncharacteristic in its size, character and appearance, creating a visual intrusion in the landscape. The design is not in keeping with the surrounding properties. It has a wall of glass and a glass balcony that is far removed from the style of the village. The chimney is on the outside of the property and is unsightly design. It is very large bulky and ungainly. not typical of the village having an industrial look about it .The roof pitch is very steep and bulky and looks extremely high. There appears to be provision for future rooms in the roof.

Distant views, from across the valley the over use of glazing on three floors from the back of the house, will be highly reflective and out of character of the village. Due to this it will also be visible from a considerable distance

Primrose cottage and the application site will have very small gardens that are not suitable for families. A family would require some outdoor space to let off steam and have toys etc.

(*hedge removed this Autumn)

Impact on conservation area

The area is a conservation area and therefore development should be limited.

Parking and access issues

Three parking spaces in total for two three bedroom houses is inadequate. The road is narrow and used by many farmers using tractors to access their land. Any dwelling being so close to the road will with any doubt cause a lot of traffic and parking problems and will be a danger to children on this blind bend.

Public transport claim is overblown. There is only one bus to this village. It runs on a Monday to Okehampton returning three hours later.

The new vehicle access created from Primrose Cottage does not appear to have sufficient visual splays.

Impact on the amenities of neighbouring property

Neighbouring properties will be overlooked suffering loss of light privacy. The proposal will turn existing Primrose Cottage into a cave dwelling with daylight lost in winter when the sun is lower in the sky. Overbearing, overshadowing and overlooked

Miscellaneous

- Request a site visit to the property
- Questions the accuracy of the plans
- Neighbouring properties will suffer loss of value

Relevant Planning History

- 00691/2014 Permission for a 4 bedroom dwelling was Refused 8th August 2014 on grounds of excessive size and absence of an affordable housing contribution.
 1. *The proposed dwelling, by virtue of its height, width, roof pitch, roof shape and external chimney feature, would result in an excessively large building that is poorly proportioned and out of scale with its' neighbours and the surrounding area. It would be an over-dominant feature, particularly in relation to the existing Primrose Cottage and when viewed from the open farmland located on lower ground to the west As such it would be contrary to Policy H28 of the West Devon Borough Council Local Plan Review March 2005, as amended by the adopted Core Strategy, April 2011 and the Local Development Framework Core Strategy (2006-2026), Adopted 2011.*
 2. *In the absence of a planning obligation to deliver a £13,125 contribution towards affordable housing the proposal is contrary to Policy SP9 (Meeting Housing Needs) of LDF Core Strategy.*

ANALYSIS

Principle of Development/Sustainability:

The site is located within the village settlement boundary, as defined in the West Devon Borough Council Local Plan Review March 2005, amended by the adopted Core Strategy.

Policy H28 is therefore applicable. It states:-

'Within defined settlement limits shown on the Proposals Maps small scale residential development will be permitted that is consistent with other policies in the plan, and where:

- (i) *The scale, design, proportions, materials, character and size of plot of the development is compatible with the surrounding sites and the settlement;*
- (ii) *The development would respect the form of the settlement and would not introduce or reinforce undesirable patterns of development;*
- (iii) *The development can be safely and adequately accessed;*
- (iv) *The amenities of adjacent residents are not adversely affected*
- (v) *The site is not an important open area within the settlement of historic or townscape importance nor its nature conservation value;*

- (vi) *The development would not represent a visual intrusion of buildings into the landscape beyond the curtilage of existing adjacent development*
- (vii) *The development would provide a satisfactory standard of residential amenity; and*
- (viii) *It would not prejudice the development potential of an adjacent site.'*

There is thus no objection, in principle, to the subdivision of the plot and development of a new dwelling. The site is considered to be a sustainable location. Whilst many representations have expressed a view that the village needs smaller dwellings that are more affordable for local young people, this is not something that can be achieved through the assessment of a single house planning application.

Design/Landscape:

Policy SP20 Promoting High Quality Design of the Core Strategy requires the proposal to achieve a high standard of design of both buildings and landscaping. It states:-

'The requirement to achieve high quality design both of buildings and landscaping is a priority

For all development proposals, support will be given for proposals which have regard to the following requirements

- a. *Provide an attractive, accessible, functional and inclusive development;*
- b. *The distinctive character of the area, including the local context, design, landscape, natural and historic environment and incorporate public art where appropriate*
- c. *Take account of the need to reduce the opportunities for crime and fear of crime ; Promote safe and user friendly environments*
- d. *Promote safe and user friendly environments*
- e. *Encourage access through sustainable forms of transport*
- f. *Provide appropriate public open spaces*
- g. *Make efficient use of resources*
- h. *The retention and enhancement of biodiversity on the site*

The amended submission has addressed concerns about the roof height and shape, the overall width of the dwelling and integration of the chimney. On the key public elevations facing the village, the North West, south west and north east, the appearance is more respectful of traditional rural Devon building forms and is comparable, if not better, than modern infill elsewhere in the village.

The proposed development would result in a much smaller garden (approximately 76sqm) for the existing Primrose Cottage and a larger garden (approximately 140sqm) for the proposed house, partly compromised by a new soak away. Whilst not especially generous, gardens of this size are considered to provide a satisfactory level of external amenity space both for remaining for the existing dwelling, and to comply with Policy H28.

The property is located outside the Bratton Clovelly Conservation area. It proposes significant glazing, but only on the south east and south west elevations to take advantage of the open southerly aspect and views. The south east elevation is only visible from the adjoining fields. The south west side elevation view of the property has been amended to show a more traditional gable feature and extensive glazing has been kept at ground floor level, which is approximately 1m below road level. It is considered to be a significant improvement upon the earlier submission, particularly the first floor. Slightly less glazing on this elevation would probably help the building to fit in better the wider character of the village; but the use of extensive glazing on these elevations is not considered to be so injurious as to justify refusal.

Neighbour Amenity:

The property which would be most affected by the proposal is Primrose Cottage which the applicant owns. Notwithstanding the common ownership, the LPA has an obligation to ensure that a reasonable level of amenity is retained for the property.

Primrose Cottage is located approximately 10m away (8m from the boundary) and is unlikely to suffer much overshadowing from the property. The proposal would reduce the size of the garden by approximately 2/3rds and further encroach upon its usable space by providing one parking space within the garden, nevertheless a garden of 76sqm would remain. This is considered to be of sufficient size.

Direct overlooking of the north east elevation and garden of Primrose Cottage from windows in the south west elevation of the proposed property has been carefully avoided by making them obscure glazed, and adding high level roof lights in the roof plane. As one of the proposed rooms served by this obscure glazed/high level roof arrangement is a bedroom there are residual concerns about the long term durability of this slightly contrived arrangement. However, these are not considered sufficient to justify a refusal reason.

It is the height of the proposed development which is considered to be over dominant in relation to the north east elevation and garden of Primrose Cottage.

The proposal is not considered to have an adverse impact on the amenities other neighbouring properties, on the opposite side of the road. The new dwelling is not aligned directly opposite the neighbouring properties and its proposed first floor window on the south east elevation is separated from the neighbour by the road

Highways/Access:

Two off-street parking spaces are proposed for the new house, and one for the existing. This is considered sufficient to satisfy parking requirements.

After taking into account potential vehicle movements associated with the authorised workshop use, and the amended plans which show the proposed dwelling relocated slightly further away from the road the Highway Authority is satisfied that the development will not give rise to safety concerns and have revised their consultation response, to one of no objections, subject to condition requiring the accesses, parking facilities and visibility splays to be provided before the development is brought into use and henceforth maintained.

Other Matters:

Since the previous application was considered the Government has introduced thresholds for the collection of affordable housing contributions which mean that affordable housing contributions are not collected from single house developments.

The provision of a Schwegler type bat box is a welcome feature of the current proposal. In the event that it were recommended for approval a condition to ensure its delivery would be appropriate.

Planning Policy

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

Planning Policy

NPPF

West Devon Borough Council Core Strategy 2011

SP1 – Sustainable Development

SP2 – Decentralised and Renewable Low Carbon energy to Supply New Developments

SP9 – Meeting Housing Needs

SP10 – Supporting the Growth of the Economy

SP11 – Rural Regeneration

SP14 – Accessibility Planning

SP15 – Traffic Management

SP16 – Safer Communities

SP17 – Landscape Character

SP18 – The Heritage and Historical Character of West Devon

SP19 – Biodiversity

SP20 – Promoting High Quality Design

SP21 – Flooding

SP24 – Sustainable Rural Communities

West Devon Borough Council Local Plan Review 2005(as amended 2011)

NE10 – Protection of the Countryside and Other Open Spaces

BE1 – Conservation Areas

BE2 – Conservation Areas

BE3 – Listed Buildings

BE5 – Important Open Space within Settlements

BE13 – Landscaping and Boundary Treatment

H26 – Open Space Provision in New Residential Developments

H28 – Settlements with Defined Limits

H29 – Smaller Settlements

H37 – Meeting Local Housing Needs in Rural Areas

H39 – Redevelopment of Single Residential Plots

T8 – Car Parking

T9 – The Highway Network

PS2 – Sustainable Urban Drainage Systems

PS3 – Sewage Disposal

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.

Notes of a Meeting of the **SITE INSPECTION PANEL** on **THURSDAY 29th JANUARY 2015**.

Present:

Cllr C M Marsh – Chairman

Cllr M J R Benson – Vice-Chairman

Cllr R Baldwin

Cllr L J G Hockridge

Cllr T Pearce

Cllr J Sheldon

Cllr D Whitcomb

Senior Planning Officer (JG)

Committee & Ombudsman Link Officer

In attendance:

Mr K Brookes – Bratton Clovelly Parish Council

Mr P Townsend – Devon County Highways
Mr R Phillips – Applicant
Mr E Persse – Agent

Application 01182/2014 – Land adjacent to Primrose Cottage, Bratton Clovelly, Okehampton, Devon EX20 4JN

The Panel met on site at 9.45 am.

Apologies for absence were received from Cllrs W Cann OBE, C Hall and D Wilde.

The Senior Planning Officer outlined the application and related the plans to the area proposed for the development. The Panel was able to relate the proposal to adjoining and adjacent property and its position against the highway.

The Panel was advised that there would be no direct overlooking and those few windows facing Primrose Cottage would be obscured glazed.

The Parish Council did not object to the design of the proposal but to the prospect of further exacerbation of on-street car parking with a four bedroom house being provided with two off-road car parking spaces and Primrose Cottage, also a four bed property, being given just one off-street car parking space. The majority of properties in the village bordering the main through road did not benefit from off-street car parking and, in the Parish Council's view, an increase in on-street car parking would simply add to the highway hazard already experienced by both vehicles and pedestrians

The Ward Member fully endorsed the Paris Council's concerns.

The site meeting finished at 10.08 am.

