

South Hams Development Management Committee



Title:	Agenda	
Date:	Wednesday, 13th March, 2019	
Time:	11.30 am and 2.00 pm	
Venue:	Council Chamber - Follaton House	
Full Members:	<p>Chairman Cllr Steer Vice Chairman Cllr Foss</p> <p><i>Members:</i> Cllr Bramble Cllr Hodgson Cllr Brazil Cllr Holway Cllr Brown Cllr Pearce Cllr Cuthbert Cllr Rowe Cllr Hitchins Cllr Vint</p>	
Interests – Declaration and Restriction on Participation:	<p>Members are reminded of their responsibility to declare any disclosable pecuniary interest not entered in the Authority's register or local non pecuniary interest which they have in any item of business on the agenda (subject to the exception for sensitive information) and to leave the meeting prior to discussion and voting on an item in which they have a disclosable pecuniary interest.</p>	
Committee administrator:	Kathy Trant Specialist- Democratic Services 01803 861185	

1. Minutes **1 - 14**

To approve as a correct record and authorise the Chairman to sign the minutes of the meeting of the Committee held on 13 February 2019;

2. Urgent Business

Brought forward at the discretion of the Chairman;

3. Division of Agenda

to consider whether the discussion of any item of business is likely to lead to the disclosure of exempt information;

4. 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;

5. Public Participation

The Chairman to advise the Committee on any requests received from members of the public to address the meeting;

6. Planning Applications

To see Letters of Representation and further supplementary information relating to any of the Applications on the agenda, please select the following link and enter the relevant Planning Reference number:

<http://apps.southhams.gov.uk/PlanningSearchMVC/>

(a) 3628/17/FUL **15 - 34**

Erection of 12 dwellings, workshop/office, associated landscaping and site development works

Oak Tree Field at SX 778 588, Tristford Road, Harberton

****Upon the conclusion of the above agenda item, the meeting will be adjourned and reconvened at 2.00pm****

(b) 2483/18/FUL **35 - 50**

Construction of a new quay to improve access (resubmission of 3078/17/FUL)

1 Old Coastguard Cottages, Wembury, PL9 0EJ

(c) 2484/18/LBC	51 - 56
Listed Building Consent for construction of a new quay to improve access	
1 Old Coastguard Cottages, Wembury, PL9 0EJ	
(d) 3262/18/FUL	57 - 70
Proposed residential development of two detached dwellings on vacant land. Revised scheme submission of refused application for three dwellings ref 1240/16/FUL	
Lyndale, Onslow Road, Salcombe, TQ8 8AH	
(e) 3838/18/FUL	71 - 82
Extension and alterations to existing dwelling to create two separate dwellings	
St Valery, Herbert Road, Salcombe, TQ8 8HW	
7. Planning Appeals Update	83 - 84

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**MINUTES OF THE MEETING OF THE DEVELOPMENT MANAGEMENT
COMMITTEE HELD AT FOLLATON HOUSE, TOTNES, ON WEDNESDAY,
13 FEBRUARY 2019**

Members in attendance * Denotes attendance			
*	Cllr I Bramble	*	Cllr J M Hodgson
*	Cllr J Brazil	*	Cllr T R Holway
*	Cllr D Brown	*	Cllr J A Pearce
*	Cllr P K Cuthbert	*	Cllr R Rowe
*	Cllr R J Foss (Vice Chairman)	*	Cllr R C Steer (Chairman)
*	Cllr P W Hitchins	*	Cllr R J Vint

Other Members also in attendance:
Cllrs Bastone, Birch, Tucker, Wright

Officers in attendance and participating:

Item No:	Application No:	Officers:
All agenda items		Planning Senior Specialist, Planning Specialists, Deputy Monitoring Officer, Specialist Democratic Services
	2066/18/FUL	DCC Highways Officer
	3460/17/OPA	Affordable Housing Officer, Senior Specialist Assets

DM.51/18 MINUTES

The minutes of the meeting of the Committee held on 16 January 2019 were confirmed as a correct record and signed by the Chairman.