WEST DEVON BOROUGH COUNCIL

PLANNING & LICENSING COMMITTEE

10th FEBRUARY 2015

PLANNING APPEALS UPDATE

APPLICATION No:	00552/2014
APPELLANT:	Mr R Barnett
PROPOSAL:	Revised scheme for extension and alterations to dwelling.
LOCATION:	Little Ground, Lodge Hill, Okehampton, Devon EX20 1JH
APPEAL STATUS:	APPEAL LODGED
APPEAL START DATE:	7-Jan-2015
APPEAL DECISION:	
APPEAL DECISION DATE:	
APPLICATION No:	01128/2014
APPELLANT:	Mr A Ranford
PROPOSAL:	Householder application for the erection of a garage/workshop.
LOCATION:	6 Devonshire Gardens, North Tawton, Okehampton, Devon EX20 2ES
APPEAL STATUS:	APPEAL LODGED
APPEAL START DATE:	7-Jan-2015
APPEAL DECISION:	
APPEAL DECISION DATE:	
APPLICATION No:	01111/2014
APPELLANT:	Mr H Bushin
PROPOSAL:	Householder application for extensions and alterations to dwelling.
LOCATION:	Cornhill, Upcott Hill, Okehampton, Devon EX20 1SQ
APPEAL STATUS:	APPEAL LODGED
APPEAL START DATE:	8-Jan-2015
APPEAL DECISION:	
APPEAL DECISION DATE:	
APPLICATION No:	00627/2014
APPELLANT:	Mr P Green
PROPOSAL:	Prior notification of the Change of Use of agricultural building to dwelling house and associated operational development.
LOCATION:	Greenlane Bridge Farm, Sampford Courtenay, Okehampton, Devon EX20 2SA
APPEAL STATUS:	APPEAL DECIDED
APPEAL START DATE:	2-Sep-2014
APPEAL DECISION:	Appeal Dismissed
APPEAL DECISION DATE:	09-Jan-2015

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WARD: Bridestowe

- APPLICATION NUMBER : **00892/2014**
 LOCATION : Land Adjacent To Trescote, Bridestowe, Devon
 APPLICANT NAME : Mr & Mrs Baber
 APPLICATION TYPE : Discharge of Condition
 GRID REFERENCE : (251923 ,90010)
 PROPOSAL : Approval of details reserved by conditions 3, 4 and 8 attached to planning permission 00465/2014 for revised scheme for single dwelling.
 CASE OFFICER : Development Management
 DECISION DATE : 19-Jan-2015
 DECISION: **Discharge of Conditions APPROVED**
- APPLICATION NUMBER : **01084/2014**
 LOCATION : Court Barton Farmhouse, Bratton Clovelly, Okehampton, Devon, EX20 4JN
 APPLICANT NAME : Mr & Mrs G Haiselden
 APPLICATION TYPE : Full
 GRID REFERENCE : (246331 ,91868)
 PROPOSAL : Extensions to existing lean-to and porch, and installation of biofuel boiler with pellet store.
 CASE OFFICER : Graham Lawrence
 DECISION DATE : 22-Jan-2015
 DECISION: **Conditional Consent**
- APPLICATION NUMBER : **01085/2014**
 LOCATION : Court Barton Farmhouse, Bratton Clovelly, Okehampton, Devon, EX20 4JN
 APPLICANT NAME : Mr & Mrs G Haiselden
 APPLICATION TYPE : Listed Building
 GRID REFERENCE : (246331 ,91868)
 PROPOSAL : Listed building consent for extensions to existing lean-to and porch, and installation of bio-fuel boiler with pellet store.
 CASE OFFICER : Graham Lawrence
 DECISION DATE : 22-Jan-2015
 DECISION: **Conditional Consent**
- APPLICATION NUMBER : **01286/2014**
 LOCATION : Pittons, Germansweek, Beaworthy, Devon, EX21 5BP
 APPLICANT NAME : Mrs D Reardon
 APPLICATION TYPE : Full
 GRID REFERENCE : (244070 ,94381)
 PROPOSAL : Householder application for installation of gas tank and erection of decking
 CASE OFFICER : Mrs Nicola Glanville
 DECISION DATE : 24-Dec-2014
 DECISION: **Conditional Consent**
- APPLICATION NUMBER : **01308/2014**
 LOCATION : Asgard, Thorndon Cross, Okehampton, Devon, EX20 4NF
 APPLICANT NAME : Mr & Mrs Harrisson-Daniels
 APPLICATION TYPE : Full
 GRID REFERENCE : (253068 ,93956)
 PROPOSAL : Demolition of existing dwelling and erection of new 3-bed dwelling, installation of sewage treatment plant, demolition of pigsty and sheds to be replaced with pumphouse and animal shelter.
 CASE OFFICER : James Clements
 DECISION DATE : 23-Dec-2014
 DECISION: **Conditional Consent**

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APPLICATION NUMBER : **01311/2014**
LOCATION : Brookwell House, Eworthy, Germansweek, Beaworthy, Devon
EX21 5AH
APPLICANT NAME : Mr M Young
APPLICATION TYPE : Works to Trees in Cons Area
GRID REFERENCE : (244649 ,95002)
PROPOSAL : Works to trees in a Conservation Area for the crown reduction of a 20m high Ash located on the rear garden boundary of Brookwell House, Eworthy, by 8m, maximum diameter of cuts 200mm, all work to BS3998:2010
CASE OFFICER : Georgina Browne
DECISION DATE : 07-Jan-2015
DECISION: **Works to tree(s) in a conservation area ALLOWED - No TPO made**

APPLICATION NUMBER : **01320/2014**
LOCATION : Witherdon Lodge, Germansweek, Beaworthy, Devon, EX21 5BR
APPLICANT NAME : Mr C Dawe
APPLICATION TYPE : Full
GRID REFERENCE : (243913 ,94762)
PROPOSAL : Householder application for two storey extension to dwelling.
CASE OFFICER : Mrs Nicola Glanville
DECISION DATE : 13-Jan-2015
DECISION: **Conditional Consent**

APPLICATION NUMBER : **01353/2014**
LOCATION : Steeperton House, Launceston Road, Bridestowe, Okehampton, Devon, EX20 4EQ
APPLICANT NAME : Mr C McGroggan
APPLICATION TYPE : Full
GRID REFERENCE : (251255 ,89216)
PROPOSAL : Householder application for erection of a conservatory.
CASE OFFICER : Mrs Nicola Glanville
DECISION DATE : 08-Jan-2015
DECISION: **Conditional Consent**

APPLICATION NUMBER : **01460/2014**
LOCATION : Land Adjacent To Sewage Works, Bratton Clovelly, Devon
APPLICANT NAME : Mr R Tope
APPLICATION TYPE : Prior Approval - Agriculture
GRID REFERENCE : (246498 ,91850)
PROPOSAL : Prior Approval application for erection of an agricultural building for the storage of agricultural machinery and feed.
CASE OFFICER : Alex Lawrey
DECISION DATE : 06-Jan-2015
DECISION: **Prior Approval - Objection**

WARD: Buckland Monachorum

APPLICATION NUMBER : **01330/2014**
LOCATION : Whistleigh Farm, Whistley Down, Yelverton, PL20 6EN
APPLICANT NAME : Mr M Wells
APPLICATION TYPE : Full
GRID REFERENCE : (250818 ,67614)
PROPOSAL : Householder application for erection of extension.
CASE OFFICER : Jeremy Guise
DECISION DATE : 08-Jan-2015
DECISION: **Conditional Consent**

APPLICATION NUMBER : **01389/2014**
LOCATION : Tavy Cottage, The Crescent, Crapstone, Yelverton, Devon, PL20 7PS
APPLICANT NAME : Mr S Williams
APPLICATION TYPE : Full

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GRID REFERENCE : (250388 ,68040)
PROPOSAL : Householder application to raise the pitch of the existing conservatory roof from 5 degrees to 15 degrees. Replace roof material with glass and re-glaze all existing conservatory windows.
CASE OFFICER : Jeremy Guise
DECISION DATE : 23-Jan-2015
DECISION: **Conditional Consent**

APPLICATION NUMBER : **01402/2014**
LOCATION : 40 Modyford Walk, Buckland Monachorum, Yelverton, Devon
PL20 7NQ
APPLICANT NAME : Mr D Maxwell
APPLICATION TYPE : Works to Trees in Cons Area
GRID REFERENCE : (248936 ,68275)
PROPOSAL : Works to trees in a Conservation Area for the removal of up to 6 Beech branches (regrowth from a stump) and the pollarding of a ~Sycamore to the point annotated on the submitted photograph. Trees are located on the rear garden boundary of 40 Modyford Walk.
CASE OFFICER : Georgina Browne
DECISION DATE : 14-Jan-2015
DECISION: **Works to tree(s) in a conservation area ALLOWED - No TPO made**

WARD: Drewsteignton

APPLICATION NUMBER : **01333/2014**
LOCATION : Mellish, Martin Farm, Whiddon Down, Devon
APPLICANT NAME : Mr M Guscott
APPLICATION TYPE : Prior Notification for c/u from Ag Building to C3 Dwelling(s) - Class MB
GRID REFERENCE : (268247 ,92740)
PROPOSAL : Prior Notification for change of use of agricultural building to a dwelling
CASE OFFICER : Mrs Nicola Glanville
DECISION DATE : 08-Jan-2015
DECISION: **Prior Approval Refused**

APPLICATION NUMBER : **01354/2014**
LOCATION : Communication Station, Grendon, Drewsteignton, Devon, EX6 6RE
APPLICANT NAME : CTIL & Vodafone Ltd
APPLICATION TYPE : Full
GRID REFERENCE : (269826 ,92840)
PROPOSAL : Removal of existing 15M monopole x 3 antennas and 1 dish and replace with a wider 15m monopole adding 6 antennas and 2 dishes plus ancillary equipment.
CASE OFFICER : Mrs Nicola Glanville
DECISION DATE : 12-Jan-2015
DECISION: **Conditional Consent**

WARD: Exbourne

APPLICATION NUMBER : **01095/2014**
LOCATION : Paradise Cottage, Iddesleigh, Winkleigh, Devon, EX19 8SN
APPLICANT NAME : Mr & Mrs Morpurgo
APPLICATION TYPE : Discharge of Condition
GRID REFERENCE : (255705 ,107282)
PROPOSAL : Approval of details reserved by conditions 5, 7 and 9 attached to planning permission 00870/2013 for demolition of lean-to, erection of extensions and erection of detached garage and installation of solar array.
CASE OFFICER : Development Management
DECISION DATE : 24-Dec-2014
DECISION: **Discharge of Conditions APPROVED**

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APPLICATION NUMBER : **01096/2014**
LOCATION : Paradise Cottage, Iddesleigh, Winkleigh, Devon, EX19 8SN
APPLICANT NAME : Mr & Mrs Morpurgo
APPLICATION TYPE : Discharge of Condition
GRID REFERENCE : (255705 ,107282)
PROPOSAL : Approval of details reserved by conditions 3, 5, 6 and 7 attached to planning permission 00885/2013 for demolition of existing redundant bungalow and outbuildings and erection of new dwelling and associated works.
CASE OFFICER : Development Management
DECISION DATE : 05-Jan-2015
DECISION: **Discharge of Conditions APPROVED**

APPLICATION NUMBER : **01348/2014**
LOCATION : Village Hall, Sampford Courtenay, Okehampton, Devon, EX20 2SY
APPLICANT NAME : Mr A Morris
APPLICATION TYPE : Discharge of Condition
GRID REFERENCE : (263051 ,101255)
PROPOSAL : Approval of details reserved by conditions 3, 4, 5, 7 and 8 attached to 00925/2014 for demolition of existing kitchen and storage area and erection of replacement extension, alteration to existing vehicular access and enlargement of existing car park.
CASE OFFICER : Development Management
DECISION DATE : 23-Dec-2014
DECISION: **Discharge of Conditions APPROVED**

APPLICATION NUMBER : **01423/2014**
LOCATION : Holly Cottage, Exbourne, Okehampton, Devon, EX20 3QT
APPLICANT NAME : Mr P Mills
APPLICATION TYPE : Full
GRID REFERENCE : (261289 ,101734)
PROPOSAL : Householder application for erection of detached garage.
CASE OFFICER : Mrs Nicola Glanville
DECISION DATE : 19-Jan-2015
DECISION: **Conditional Consent**

WARD: Hatherleigh

APPLICATION NUMBER : **01280/2014**
LOCATION : Brooks, Moorhead, Hatherleigh, Okehampton, Devon, EX20 3LL
APPLICANT NAME : Miss S Vick
APPLICATION TYPE : Full
GRID REFERENCE : (255226 ,104591)
PROPOSAL : Householder application for alterations to roof and associated works to existing single storey extension.
CASE OFFICER : Mrs Nicola Glanville
DECISION DATE : 13-Jan-2015
DECISION: **Conditional Consent**

APPLICATION NUMBER : **01306/2014**
LOCATION : Former Baptist Chapel, High Street, Hatherleigh, Okehampton, Devon, EX20 3JH
APPLICANT NAME : Mr R Davies
APPLICATION TYPE : Discharge of Condition
GRID REFERENCE : (254198 ,104430)
PROPOSAL : Approval of details reserved by condition 3 attached to 00289/2014 for conversion of chapel to dwelling and use of land as garden and parking.
CASE OFFICER : Development Management
DECISION DATE : 06-Jan-2015
DECISION: **Discharge of Conditions APPROVED**

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APPLICATION NUMBER : **01334/2014**
LOCATION : 7 Morris Close, Hatherleigh, Okehampton, Devon, EX20 3NX
APPLICANT NAME : Miss Grundon & Mr Keenor
APPLICATION TYPE : Full
GRID REFERENCE : (253601 ,104045)
PROPOSAL : Householder application for the erection of a first floor extension
CASE OFFICER : Mrs Nicola Glanville
DECISION DATE : 08-Jan-2015
DECISION: **Conditional Consent**

WARD: Low Valley

APPLICATION NUMBER : **01285/2014**
LOCATION : Barn at NGR SX491962, Burden Farm, Broadbury, Devon, EX20 4LF
APPLICANT NAME : Mrs T Barton
APPLICATION TYPE : Prior Notification for c/u from Ag Building to C3 Dwelling(s) - Class MB
GRID REFERENCE : (249186 ,96209)
PROPOSAL : Prior Notification for Change Of use of Agricultural building to dwelling (C3) Class MB.
CASE OFFICER : James Clements
DECISION DATE : 23-Dec-2014
DECISION: **Prior Approval Refused**

APPLICATION NUMBER : **01368/2014**
LOCATION : Kigbeare Manor Farm, Southcott, Okehampton, Devon, EX20 4NL
APPLICANT NAME : Mr P Rhodes
APPLICATION TYPE : Prior Approval - Agriculture
GRID REFERENCE : (253987 ,96145)
PROPOSAL : Prior Approval for the erection of a forestry building for storage of forestry equipment.
CASE OFFICER : Mrs Nicola Glanville
DECISION DATE : 23-Dec-2014
DECISION: **Prior Approval - No Objection**

APPLICATION NUMBER : **01390/2014**
LOCATION : 4 New Road, Folly Gate, Okehampton, Devon, EX20 3AB
APPLICANT NAME : Mr & Mrs L Foster
APPLICATION TYPE : Full
GRID REFERENCE : (257361 ,97442)
PROPOSAL : Householder application for erection of a single storey extension
CASE OFFICER : Mrs Nicola Glanville
DECISION DATE : 22-Jan-2015
DECISION: **Conditional Consent**

WARD: Milton Ford

APPLICATION NUMBER : **00069/2015**
LOCATION : The Round House, Milton Abbot, Tavistock, Devon, PL19 0PZ
APPLICANT NAME : Mrs C Rowley
APPLICATION TYPE : Discharge of Condition
GRID REFERENCE : (243769 ,80944)
PROPOSAL : Discharge of conditions 3 and 4 attached to Listed Building application 01211/2014 to hang second hand slates on east wall (to match existing on south and west walls).
CASE OFFICER : Graham Lawrence
DECISION DATE : 19-Jan-2015
DECISION: **Discharge of Conditions APPROVED**

APPLICATION NUMBER : **01335/2014**
LOCATION : 2 Edgcumbe Terrace, Milton Abbot, Devon, PL19 0PE
APPLICANT NAME : Miss L Jackman

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APPLICATION TYPE : Full
GRID REFERENCE : (240650 ,79364)
PROPOSAL : Householder application for creation of off road parking measuring 5m x 5.5m.
CASE OFFICER : Laura Davies
DECISION DATE : 08-Jan-2015
DECISION: **Conditional Consent**

APPLICATION NUMBER : **01350/2014**
LOCATION : Bradstone Manor Farm, Bradstone, Tavistock, Devon, PL19 0QS
APPLICANT NAME : Mr A Garrad
APPLICATION TYPE : Full
GRID REFERENCE : (238180 ,80911)
PROPOSAL : Flue installation serving biomass boiler with thermal capacity exceeding 45kw.
CASE OFFICER : James Clements
DECISION DATE : 15-Jan-2015
DECISION: **Conditional Consent**

APPLICATION NUMBER : **01401/2014**
LOCATION : Sweetcroft, Brentor, Tavistock, PL19 0NJ
APPLICANT NAME : Mr D Ayling
APPLICATION TYPE : CLEUD
GRID REFERENCE : (246262 ,81140)
PROPOSAL : Certificate of lawfulness to establish that the extension and french doors have been substantially completed for more than 10 years and that the works to facilitate conversion of the workshop/store to annexe have been completed for more than 10 years.
CASE OFFICER : Mark Wadsworth
DECISION DATE : 23-Jan-2015
DECISION: **Consent**

WARD: North Tawton

APPLICATION NUMBER : **00023/2015**
LOCATION : Oak Barn, Newland Mill, North Tawton, Devon, EX20 2BB
APPLICANT NAME : Mr J Lowndes
APPLICATION TYPE : Discharge of Condition
GRID REFERENCE : (265985 ,100413)
PROPOSAL : Approval of details reserved by conditions (1, 2) and 4 attached to 00845/2014 for listed building consent to replace existing windows and french doors.
CASE OFFICER : Development Management
DECISION DATE : 19-Jan-2015
DECISION: **Discharge of Conditions APPROVED**

APPLICATION NUMBER : **01017/2014**
LOCATION : Ashridge Court, Ashridge Lane, North Tawton, Devon, EX20 2DH
APPLICANT NAME : Mr C Richards
APPLICATION TYPE : Full
GRID REFERENCE : (266994 ,103280)
PROPOSAL : Change of use of outbuilding to a single dwelling with parking.
CASE OFFICER : Jeremy Guise
DECISION DATE : 23-Jan-2015
DECISION: **Conditional Consent**

APPLICATION NUMBER : **01290/2014**
LOCATION : Warden Farm, North Tawton, Devon, EX20 2BY
APPLICANT NAME : Mr J McKay
APPLICATION TYPE : Removal of Condition\Variation of Condition
GRID REFERENCE : (267624 ,101724)
PROPOSAL : Removal of condition 5 of application 3591/2002/OKE to allow unrestricted residential use of Bale House, Folland House, and The Stable.
CASE OFFICER : Mrs Nicola Glanville

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DECISION DATE : 15-Jan-2015
DECISION: **Refusal**

APPLICATION NUMBER : **01294/2014**
LOCATION : Warden Farm, North Tawton, Devon, EX20 2BY
APPLICANT NAME : Mr J McKay
APPLICATION TYPE : Removal of Condition\Variation of Condition
GRID REFERENCE : (267624 ,101724)
PROPOSAL : Removal of condition 3 of application 6968/2005/OKE to allow unrestricted residential use of The Shippen.

CASE OFFICER : Mrs Nicola Glanville
DECISION DATE : 15-Jan-2015
DECISION: **Refusal**

APPLICATION NUMBER : **01314/2014**
LOCATION : Ginger Beer Cottage, 31 - 33 Essington Lane, North Tawton, Devon EX20 2DS
APPLICANT NAME : Ms D Baker
APPLICATION TYPE : Works to Trees in Cons Area
GRID REFERENCE : (266899 ,101909)
PROPOSAL : Works to trees in a Conservation Area for the removal of 1 Weeping Willow and 1 Laburnum from the rear garden of Ginger Beer Cottage, 33 Essington Lane, and 1 Poplar from land opposite 35 Essington Lane, North Tawton.

CASE OFFICER : Georgina Browne
DECISION DATE : 07-Jan-2015
DECISION: **Works to tree(s) in a conservation area ALLOWED - No TPO made**

WARD: Okehampton East

APPLICATION NUMBER : **01416/2014**
LOCATION : Okehampton Community College, Mill Road, Okehampton, Devon EX20 1PW
APPLICANT NAME : Mr P Orton
APPLICATION TYPE : Works to Trees in Cons Area
GRID REFERENCE : (258975 ,94904)
PROPOSAL : Works to trees in a Conservation Area for works to 1 Ash, 1 Oak and 1 Sycamore located to the north of the Skills Centre at Okehampton College - crown lift by the removal of lateral branches up to roof apex height.

CASE OFFICER : Georgina Browne
DECISION DATE : 07-Jan-2015
DECISION: **Works to tree(s) in a conservation area ALLOWED - No TPO made**

WARD: Okehampton West

APPLICATION NUMBER : **01136/2014**
LOCATION : Lidl, School Way, Okehampton, Devon, EX20 1EU
APPLICANT NAME : Lidl Uk
APPLICATION TYPE : Full
GRID REFERENCE : (258777 ,95444)
PROPOSAL : Single storey extension to provide warehouse and staff welfare facilities (no increase retail area), adjustments to existing customer car parking (reducing the number of spaces from 52 to 47) and improvements to and refurbishment of the existing building

CASE OFFICER : Jeremy Guise
DECISION DATE : 09-Jan-2015
DECISION: **Conditional Consent**

APPLICATION NUMBER : **01244/2014**
LOCATION : 37 Fore Street, Okehampton, Devon, EX20 1HB
APPLICANT NAME : Mr R Ahmed
APPLICATION TYPE : Advertisement
GRID REFERENCE : (258780 ,95174)
PROPOSAL : Advertisement consent for erection of illumination to signage.

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CASE OFFICER : Mrs Nicola Glanville
DECISION DATE : 24-Dec-2014
DECISION: **Refusal**

APPLICATION NUMBER : **01279/2014**
LOCATION : Second Floor, 3 West Street, Okehampton, Devon, EX20 1HQ
APPLICANT NAME : Ali Sizmur Sports Massage Therapy
APPLICATION TYPE : Full
GRID REFERENCE : (258718 ,95154)
PROPOSAL : Change of Use of second floor from financial offices to treatment rooms for Sports Therapy.

CASE OFFICER : Mrs Nicola Glanville
DECISION DATE : 19-Dec-2014
DECISION: **Conditional Consent**

APPLICATION NUMBER : **01373/2014**
LOCATION : Brandize House, 74 Station Road, Okehampton, Devon, EX20 1EH
APPLICANT NAME : Mrs C Lynch
APPLICATION TYPE : Tree application
GRID REFERENCE : (258867 ,94526)
PROPOSAL : Application to carry out works to trees under Tree Preservation Order for the pruning of a mature Beech located to the north of Brandize House - the shortening of the lower branches by up to 3m to clear the neighbouring Magnolia.

CASE OFFICER : Georgina Browne
DECISION DATE : 13-Jan-2015
DECISION: **Conditional Consent**

APPLICATION NUMBER : **01374/2014**
LOCATION : Astley Courte, Ranelagh Road, Okehampton, Devon, EX20 1JG
APPLICANT NAME : Mrs R Lake
APPLICATION TYPE : Tree application
GRID REFERENCE : (258435 ,95304)
PROPOSAL : Application to carry out works to trees under Tree Preservation Order for works to mature Oak at 2 Astley Court, Ranelagh Road; overhanging branch reduction as shown in photo 3 which are protruding over the house will be pruned up to the points annotated as an absolute maximum, all pruning cuts to suitable growth points as specified by BS3998. Epicomic growth is to be removed to the height of the gable end of the house (bungalow), but only on the section of the tree which is facing the house or is encroaching into the garden.