DM.52/18 DECLARATIONS OF INTEREST

Members and officers were invited to declare any interests in the items of business to be considered and the following were made:

Cllr Foss declared a personal interest on behalf of all Members of the DM Committee in application **4412/17/ARM**: Reserved Matters application for the approval of appearance, landscaping, scale and layout for 29no. dwellings, following grant of outline permission 1825/16/OPA – Land at SX 550 552, North of Canes Orchard, Brixton, by virtue of the land owner being a Member of South Hams District Council. All Members remained in the room and took part in the vote thereon;

Cllr Holway declared a personal interest on behalf of all Members of the DM Committee in application **2117/18/FUL**: Application for new agricultural building to house livestock and for associated access – Woodland Barton Farm,

Avonwick, by virtue of the applicant being the Chairman of the DM Committee, and those Members who declared a personal interest remained in the room and took part in the vote thereon;

Cllr Steer declared a disclosable pecuniary interest in application **2117/18/FUL**: Application for new agricultural building to house livestock and for associated access – Woodland Barton Farm, by virtue of being the applicant and he left the meeting for the duration of this item;

Cllr Rowe declared a disclosable pecuniary interest in application **2117/18/FUL**: Application for new agricultural building to house livestock and for associated access – Woodland Barton Farm, by virtue of the applicant being a close relative and she left the meeting for the duration of this item;

Cllr Holway declared a personal interest in application **3460/17/OPA**: Outline application with some matters reserved for 7 self-build/custom-build dwellings (five open market and 2 affordable self-build plots) – Lutterburn Farm, Lutterburn Street by virtue of owning a field on the other edge of the village and he remained in the meeting and took part in the debate and vote thereon;

Cllr Cuthbert declared a personal interest in application **2066/18/FUL**: Demolition of hotel (14 guest bedrooms, 4 staff bedrooms, indoor swimming pool, lounge/bar/dining areas etc) and construction of a mixed use development of 9 serviced short term holiday let apartments (providing total of 16 bedrooms), 1 unit of owner's/manager's accommodation and 5 residential apartments – Lantern Lodge Hotel, Grand view Road, Hope Cove, by virtue of her husband being a Hope Cove Commissioner, and she remained in the room and took part in the vote thereon;

Cllr Cuthbert also declared a personal interest in application **1189/18/HHO**: Householder application for re-location of access and extension to dwelling – Orchard Barn, Ermington, by virtue of the applicants being close friends, and she left the chamber for the duration of this item;

Cllr D Brown declared a personal interest in the following planning applications that were sited within the South Devon AONB by virtue of being a Member of the South Devon AONB Partnership Committee and remained in the meeting and took part in the debate and vote thereon:

2066/18/FUL: Demolition of hotel (14 guest bedrooms, 4 staff bedrooms, indoor swimming pool, lounge/bar/dining areas etc) and construction of a mixed use development of 9 serviced short term holiday let apartments (providing total of 16 bedrooms), 1 unit of owner's/manager's accommodation and 5 residential apartments – Lantern Lodge Hotel, Grand view Road, Hope Cove

2785/18/FUL: Engineering operations to create level pitches and use of land for the stationing of 3 x mobile units for holiday use – Meadow Barn, East Portlemouth

1940/18/HHO: Householder application for extension and alterations to dwelling to form additional bedroom – 8 Crestway, Strete

DM.53/18 PUBLIC PARTICIPATION

The Chairman announced that a list of members of the public and town and parish council representatives, who had registered their wish to speak at the meeting, had been circulated.

DM.54/18 PLANNING APPLICATIONS

The Committee considered the details of the planning applications prepared by the Planning Case Officers as presented in the agenda papers, and considered also the comments of Town and Parish Councils together with other representations received, which were listed within the presented agenda reports, and **RESOLVED** that:

a) 2066/18/FUL Lantern Lodge Hotel, Grand View Road, Hope Cove

Parish: South Huish

Demolition of hotel (14 guest bedrooms, 4 staff bedrooms, indoor swimming pool, lounge/bar/dining areas etc) and construction of a mixed use development of 9 serviced short term holiday let apartments (providing total of 15 bedrooms), 1 unit of owners/manager's accommodation and 5 residential apartments

Case Officer Update:

Consultation period for final revisions ended 8 February, 2019, after publication of report. 26 late letters of representation received raising a few additional points such as concerns over light pollution, unattractive proposal, clarity sought on specification of privacy glass, clarification on distance of proposal from Cliff House and finally the proposal claiming it was not major development. In response to the final point, the case officer explained the difference between major development as set out in the Town and Country Planning Act and the definition of major development in the AONB as set out in the NPPF.