CASE OFFICER : Georgina Browne
DECISION DATE : 13-Jan-2015
DECISION: **Conditional Consent**

WARD: South Tawton

APPLICATION NUMBER : **01381/2014**
LOCATION : The Lodge, North Wyke, Sampford Courtenay, Devon, EX20 2SD
APPLICANT NAME : Rothamsted Research Ltd
APPLICATION TYPE : Listed Building
GRID REFERENCE : (265987 ,98207)
PROPOSAL : Listed building application for re-roofing, new leadwork, rainwater goods, secondary glazing and structural work.

CASE OFFICER : Graham Lawrence
DECISION DATE : 09-Jan-2015
DECISION: **Conditional Consent**

APPLICATION NUMBER : **01384/2014**
LOCATION : Barn at SX65459707, Taw Green, Devon
APPLICANT NAME : Mr & Mrs Goodhart
APPLICATION TYPE : Prior Notification for use from Ag Building to C3 Dwelling(s) - Class MB

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GRID REFERENCE : (265458 ,97074)
PROPOSAL : Prior Notification for Change of use from Agricultural building to C3 dwelling.
CASE OFFICER : James Clements
DECISION DATE : 20-Jan-2015
DECISION: **Prior Approval Refused**

WARD: Tamarside

APPLICATION NUMBER : **01322/2014**
LOCATION : Blacksmiths Cottage, Lumburn, Tavistock, Devon, PL19 8HS
APPLICANT NAME : Mr N Cleaver
APPLICATION TYPE : Full
GRID REFERENCE : (246015 ,73124)
PROPOSAL : Householder application for replacement log/hay/equipment store and animal shelter.
CASE OFFICER : James Clements
DECISION DATE : 23-Dec-2014
DECISION: **Conditional Consent**

APPLICATION NUMBER : **01375/2014**
LOCATION : Land adjacent to Camplehaye Bungalow, Green Hill, Lamerton, Tavistock, Devon, PL19 8QP
APPLICANT NAME : Mr D Hackworthy
APPLICATION TYPE : CLEUD
GRID REFERENCE : (244583 ,76785)
PROPOSAL : Certificate of lawfulness for a dwelling granted approval under 02986/2012.
CASE OFFICER : James Clements
DECISION DATE : 20-Jan-2015
DECISION: **Consent**

APPLICATION NUMBER : **01377/2014**
LOCATION : Scrubtor Cottage, Tavistock, Devon, PL19 8PG
APPLICANT NAME : Mrs A Ellis
APPLICATION TYPE : Full
GRID REFERENCE : (241365 ,74224)
PROPOSAL : Householder application for revised scheme to 00488/2014 for erection of single storey extension.
CASE OFFICER : Mark Wadsworth
DECISION DATE : 20-Jan-2015
DECISION: **Conditional Consent**

WARD: Tavistock North

APPLICATION NUMBER : **01268/2014**
LOCATION : Barn South West of Higher Wilminstone Farm, Wilminstone, Devon
APPLICANT NAME : Mr T Faircloth
APPLICATION TYPE : Prior Notification for c/u from Ag Building to C3 Dwelling(s) - Class MB
GRID REFERENCE : (249240 ,76169)
PROPOSAL : Prior Notification for change of use of agricultural barn to 3 dwellinghouses.
CASE OFFICER : Jeremy Guise
DECISION DATE : 23-Dec-2014
DECISION: **Prior Approval Refused**

APPLICATION NUMBER : **01321/2014**
LOCATION : 1 Market Street, Tavistock, PL19 0DA
APPLICANT NAME : Tavistock BID
APPLICATION TYPE : Advertisement
GRID REFERENCE : (248097 ,74459)
PROPOSAL : Advertisement consent for directional finger post sign with two fingers and a vertical name board with interchangeable sign plates.
CASE OFFICER : Graham Lawrence

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DECISION DATE : 06-Jan-2015
DECISION: **Conditional Consent**

APPLICATION NUMBER : **01323/2014**
LOCATION : Land adjacent to 47 Brook Street, Tavistock, PL19 0HE
APPLICANT NAME : Tavistock BID
APPLICATION TYPE : Advertisement
GRID REFERENCE : (248290 ,74564)
PROPOSAL : Advertisement consent for freestanding directional sign with two fingers and vertical signboard with interchangeable name plates.
CASE OFFICER : Graham Lawrence
DECISION DATE : 06-Jan-2015
DECISION: **Conditional Consent**

APPLICATION NUMBER : **01325/2014**
LOCATION : 5 West Street, Tavistock, Devon, PL19 8AD
APPLICANT NAME : Vision Express
APPLICATION TYPE : Advertisement
GRID REFERENCE : (248064 ,74418)
PROPOSAL : Advertisement consent for fascia sign and projecting sign.
CASE OFFICER : James Clements
DECISION DATE : 07-Jan-2015
DECISION: **Conditional Consent**

APPLICATION NUMBER : **01329/2014**
LOCATION : 4 Duke Street, Tavistock, Devon, PL19 0BA
APPLICANT NAME : Tavistock BID
APPLICATION TYPE : Advertisement
GRID REFERENCE : (248196 ,74511)
PROPOSAL : Advertisement consent for wall mounted sign with finger-point and name board below.
CASE OFFICER : James Clements
DECISION DATE : 14-Jan-2015
DECISION: **Conditional Consent**

APPLICATION NUMBER : **01361/2014**
LOCATION : Morris Bros Ltd Funeral Directors, The Old Bedford Foundry, Lakeside, Tavistock, Devon, PL19 0AZ
APPLICANT NAME : Mr S Luke
APPLICATION TYPE : Removal of Condition\Variation of Condition
GRID REFERENCE : (247927 ,74797)
PROPOSAL : Variation of condition 4 on listed building consent 00694/2014 to read '...details of the proposed surfacing shall be agreed...'.
CASE OFFICER : Graham Lawrence
DECISION DATE : 05-Jan-2015
DECISION: **Conditional Consent**

APPLICATION NUMBER : **01362/2014**
LOCATION : Morris Bros Ltd Funeral Directors, The Old Bedford Foundry, Lakeside, Tavistock, Devon, PL19 0AZ
APPLICANT NAME : Mr S Luke
APPLICATION TYPE : Removal of Condition\Variation of Condition
GRID REFERENCE : (247927 ,74797)
PROPOSAL : Variation of condition 4 on application 00697/2014 to read '...details of the proposed surfacing shall be agreed...'.
CASE OFFICER : Graham Lawrence
DECISION DATE : 05-Jan-2015
DECISION: **Conditional Consent**

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WARD: Tavistock South

APPLICATION NUMBER : **00007/2015**
LOCATION : Gorbutt Gardens, Down Park Drive, Tavistock, Devon
APPLICANT NAME : Charles Gray (Annan) Ltd
APPLICATION TYPE : Discharge of Condition
GRID REFERENCE : (248659 ,73979)
PROPOSAL : Approval of details reserved by condition 6 attached to 01007/2013 for outline planning permission for the erection of 5 residential units.
CASE OFFICER : Development Management
DECISION DATE : 20-Jan-2015
DECISION: **Discharge of Conditions APPROVED**

APPLICATION NUMBER : **00024/2015**
LOCATION : 205 Whitchurch Road, Tavistock, Devon, PL19 9DQ
APPLICANT NAME : Mr & Mrs Ward
APPLICATION TYPE : Discharge of Condition
GRID REFERENCE : (248934 ,72823)
PROPOSAL : Approval of details reserved by conditions 1 - 5 attached to planning permission 00629/2014 for erection of single storey rear extension following demolition of conservatory and internal alterations.
CASE OFFICER : Development Management
DECISION DATE : 21-Jan-2015
DECISION: **Discharge of Conditions APPROVED**

APPLICATION NUMBER : **01352/2014**
LOCATION : Unit 1A, Westbridge Industrial Estate, Tavistock, Devon, PL19 8DE
APPLICANT NAME : Mr N Lane
APPLICATION TYPE : Full
GRID REFERENCE : (247920 ,73754)
PROPOSAL : Change of use from B1(c) (light industrial) to D2 (assembly and leisure) for personal training consultancy.
CASE OFFICER : James Clements
DECISION DATE : 16-Jan-2015
DECISION: **Conditional Consent**

APPLICATION NUMBER : **01382/2014**
LOCATION : 5 Whitham Park, Tavistock, Devon, PL19 9BP
APPLICANT NAME : Mr B Croucher
APPLICATION TYPE : Full
GRID REFERENCE : (248220 ,73717)
PROPOSAL : Retrospective householder application for erection of a summerhouse.
CASE OFFICER : Mark Wadsworth
DECISION DATE : 20-Jan-2015
DECISION: **Consent**

APPLICATION NUMBER : **01426/2014**
LOCATION : 9 Violet Lane, Tavistock, Devon, PL19 9JD
APPLICANT NAME : Mr K Jones
APPLICATION TYPE : Full
GRID REFERENCE : (248982 ,74496)
PROPOSAL : Householder application for erection of raised patio to rear garden and associated landscaping.
CASE OFFICER : Alex Lawrey
DECISION DATE : 20-Jan-2015
DECISION: **Conditional Consent**

APPLICATION NUMBER : **01428/2014**
LOCATION : Land To Rear Of Abbeyspring, Down Park Drive, Tavistock, Devon
APPLICANT NAME : Mr J Greening
APPLICATION TYPE : Discharge of Condition

WEST DEVON BOROUGH COUNCIL
PLANNING & LICENSING COMMITTEE
DELEGATED DECISIONS

10 FEBRUARY 2015

GRID REFERENCE : (248795 ,73959)
PROPOSAL : Approval of details reserved by condition 2 attached to 02488/2012 for creation of access and hardstanding.
CASE OFFICER : Development Management
DECISION DATE : 23-Dec-2014
DECISION: **Discharge of Conditions APPROVED**

WARD: Thrushel

APPLICATION NUMBER : **01305/2014**
LOCATION : Barn at NGR SX383854, Darkey Lane, Lifton, Devon
APPLICANT NAME : Mr L Furse
APPLICATION TYPE : Prior Notification for c/u from Ag Building to C3 Dwelling(s) - Class MB
GRID REFERENCE : (238305 ,85418)
PROPOSAL : Prior Notification for Change Of use of Agricultural building to dwelling (C3) Class MB.
CASE OFFICER : James Clements
DECISION DATE : 09-Jan-2015
DECISION: **Prior Approval Not Required**

APPLICATION NUMBER : **01327/2014**
LOCATION : Cartref, Liftondown, Lifton, Devon, PL16 0DA
APPLICANT NAME : Mr G Williams
APPLICATION TYPE : Full
GRID REFERENCE : (236886 ,85339)
PROPOSAL : Householder application for erection of extensions.
CASE OFFICER : Mark Wadsworth
DECISION DATE : 09-Jan-2015
DECISION: **Conditional Consent**

APPLICATION NUMBER : **01337/2014**
LOCATION : Ridgecombe Farm, Lifton, Devon, PL16 0HD
APPLICANT NAME : David Maynard of STW & EM Maynard
APPLICATION TYPE : Hedgerow Removal/Retention
GRID REFERENCE : (240039 ,84254)
PROPOSAL : Hedgerow Removal Application (retrospective) for the removal of 15' of hedge to form a new gateway between 2 fields opposite the farm lane leading to Ridgecombe Farm.
CASE OFFICER : Georgina Browne
DECISION DATE : 13-Jan-2015
DECISION: **Consent**

NAME OF COMMITTEE	Planning & Licensing Committee
DATE	Tuesday 10th February 2015
REPORT TITLE	To determine whether to adopt a procedure for licensing Horse Drawn Omnibuses, Drivers and Conductors to operate within the West Devon Borough Council area
Report of	The Business Support Manager – EH&H
WARDS AFFECTED	All Wards

Summary of report:

This report requires Members to consider whether the Council should adopt a licensing procedure in connection with Horse Drawn Omnibuses and if so to delegate authority for the preparation of the procedure to the Head of Environmental Health/Service Group Manager, in consultation with the Chairman of the Planning and Licensing Committee.

The Council has received such an enquiry which cannot actually be determined until a decision has been made as to whether such proposals can be licensed, and licensed in accordance with a licensing procedure.

Financial implications:

Officer/Administration costs incurred in setting up a licensing procedure and adopting Byelaws.

Licensees will be charged a fee.

If, in principle, Members are minded to licence Horse Drawn Omnibuses within the Borough, there will be direct financial implications to the Council if the setting of fees for Omnibus licensing are insufficient to cover the cost of providing the administration and licensing processing.

Due to the Council having no previous record of licensing this type of business we do not have exact figures as to the financial implications. However it may be reasonably expected the probable administration cost and the cost of officer time for the initial licensing of this type of operation will be excess of (1) £1,500.

In addition, costs would be incurred in carrying out the consultation process for the adoption of Byelaws and this is likely to incur a further (2) £2,000 in officer time plus public advertising costs. However, once initial costs have been recovered, subsequent licensing costs would not be as much given that Byelaws would then be in place.

It would be a reasonable expectation to spread the administrative and procedural cost in the way of licence fees over three years. Unfortunately, assuming there is only one such subsequent application (that being from the enquirer), and the operation continues after the first year, even setting an affordable licence fee, the £3,500 cost to the council in licensing a single operation is unlikely to ever be recovered and therefore would need subsidising at public expense.

Licensing should also be a cost neutral service and any financial shortfall should not fall upon the council tax payer to support. In addition, again a legal requirement, the different elements of licensing (for example taxi and private hire licensing) may not be used for cross-subsidisation between various categories of licensing, so any financial loss in Omnibus licensing may not legally be supported by an increase of fees in another licensing area.

RECOMMENDATIONS

It is recommended that the Committee considers the options below and then makes a recommendation to Council.

Option 1

- 1) To adopt a procedure for the licensing of Horse Drawn Omnibuses, driver(s) and conductors within the West Devon Borough Council area and give reason(s) for doing so;

and RECOMMEND to Council to:

- 2) Adopt a procedure for licensing Horse Drawn Omnibuses in the West Devon Borough Council area and for the drafting of the related licensing procedure, conditions, code of conduct and preparation of Byelaws, together with the power to grant, revoke, suspend or refuse to transfer or renew an omnibus licence, driver, conductors licence to the Head of Environmental Health/Service Group Manager; and,
- 3) To approve an initial annual fee of £550 for the application to grant an omnibus licence and £150 for the application to grant an annual omnibus drivers or conductors licence and to delegate the review of fees to the Planning and Licensing Committee.

OR

Option 2

- 4) To decline to adopt a procedure for licensing Horse Drawn Omnibuses drivers or conductors in the West Devon Borough Council area and give reason(s) for doing so

and RECOMMEND to Council to:

- 5) Refuse to adopt a procedure for licensing Horse Drawn Omnibuses drivers or conductors in the West Devon Borough Council area giving reason(s) for doing so.

Officer contact:

Graham Munson

Business Support and SHDC Licensing Manager

graham.munson@swdevon.gov.uk

01803 861336

1. BACKGROUND

- 1.1 The Council has received an enquiry as to the possibility of licensing a Horse Drawn Omnibus on two routes; one route between Yelverton and Burrator (**Appendix 1**) and the second route around Burrator Reservoir (**Appendix 2**).
- 1.2 The Council has no record of anybody being previously licensed for this type of operation and has no application process, carriage specification, driver/conductor suitability requirements, licensing conditions, animal requirements, fee structure or Byelaws in place. As a consequence the Council cannot fairly and openly consider the proposal it has received.
- 1.3 The Town Police Clauses Act 1889 and the Town Police Clauses Act 1847 regulate the licensing of Omnibuses and Section 6 of the Town Police Clauses Act 1889 empowers the Council to make Byelaws for Omnibuses.
- 1.4 An omnibus is defined by the Town Police Clauses Act 1889 as 'every omnibus, char-a-banc, wagonette, brake, stage coach or other (non-motorised) carriage plying or standing for hire by or used to carry passengers at separate fares to, from or in any part of the prescribed distance' (which here would be the West Devon 'district') subject to specified exceptions which do not appear relevant for the purpose of this report.
- 1.5 Omnibuses operate on pre-determined routes with the operators setting their own fares for passengers and the fares being clearly displayed on the carriage. Passengers board and disembark the carriage at predetermined stops along the scheduled route, the route and stops being agreed by the Council.
- 1.6 Neither West Devon Borough Council or South Hams District Council have a record of previously licensing Horse Drawn Omnibuses but fortunately the two Councils have more recently had a close working partnership with Eastbourne Borough Council who have previously considered the operations of Horse Drawn Omnibuses (see 'Issues for Consideration below').
- 1.7 Enquiries with Cornwall Council have identified they licence a horse drawn omnibus in Looe and licence a similar operation in Truro.

2. ISSUES FOR CONSIDERATION

Public Safety

- 2.1 Members will already be aware the primary purpose of licensing, is for 'public safety' and as a consequence of officers making enquiries with other councils and animal welfare organisations, concerns are expressed within this report of the public safety of such an operation either by the horses being 'spooked' and bolting out of control and crashing with fare paying passengers on board, or for the horse(s) or carriage (omnibus) being struck accidentally by a faster moving vehicle. 'Spooking' can happen to the best-trained and well-mannered horse, there is no such thing as an unspookable horse, nor can the average driver control the horse once it bolts, possibly with potential fatal results. Omnibuses are generally equipped with a brake but if the horses were to bolt, the brakes will have little effect.
- 2.2 There are additional concerns about animal welfare and possible public criticism of the council if there is an injury or incident linked to the council by licensing such an operation and attached at **Appendix 3** is a submission made by the charity, Animal Aid, to Eastbourne Borough Council when Members in Eastbourne were determining an Omnibus operation.
- 2.3 The submission from Animal Aid highlights a number of public safety and horse welfare concerns which Members at West Devon Borough Council should also consider in reaching a balanced judgement whether or not to adopt a procedure for licensing these types of businesses in the Borough.
- 2.4 Eastbourne Borough Council initially agreed for horse drawn vehicles to be licensed and the Council delegated the administration of the related licensing arrangements, including the setting of both fees and operating conditions to their General Licensing Committee. They subsequently withdrew their delegation following representations from Animal Aid, an organisation that campaigns against all animal abuse and promotes a cruelty-free lifestyle to all animals, who expressed concerns to Eastbourne Borough Council of their proposal to licence horse drawn carriages, due to the issues surrounding the welfare of horses. Briefly the concerns being:
- The welfare of the horses in terms of the demands made on them;
 - the need for rest periods and running water;
 - of the need for suitable shade / shelter;
 - the unsuitability of the harness and severity of the bit;
 - the conditions of the road along the planned route such as sunken drain covers which pose a tripping hazard, in addition to cars and large vehicles such as coaches on the roads.
- 2.5 In order for Members of the WDBC Licensing Committee to have as much information as possible to assist in determining this licensing enquiry, the licensing office made contact with Animal Aid's Horse Consultant to pre-empt any

concerns Animal Aid may have about operating a Horse Drawn Omnibus in a rural location. Animal Aid would look at each case on its own merits and would be willing to make a presentation to Members if helpful should Members be minded to adopt a licensing regime for Horse Drawn Omnibuses within West Devon.

Fares

- 2.6 An omnibus operator may charge a fare to the passengers. Any fare charged must be equal or less than the table of fares displayed on the omnibus (as Byelaws may require).
- 2.7 The operators table of fares is not regulated or set by the Council but an offence occurs if the operator overcharges. The omnibus driver is therefore bound by the amount displayed on the omnibus.
- 2.8 There is no requirement to display a table of fares on the omnibus, unless Byelaws are in place.

Omnibus Vehicles and drivers

- 2.9 The Borough Council may issue such number of Omnibus licences as they see fit and no omnibus may be driven without the driver first obtaining a licence to do so from the Borough Council.

Byelaws

- 2.10 Section 6 of the Town Police Clauses Act 1887 empowers the Council to make byelaws.
- 2.11 The mechanism for regulating the activity of omnibuses is through enforcement of byelaws.
- 2.12 Byelaws will be drafted if it is the determination of the Planning and Licensing Committee to do so.
- 2.13 In accordance with the Constitution of West Devon Borough Council, byelaws are made by full Council.

3. LEGAL IMPLICATIONS

- 3.1 The reason why this report is before Members is that there is no previous policy on such matters and the Council will need to ultimately decide (on recommendation from the Committee) whether it will adopt such a policy and give its reasons for its decision.

4. FINANCIAL IMPLICATIONS

- 4.1 Please see the financial implications to the Borough Council as set out on page one above.