Speakers included:

Objector – Ms Jill Beavis: Supporter – Mr Simon Bird: Parish Council – Cllr Jo Hocking; Ward Members – Cllrs Pearce and Wright

Recommendation: Delegate to Head of Development Management Practice (HoP), in conjunction with Chairman to conditionally grant planning permission, subject to a Section 106 legal obligation.

However, in the event that the Section 106 legal Agreement remains unsigned six months after this resolution, that the application is reviewed by the HoP, in consultation with the Chairman of the Committee, and if no progress is being made delegated authority is given to the HoP to refuse to application in the absence of an agreed S106 Agreement.

During debate, Members referred to the points made by the Parish Council, particularly the high level of second homes already in Hope Cove, that the proposal did not offer any affordable housing, nor any contribution. The increased footprint of the building would adversely impact the AONB, which deserved the highest protection, and the parking proposals were inadequate, and would exacerbate current difficulties along Grand View Road. Members felt that the proposal was trying to 'cram' too much into the space, and did not see the need for five properties, a fewer number would be more reasonable. The proposal would also result in overlooking and a detrimental impact on the neighbour amenity of the neighbours at The Cove.

Committee Decision: Refusal

Reasons:

1. Having regard to the scale, massing, design and siting of the proposed development it fails to conserve and enhance the landscape and scenic beauty of this part of the South Devon Area of Outstanding Natural Beauty and is out of character with the area. As such the proposed development is contrary to Policies DP1, DP2, CS7 and CS9 of the South Hams LDF Development Plan Policies and Policies DEV10, DEV20, DEV24 and DEV27 of the emerging Plymouth and South West Devon Joint Local Plan and the National Planning Policy Framework in particular paras 127, 130, 170, 172 and 173.
2. Having regard to the extent to which the proposed development fills the plot, the number of apartments to be provided and inadequate provision of on-site parking the proposal represents an overdevelopment of the site that is likely to lead to over-spill parking onto the adjacent road(s) causing inconvenience to users of the highway and adversely impacting on residential amenity. As such the proposed development is contrary to Policies DP1 and DP7 of the adopted South Hams LDF Development Plan Policies and Policies DEV 20 and DEV31 of the emerging Plymouth and South West Devon Joint Local Plan and the National Planning Policy Framework in particular paragraphs 127 and 102.
3. Having regard to the scale, massing and siting of the proposed development it will have an overbearing impact on and result in an unacceptable level of overlooking to its neighbours to the south and east of the site. As such the proposed development is contrary to Policy DP3 of the adopted South Hams LDF Development Plan Policies and Policy DEV1 of the emerging Plymouth and South West Devon Joint Local Plan.

b) 4412/17/ARM Land at SX 550 552, North of Canes Orchard, Brixton

Parish: Brixton

Reserved Matters application for the approval of appearance, landscaping, scale and layout for 29no. dwellings

Case Officer Update: Conditions updated and an additional condition related to play equipment being agreed in consultation with the Parish Council.

Speakers included: Objector – Mr Michael Peddar; Supporter – Mr Andrew Lawrie; Parish Council – Cllr Michael Wills; Ward Member – Cllr Brown

Recommendation: Conditional Approval

During debate, Members made reference to the site visit and generally felt that the proposed design was poor. The indicative layout presented at Outline stage had not included a terrace that was created 'back to back' with existing properties in Phase Two, but this was included in the proposal for approval. Members felt this represented poor design, and also felt that the play area should not be placed in the top corner of the site, the location being unsympathetic to those who would benefit from it. Generally the layout had been ill thought through.

Committee Decision: Refusal

Reasons:

1. Having regard to the layout and design of the proposed development including the remote location of the public open space in the north eastern corner of the site and its limited natural surveillance, the proposed development does not represent high quality design. As such the proposed development is contrary to policies DP1 and CS7 of the adopted development plan and DEV20 of the emerging Plymouth and South West Devon Joint Local Plan and the National Planning Policy Framework, in particular paragraphs 127 and 130.