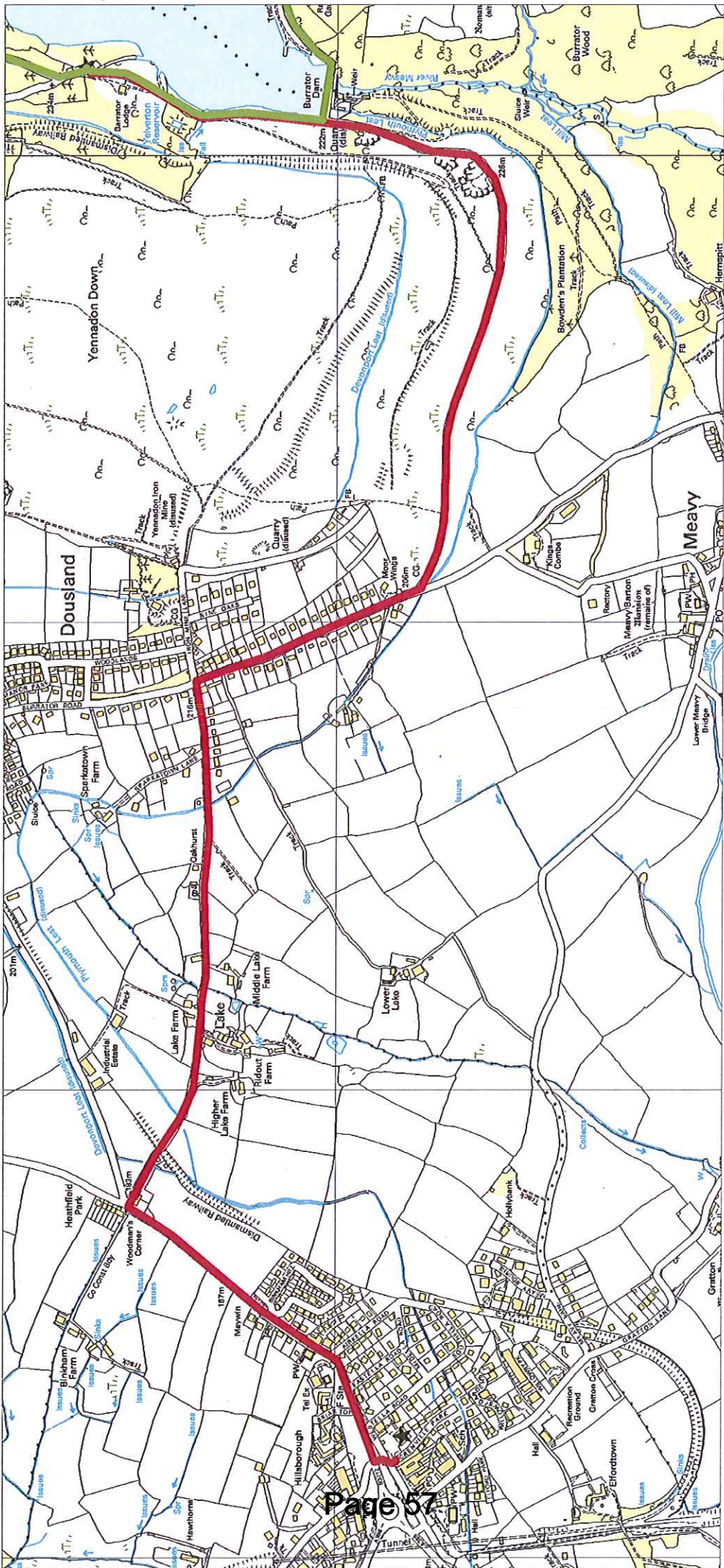
5. RISK MANAGEMENT

5.1 The risk management implications are:

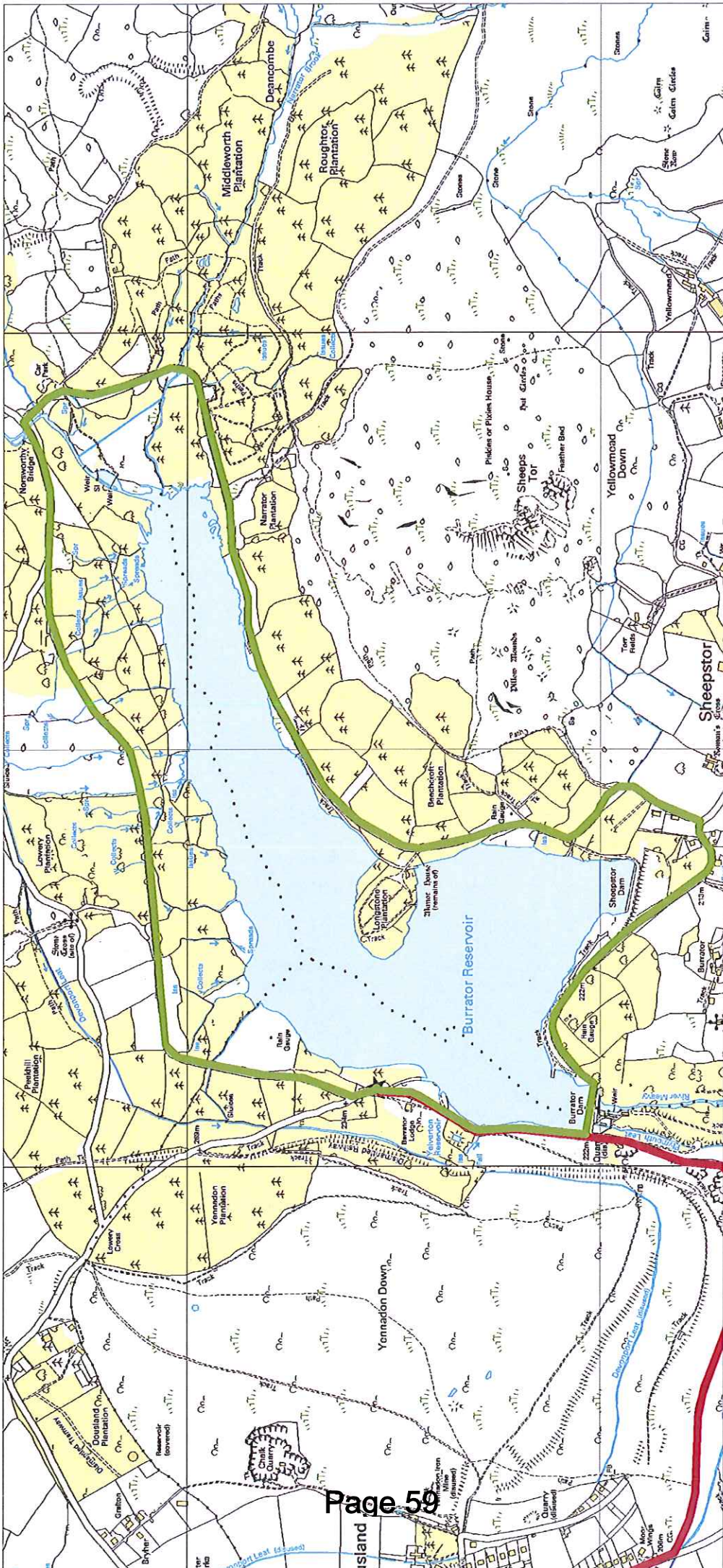
Corporate priorities engaged:	Improving the local economy and promoting community life.
Statutory powers:	Town Police Clauses Act 1847 and 1889. The Town Police Clauses Act 1847 Section 6 of the Town Police Clauses Act 1887 empowers the Borough Council to make byelaws.
Considerations of equality and human rights:	Compliance with the Human Rights Act 1998
Biodiversity considerations:	Not applicable
Sustainability considerations:	As above under corporate priorities engaged
Crime and disorder implications:	Section 17 of Crime and Disorder Act 1998 applies.
Background papers:	Emails and attachments from the enquirer. Email from on behalf of Animal Aid containing web-links to horse and carriage incidents.
Appendices attached:	Appendix 1 – Proposed Omnibus Route 1 between Yelverton and Burrator Reservoir. Appendix 2 – Proposed Omnibus Route 2 From the Discovery Centre, Burrator, around the reservoir. Appendix 3 – Submission from Animal Aid to Eastbourne Borough Council on 2012 against licensing an omnibus operation.

No	Risk Title	Risk/Opportunity Description	Inherent risk status			Mitigating & Management actions	Ownership	
			Impact of negative outcome	Chance of negative outcome	Risk score and direction of travel			
1	<p>Public safety – the Protection of children and vulnerable adults together with being a ‘fit and proper’ person.</p> <p>Failure to undertake this duty correctly if there is ‘reasonable cause’ to do so.</p> <p>Safety risk (possible fatality risk) to passengers should horse(s) bolt out of control and carriage overturns.</p> <p>Animal Welfare risk to horse(s) heat exhaustion, injury, death.</p>	<p>Risk - Public confidence could be jeopardised if wrong decision is made. Public could be at risk. Council will be in the public spotlight should passengers be injured by a horse being spooked and bolting, however unintentional.</p> <p>Risk - Council being heavily criticised about horse animal welfare issues.</p> <p>Risk - If the decision taken is not proportional there is the risk it may be appealed at the Magistrates’ Court and costs could be incurred by the Local Authority.</p> <p>Opportunity – Promote tourism (N.B. Not a licensing consideration).</p>	3	2	6	↔	<p>The matter is being listed before the full Licensing Committee for their consideration as opposed to a sub-committee. Public safety will be the paramount consideration when coming to their decision.</p> <p>The protection of children, vulnerable adults and public safety together with a licensed taxi driver deemed to be a ‘fit and proper’ person is paramount to all decisions.</p> <p>Animal welfare to be considered as part of the process.</p> <p>Appeal process is available by way of Judicial Review</p>	Business Support Manager

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Animal Aid - 2012

Proposal for a Horse-Drawn Omnibus Service for Eastbourne: *The case against*

The idea of a horse-drawn omnibus service in a town like Eastbourne is superficially attractive, given the Borough's understandable desire to boost tourist visitor numbers by providing popular amenities. Images of colourful Victorian streets might come to mind, bustling with horse-drawn traffic. In fact, life for working horses in those times was short, brutal and wretched. And, even though there is now a keener understanding of the needs of animals, using horses for public transportation inevitably leads to major welfare problems as well as a significant risk to public safety.

This can be simply illustrated by looking at the New York horse-drawn carriage scheme. In a letter we sent you on 20 February, we noted that, in just two months towards the end of 2011, one carriage horse died, two collapsed and another bolted. Since then, another horse has bolted. A witness reported seeing him 'tearing down the street, with the overturned carriage in tow'

<http://www.horsetalk.co.nz/news/2012/03/050.shtml#axzz3Ng59WkaF>

As we point out below, there have been a number of carriage horse-related injuries and fatalities in this country in recent years. Our key concerns, in summary, are as follows.

The Horses

A report, dated 8 February 2012, recommended that the Cabinet and the full council, in principle, agree to license horse-drawn carriages within the Borough. The report included a photograph of the horses and a carriage owned by a commercial operator, whose application prompted the process. The operator undertook a trial of the scheme on the proposed route in November 2011. The photograph that came with the report and the report itself were carefully examined by Animal Aid's Horse Consultant, Dene Stansall (see the end of this document for short biography). He made the observations that follow.

Physical condition of the horses

The horses shown in the photo showed signs of poor hoof care – a common problem with carriage-horse operations. One of the horses has a black coat, which is also common for the type of carriage horses used. However, black coats will absorb radiant heat from the environment, i.e. the sun, making it difficult for horses to cool down and maintain a consistent body temperature, especially on a hot summer's day when carrying out persistent work. There is the risk that horses could collapse and even die.

The demands to be made upon the horses

- The deadweight of the carriage, in addition to a fully laden weight of passengers (more than a ton), will be greater than that of the combined weight of the horses. It is inhumane to expect horses to pull such a weight.

- Rest periods would require unshackling from the carriage, which is impossible in the city centre. Given the complexity of the harness and bridle, this would take some time, and there is no suitable place for it to be done. When horses get overheated, they again need to be unshackled and not simply left to stand still but be walked around in order to cool down.
- Requirements with regards to access to water is not specified – a trough/fresh water supply would be needed.
- No working temperature limits are specified.
- The suggested route offers a lack of shade or shelter from sun or rain.
- Based on the figures provided in the report, an 8-hour working day would appear to be far too demanding for the horses. The report does not specify the number of journeys per day in relation to the route; total miles to be covered; and whether horses would be expected to walk or trot the route.
- The horses would be required to work long hours without hay/forage.
- There will be additional travel time for the horses to and from work – how long would this be?

Harness and Bit

An often-overlooked aspect of horse welfare is the way they are harnessed and the bits that are in use. Where inappropriate choices are made due to inexperience, lack of care and/or a desire to cut costs, the negative impact on the horses can be considerable.

The Harness

Horses who work long hours require a full-collar harness specific to each horse. The horses in the photograph are wearing a cheaper, one-size-fits-all, breast collar harness. These types – although fairly common – are not comfortable or ideal fitting. Problems with this type of harness are:

- With movement, the harness will soon rub sore on the horses' shoulders and possibly other areas of the horses' bodies.
- There are no brass eyelets, which give strength at the buckles – a potential safety problem should a strap tear under pressure.
- The Traces (straps to the carriage) are low – the horses could get a back leg caught in them and panic.

The Bit

A standard Liverpool Bit is being used for the driving. This is a heavy device that holds the horse's tongue down to restrain and control the horse. It is much more severe than a standard snaffle bit.

- The attachment of the reins to the bit (as seen) increases the severity on the horse's mouth. We cannot see the type of bar inside the mouth – but again, if standard issue, it will cause the horse to suffer. It is not acceptable to work a horse for long hours bitted and bridled in any form, least of all with this type of bit.

The Carriage

Self-evidently, the choice of carriage is critical in terms of the load the horses are expected to pull and questions of safety – both of the horses and the general public. The carriage in the photograph is a large, heavy, cart-like vehicle – not a fine coach build. The problems relating to this type of coach are as follows:

- The driver is seated far too low. He should be seated higher – especially when big horses are being used – in order to have a good view of the road ahead. (Equally, with regard to customer experience, it can be noted that the view offered to passengers is poor, because they are facing each other rather than facing outwards.)
- The horses' quarters are too high in relation to the dashboard (front of the carriage), which is not desirable. A consequence of this discontinuity is that there appears to be little clearance between the horses' hindquarters and the dashboard. If the horse kicks back, he could break a hock.

Road and Environment

The endorsement of the omnibus proposal was based on a consideration of a particular route – running to and from the Cumberland Hotel, via Wilmington Square, Terminus Road and the seafront. Animal Aid has walked, filmed and photographed this entire route in order to understand what would be experienced by the horses, and to identify possible public safety concerns. It should be added that, although our comments relate to the proposed route, many of the points apply to any route through a town or city centre.

Conditions of the roads/route/environment

- Sunken drain covers and broken road surfaces pose a tripping threat to the horses – forcing them down on their sensitive knees, which could lame or fatally injure them.
- The road inclines are too demanding on the horses – extra pulling power would be needed.
- Cars reversing out of parked areas, especially on the seafront, pose a danger, as does the carriage pulling out onto the busy seafront road.
- There is no tethering area where the harness and bridle are to be removed, which compromises the safety of the public and of the horses.
- There is no shelter area for the horses from strong sunlight or heavy rain.

- The road along the seafront is extremely busy and noisy, and is used by very large vehicles, that may spook the horses.

Operators

The health and safety of those driving the omnibus is an important matter of itself, but beyond that is the wider issue of safety of their passengers and of the general public. For these reasons, any problems relating to how the drivers are dressed, and indeed trained, are paramount.

Health and Safety for Driver and Assistant

- Gloves should be worn by the driver to protect his hands and, importantly, to maintain a hold and control should the horses bolt or panic.
- Boots (yard boots at least) should be worn by the driver and assistant. These should have a good grip/sole and a strong upper surface, to protect his feet when working around the horses i.e. when tacking up, adjusting the harness and attaching the horses to the carriage.
- Carriage operators should be British Horse Society / British Driving Society qualified.

In the case of an accident

Horses drawing carriages may, infrequently, 'spook' and run amok or, as in New York, collapse from exhaustion or injury. In either eventuality, prompt and professional action is required to limit the problems and tend to the injured, whether human or equine. A rapid response from the police and medical and veterinary services are all likely to be required. To put things at their starkest: as well as witnessing human casualties, visitors to Eastbourne's seafront in the summer may also be forced to watch an injured horse being destroyed. The report did not specify contingency planning.

Recent horse carriage incidents

Below are some recent examples relating to incidents involving horse-drawn carriages in the UK.

Bolting horse throws newlyweds into road (Wakefield, 2012)

<http://www.express.co.uk/posts/view/314400/Bolting-horse-throws-newlyweds-into-road>

Woman killed by runaway horse (Bury St Edmunds, 2011)

http://www.eadt.co.uk/news/bury_st_edmunds_woman_killed_by_runaway_horse_is_named_1_927057

Hampshire man killed in horse and trap accident (Southampton, 2011)

<http://www.horseandhound.co.uk/news/hampshire-man-killed-in-horse-and-trap-accident/>

Injured carriage driver airlifted to hospital (Isle of Wight, 2011)

<http://www.iwcp.co.uk/news/news/injured-carriage-driver-airlifted-to-hospital-39092.aspx>

Carriage driver injured as Shire horse gallops through York streets (York, 2010)

http://www.yorkpress.co.uk/news/8180975.Carriage_driver_injured_as_horse_gallops_through_York_streets/

Police appeal after horse-drawn carriage accident (Huddersfield, 2009)

<http://www.examiner.co.uk/news/local-west-yorkshire-news/2009/06/01/mon-ampolice-appeal-after-horse-drawn-carriage-accident-86081-23760929/>

Racegoer injured in carriage crash at Ascot (Ascot, 2009)

<http://www.racingpost.com/news/horse-racing/horse-drawn-carriage-in-crash-atascot/204564/>

Horse and carnage - bride's dream ends in terror as animal bolts and leaves her in the road (Worcestershire, 2008)

<http://www.dailymail.co.uk/news/article-1094656/Horse-carnage--brides-dreamends-terror-animal-bolts-leaves-road.html>

Man, 76, dies in horse and carriage accident (Somerset, 2007)

<http://wspostnews.blogspot.co.uk/2007/10/man-76-dies-in-horse-and-carriage.html>

A passenger in a horse and trap accident has lost her case for compensation (Newbury, 2005)

<http://www.horseandhound.co.uk/news/horse-and-carriage-accident-claim-lost-at-court/>

Dene Stansall

Dene Stansall has been Horse Consultant to Animal Aid for 13 years. His work has involved lecturing to the RSPCA's Scientific, Technical and Academic Committee, Parliament's All-Party Group for Animal Welfare, and – on a routine basis – Postgraduate Master of Science degree students who are seeking careers in the equine industry. He is also regularly called upon to advise undergraduates on dissertation subject matters relating to horses. His research and opinions are routinely sought by national newspapers, radio and TV broadcasters and by specialist horse magazines. Media and equine specialists from all parts of the world are also increasingly seeking his views.

Dene has a serious concern for road safety issues. In 2010, as part of the Lincolnshire Road Safety Partnership Team, he received an International Road Safety Award from Prince Michael of Kent. It was to mark his role in helping to reduce road deaths in Lincolnshire, particularly those of young drivers.

Dene, who has a British Horse Society qualification, cares for three previously unwanted horses – two Thoroughbreds and a crossbred pony.

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Agenda Item 3

At a Meeting of the **PLANNING & LICENSING COMMITTEE** held at the Council Chamber, Council Offices, Kilworthy Park, Drake Road, **TAVISTOCK** on **TUESDAY** the **10th** day of **FEBRUARY 2015** at **10.00 am**.

Present:

Cllr C M Marsh – Chairman
Cllr M J R Benson – Vice-Chairman
Cllr R E Baldwin Cllr W G Cann OBE
Cllr C Hall Cllr L J G Hockridge
Cllr T G Pearce Cllr J Sheldon
Cllr D Whitcomb Cllr D Wilde

Development Manager
Senior Planning Officer (JG)
Planning Officer (NG)
Planning Officer (LD)
Solicitor
Business Support Manager
Member Services Manager

In attendance:

Cllr D W Cloke Cllr M V L Ewings
Cllr A F Leech Cllr R J Oxborough
Cllr P R Sanders

P&L 50 DECLARATIONS OF INTEREST

Cllr L J G Hockridge – Application 01182/2014 – Personal – Ward Member and knows the applicant.

Cllr C M Marsh – Application 01182/2014 – Personal – Knows the applicant

Cllr T G Pearce – Personal – Member of Devon Building Control Partnership

***P&L 51 CONFIRMATION OF MINUTES**

The Minutes of the Meeting held on 13th January 2015 (page 3 to the Agenda), were confirmed and signed by the Chairman as a correct record.

***P&L 52 PLANNING, LISTED BUILDING AND ENFORCEMENT REPORTS**

The Committee considered the applications prepared by the Development Manager (page 10 to the Agenda) and considered also the comments of Town and Parish Councils together with other representations received, which are noted below, and **RESOLVED:**

PLANNING APPLICATION REPORT

Case Officer: Jeremy Guise

Ward: Bridestowe

Ward Member: Cllr L J G Hockridge

Application No: 01182/2014

Agent/Applicant:
EJFP Planning
49 Bannawell Street
Tavistock
PL19 0DP

Applicant:
R Phillips
Bratton Mill
Bratton Clovelly
Devon

Site Address: Land Adjacent To Primrose Cottage, Bratton Clovelly, Devon

Development: Demolition of existing workshop and erection of 3 bed dwelling with associated car parking and garden.

Reason item is being put before Committee

Cllr L J G Hockridge, Ward Member - The Parish Council have raised concerns about highways issues - visibility - and the proposal being out of character. I am concerned about the highways issues. Please bring to Planning & Licensing Committee for decision.

Recommendation: Conditional Consent

Conditions

1. Time limit
2. In accordance with approved plans
3. Material samples
4. Removal of PD
5. Unexpected contamination
6. Details of surface water design
7. Schwegler bat box requirement
8. Access parking and visibility splays to be provided before first use
9. Natural Slate
10. Natural stonework

Key issues for consideration:

- Principle of subdivision to create a separate building plot
- The impact upon the amenities of the existing dwelling
- The adequacy of the residential arrangements for the proposed dwelling
- The design and appearance of the proposed dwelling, including its impact upon the street scene
- The impact of the proposed dwelling upon the amenities of neighbouring residential property
- The adequacy of access arrangements and impact upon the highway network
- The adequacy of measures to offset the impact of the development

Site Description:

Primrose Cottage is located within the village settlement of Bratton Clovelly. It forms part of a ribbon of development that extends to the south west of the village along Chapel Street.

Buildings are located on both sides of Chapel Street, but are more extensive on the western side, where modern houses have been in filled. Beyond Primrose Cottage, there are no separate dwellings on the eastern side of Chapel Street, only the single storey workshop building, that forms the subject of this application, and parking, gardens and outbuildings associated with the dwellings opposite. Primrose Cottage

is orientated south west/north east and extends across the whole depth of its plot. Its garden and many of the windows serving the main habitable rooms face towards the south west and the workshop/application site.

The village of Bratton Clovelly occupies an elevated position within the landscape with open countryside falling away to the south east.

The Proposal:

Permission is sought to demolish the existing single storey workshop and erect a 126sqm dwelling, with associated car parking, on approximately 2/3rds of the garden to the south west. Plans show a large, 126sqm, house comprising entrance hallway, study, WC, living room, kitchen and utility room on the ground floor and three bedrooms – all with en-suite bathrooms on the first floor.

The external appearance of the proposed house is dominated by a slate gabled roof and a chimney on the south east elevation with rendered walls and extensive glazing on the south west elevation. The first floor windows on the northwest elevation that would serve a bedroom and bathroom and face towards Primrose Cottage are shown obscure glazed. Overall the ridge height of the proposed dwelling would, at 7m from ground level, the same as Primrose Cottage.

Consultations:

County Highways Authority
Environmental Health Section
WDBC Drainage Engineer
WDBC Countryside & Special Projects Officer
Bratton Clovelly Parish Council
Representations – 12 representations received

SPEAKERS: Mrs D Pitts – Objector
Mr R Philips – Applicant

It was then moved by the Chairman, seconded by the Vice-Chairman, that the application be granted conditionally and upon being put to the vote, the motion was lost.

The Committee was concerned about the size and massing of the proposal and the design being out of keeping. The Committee also raised concerns in relation to visibility on the highway, however, the Chairman reminded Members that highways matters were not a material issue. Finally, the loss of amenity for Primrose Cottage was noted.

It was then moved and seconded that the application be refused and upon being put to the vote the application was **REFUSED** for the following reasons:

1. Size and proximity to Primrose Cottage was unacceptable
2. Inappropriate design out of keeping for the area
3. Cramped form of development
4. Inadequate parking

PLANNING APPLICATION REPORT

Case Officer: Jeremy Guise

Ward: Tavistock South

Ward Members: Cllr M Ewings; Cllr R Oxborough; Cllr E Sherrell

Application No: 01276/2014

Agent/Applicant:

Mr R Barnes
37 Laura Grove
Paignton
Devon
TQ3 2LP

Applicant:

Stonehaven (Healthcare) Ltd
Mr S Stone
Mardle House
Mardle Way
Buckfastleigh
Devon
TQ11 0NS

Site Address: Chollacott Nursing Home, 61 Whitchurch Road, Tavistock, Devon PL19 9BD

Development: Extension at side and rear to form 10 additional bedrooms with ancillary accommodation and covered car spaces. Extension at side to form manager's office.

Reason item is being put before Committee

Cllr R Oxborough: I would like this application to be considered at Planning for the following reasons:-

- (i) Adverse affect on neighbours' amenity
- (ii) Inadequate car parking
- (iii) Whitchurch Road is hazardous
- (iv) Over development

Recommendation: Grant conditional planning permission

Conditions:

1. Time Limit
2. Approved Plan numbers
3. Unexpected contamination
4. Material samples
5. Details of bat roosting and bird nesting provisions prior to commencement
6. Construction management plan required
7. Drainage assessment and details required

Key issues for consideration:

- The principle of residential extension to the building
- The design and the impact of the proposed extensions upon the appearance of the building
- The impact upon the amenities of neighbouring residential property
- The adequacy of access and parking arrangements

Site Description:

No. 61 Whitchurch Road is a large late Victorian/Edwardian house currently occupied by Chollacott Nursing Home. Originally a double fronted villa style property with a square bay and angled bays; it has been much altered with large extensions

added to the south and east, and a large conservatory structure on the front, in connection with the current use.

The nursing home is accessed from a drive off Whitchurch Road which it shares with number 59 Whitchurch Road and Cholly Folly to the north. Parking is provided for approximately 10 cars, either in an informal area in front of the property or in a parking bay 2/3rds of the way up the drive.

The Proposal:

Planning permission is sought for a part 2 and part 3 storey extension on the north east rear elevation and an extension to the existing front entrance porch to provide a new office space

The proposal would provide:-

- An extended and re-fitted kitchen, laundry, store, WC and bin store and 4 covered car parking spaces at ground floor level; a new sitting room (approx. 41sqm);
- 6 new bedrooms with en-suite bathrooms one with a private terrace, assisted bathroom and WC at first floor level; and
- 4 new bedrooms with en-suite bathrooms at second floor level

These would all be linked by a lift.

Consultations:

County Highways Authority
Environmental Health Section
Tavistock Town Council
WDBC Senior Engineer
WDBC Landscape Officer
WDBC Countryside & Special Projects Officer
Representations – 12 representations received

SPEAKER: Mrs J Williams – Objector

It was then moved by the Chairman, seconded by the Vice-Chairman, that the application be granted conditionally and upon being put to the vote, the motion was lost.

The Committee had a number of concerns relating to this application, and took account of the local Ward Member's experience of issues in connection with access to the property and the lack of suitable parking and the impact that this had on neighbouring residents. There was the further issue of impact on neighbouring properties as a result of the size of the proposal and the resultant overlooking. There were additional concerns about the lack of storage included in the proposal.

It was then moved and seconded that the application be refused and upon being put to the vote the application was **REFUSED** for the following reasons:

1. This proposal was overdevelopment of the site
2. The un-neighbourly impact on neighbouring properties
3. The loss of storage and associated effect of the restricted nature of the site
4. Inadequate car parking on site
5. Impact on properties in Chollacott Close in terms of overlooking, light pollution and loss of planting.

PLANNING APPLICATION REPORT

Case Officer: Mrs Nicola Glanville

Ward: Lew Valley

Ward Member: Cllr J McInnes

Application No: 01194/2014

Applicant:

Mrs A Murphy
Blackberry Stamps
Tregeseal
St Just
Penzance
Cornwall
TR19 7PY

Site Address: 7 Kellands Lane, Okehampton, Devon EX20 1FQ

Development: Householder application for retention of fence measuring 2.6 metres.

Reason item is being put before Committee: Cllr McInnes has called this in on the grounds of visual intrusion.

Recommendation: Conditional approval

Conditions:

1. Strict compliance with the drawings.
2. Details of a paint finish to the fence shall be agreed in writing with the LPA and carried out within 6 months of the date of approval.

Key issues for consideration:

The main issues associated with this scheme are those of residential amenity and material finishes.

Financial Implications:

None.

Site Description:

The site is on a modern housing estate, where housing is in close proximity with small rear gardens. The site is not Listed nor is it within a Conservation Area.

The fence is located between two garages and encloses both properties. 9 Kellands Lane and its garden are at a considerably higher level than No. 7 Kellands Lane and its garden.

The Proposal:

This is an application for the retention of an extension to the top of an existing wooden panelled fence between 7 Kellands Lane and 9 Kellands Lane. When measured on site, the additional fence panel to be retained measures 750mm. The height of the fence at the ground level of 7 Kellands Lane would be 2.6m overall, including the addition.

Consultations:

County Highways Authority
Environmental Health Section
Okehampton Hamlets Parish Council
Representations – 4 representations received

SPEAKER: Mrs A Murphy – Applicant

Conclusion

Overall the materials are in keeping with those already used within the development, although it does raise the fence it does provide additional privacy to both properties due to the change in levels, and does not adversely affect amenity at either property. As such it is considered acceptable.

It was then moved by the Chairman, seconded by the Vice-Chairman, that the application be granted conditionally and upon being put to the vote, the motion was lost.

A number of Members of the Committee did not support this application and felt that it should be refused as a fence of this height would not normally be allowed. Other Members had some sympathy with the applicant in respect of the actions of the developer and felt that the application should be supported.

It was then moved and seconded that the application be refused and upon being put to the vote the application was **REFUSED** for the following reasons:

1. The proposal was visually out of keeping with the area.

PLANNING APPLICATION REPORT

Case Officer: Laura Davies

Ward: Lew Valley

Ward Member: Cllr J McInnes

Application No: 01379/2014

Agent/Applicant:

Mrs A Burden
Luscombe Maye
59 Fore Street
Totnes
Devon
TQ9 5NJ

Applicant:

Mr J Dixon
Lands End Farm
Northlew
Okehampton
Devon
EX20 3PP

Site Address: Barn, Broomhill, Northlew, Okehampton, Devon EX20 3PP

Development: Retention of barn for agricultural use.

Reason item is being put before Committee

This application is to be considered by the Planning and Licensing Committee at the request of Cllr McInnes.

DEFERRED pending site inspection.

Members considered it necessary to visit the site to properly assess the nature of the proposed rebuilding and the reasonableness of the barn in association with the land

holding having regard to the planning history as set out in the planning officer's report.

Key issues for consideration:

- Impact on character and surrounding landscape;
- Impact on neighbouring occupiers.

Site Description:

The application site is located on the west side of the road within the open countryside to the south of Northlew. The application site relates to an existing agricultural building and adjacent hardsurfacing. The barn is located immediately adjacent to the highway and site levels fall away from the highway to the west.

The Proposal:

This application seeks the retention of the existing barn for agricultural purposes. The applicant has confirmed that the barn was in a poor state of repair and works were undertaken to repair it although the Council's Enforcement Officers, further to an investigation, confirmed that the nature of the works were too extensive to be considered as repairs to an existing building. Due to the structural issues with the barn works have been started to secure it prior to this application. This application seeks to retain the barn with the following additions/alterations:

- The addition of new quoins to the southern and northern corners;
- Two door openings to the south western elevation to be replaced with windows;
- Door created to the north-western elevation in place of a previous arrow slit;
- Strengthening of walls with internal concrete blocks;
- Re-siting of wall to north-west elevation 0.45m increase in width to accommodate concrete block structure;
- Removal of existing corrugated roof and replacement with slate roofing.

The barn is intended to be used for shelter for livestock and storage for farm equipment, feed and logs.

Consultations:

County Highways Authority
Northlew Parish Council
Borough Engineer
Ecology Officer
Representations – 2 representations received

***P&L 53 PLANNING APPEALS UPDATE**

APPLICATION No:	00552/2014
APPELLANT:	Mr R Barnett
PROPOSAL:	Revised scheme for extension and alterations to dwelling.
LOCATION:	Little Ground, Lodge Hill, Okehampton, Devon EX20 1JH
APPEAL STATUS:	APPEAL LODGED
APPEAL START DATE:	7-Jan-2015
APPEAL DECISION:	
APPEAL DECISION DATE:	

APPLICATION No: 01128/2014
APPELLANT: Mr A Ranford
PROPOSAL: Householder application for the erection of a garage/workshop.
LOCATION: 6 Devonshire Gardens, North Tawton, Okehampton, Devon EX20 2ES
APPEAL STATUS: **APPEAL LODGED**
APPEAL START DATE: 7-Jan-2015
APPEAL DECISION:
APPEAL DECISION DATE:

APPLICATION No: 01111/2014
APPELLANT: Mr H Bushin
PROPOSAL: Householder application for extensions and alterations to dwelling.
LOCATION: Cornhill, Upcott Hill, Okehampton, Devon EX20 1SQ
APPEAL STATUS: **APPEAL LODGED**
APPEAL START DATE: 8-Jan-2015
APPEAL DECISION:
APPEAL DECISION DATE:

APPLICATION No: 00627/2014
APPELLANT: Mr P Green
PROPOSAL: Prior notification of the Change of Use of agricultural building to dwelling house and associated operational development.
LOCATION: Greenlane Bridge Farm, Sampford Courtenay, Okehampton, Devon EX20 2SA
APPEAL STATUS: **APPEAL DECIDED**
APPEAL START DATE: 2-Sep-2014
APPEAL DECISION: Appeal Dismissed
APPEAL DECISION DATE: 09-Jan-2015

***P&L 54 DELEGATED DECISIONS**
The Committee received and noted the list of delegated decisions (page 41 to the Agenda).

P&L 55 TO DETERMINE WHETHER TO ADOPT A PROCEDURE FOR LICENSING HORSE DRAWN OMNIBUSES, DRIVERS AND CONDUCTORS TO OPERATE WITHIN THE WEST DEVON BOROUGH COUNCIL AREA

The Business Support Manager (EH&H) presented a report (page 53 to the Agenda) seeking the Committee's view on whether to adopt a licensing procedure, including officer delegation, in connection with licensing Horse Drawn Omnibuses, drivers and conductors. An enquiry had been received to provide such a service over a specific route but the Council did not have a by-law or policy to enable such a licence to be considered.

The Committee was requested to make a recommendation to Council to either adopt a procedure for licensing horse drawn omnibuses with an appropriate fee structure or to decline to do so. The report before the Committee showed that consultation had taken place with other

local licensing authorities and with Animal Aid's Horse Consultant who had expressed a willingness to make a presentation to Councillors should the decision made to proceed with adopting a licensing regime.

In coming to a view, the Committee appreciated that this was an in principle decision, and noted that if the principle was approved then each application should be taken to Committee for determination.

It was **RESOLVED** to **RECOMMEND** that Council:

- (i) Adopt a procedure for the licensing of Horse Drawn Omnibuses, driver(s) and conductors within the West Devon Borough Council area and for the drafting of the related licensing procedure, conditions, code of conduct and preparation of Byelaws, together with the power to grant, revoke, suspend or refuse to transfer or renew an omnibus licence, driver, conductors licence, to the Head of Environmental Health and Housing/Service Group Manager; and
- (ii) To approve an initial annual fee of £550 for the application to grant an omnibus licence and £150 for the application to grant an annual omnibus drivers or conductors licence and to delegate the review of fees to the Planning and Licensing Committee.

(The Meeting terminated at 12.15 pm.)