2. Having regard to the siting and scale of the proposed houses adjacent to the southern site boundary the proposed development will have an overbearing impact on and cause overlooking to the existing houses to the south of site, adversely impacting on their residential amenity. As such the proposed development is contrary to Policy DP3 of the adopted development plan and Policy DEV1 of the emerging Plymouth and South West Devon Joint Local Plan.

c) 3460/17/OPA Lutterburn Farm, Lutterburn Street, Ugborough

Parish: Ugborough

Outline application with some matters reserved for 7 self-build customer build dwellings (five open market and two affordable self-build plots)

Case Officer Update: Two further letters of representation had been received suggesting additional conditions, some of which could be incorporated into the Construction Management Plan

Speakers included: Objector – Ms Joan Fletcher; Supporter – Mr Simon Baker; Parish Council – Cllr George Beable; Ward Member – Cllr Holway

Recommendation: Delegate to HoP Lead Development Management, in conjunction with Chairman to conditionally grant planning permission, subject to a Section 106 legal obligation.

However, in the event that the Section 106 legal Agreement remains unsigned six months after this resolution, that the application is reviewed by the HoP Lead Development Management, in consultation with the Chairman of the Committee, and if no progress is being made delegated authority is given to the HoP to refuse to application in the absence of an agreed S106 Agreement

During discussion, Members requested an additional condition regarding community space, to be confirmed at Reserved Matters stage, and a further condition regarding the buildings being zero carbon construction.

Committee Decision: Delegate to HoP Lead Development Management, in conjunction with Chairman to conditionally grant planning permission, subject to a Section 106 legal obligation.

However, in the event that the Section 106 legal Agreement remains unsigned six months after this resolution, that the application is reviewed by the HoP Lead Development Management, in consultation with the Chairman of the Committee, and if no progress is being made delegated authority is given to the HoP to refuse to application in the absence of an agreed S106 Agreement

Conditions:

1. Reserved matters time
2. Reserved Matters details
3. Accord with plans
4. Surface water drainage strategy prior to commencement
5. Surface water adoption and maintenance strategy prior to commencement
6. Construction phase drainage strategy prior to commencement
7. Details of connection to and condition of receiving watercourse prior to commencement
8. Ecological Mitigation and Enhancement Strategy incorporating recommendations of the PEA
9. TEMS Mitigation Strategy
10. Landscape Plan prior to commencement
11. CEMP prior to commencement
12. Accord with details of Arboricultural Work and Tree Protection Plan
13. Highways details prior to commencement
14. Highways construction infrastructure prior to commencement

15. Unsuspected contamination
 16. Written Scheme of Investigation
 17. Finished floor levels of plot 6
 18. Site road and ground levels across flood zone
 19. No piping of western watercourse channel
 20. No external lighting to be erected upon dwellings without agreement of details with LPA.
 21. Accord with LEMP
 22. Details of tree retention
- Additional conditions:
- Community open space
Zero Carbon buildings

d) 3944/18/FUL 14-16 High Street, Totnes

Parish: Totnes

Change of use from Class A2 (bank) to a mixed Class A1/A3 use (coffee shop) together with shopfront alterations

Case Officer Update: None

Recommendation: Conditional Approval

Committee Decision: Conditional Approval

Conditions:

1. Time limit
2. Accord with plans
3. Times of opening
4. Machinery/Plant operation times and deliveries
5. A1/A3 use only
6. Submission of plant details

e) 2785/18/FUL Meadow Barn, East Portlemouth

Parish: East Portlemouth

Engineering operations to create level pitches and use of land for the stationing of 3 x mobile units for holiday use

Case Officer Update: Landscape Officer comments received and quoted to the Committee.

Speakers included: Supporter – Mrs Liz Taylor: Parish Council – Cllr Mike Harris: Ward Member – Cllr Brazil

Recommendation: Refusal

During discussion, Members referred to their site visit and also took account of

the strong support of the Parish Council. Members felt that the proposal would attract a different type of tourist and provide opportunities for tourism other than the prohibitively expensive option of renting a house in the area.

Committee Decision: Conditional Approval

Reasons:

Low key low impact form of tourism, well hidden in the valley and would not spoil the landscape. Exceptional circumstances for approval of the proposal in the AONB being that the proposal cannot be seen, no additional parking required.

Conditions:

1. Size of concrete pads to be 4m x 10m
2. Holiday use only
3. Details of materials/landscaping/no external lighting/noise/colour of materials

f) 3744/18/HHO Polston Green, Modbury

Parish: Aveton Gifford

Householder application for proposed alteration and extension

Case Officer Update: None

Speakers included: Parish Council – Cllr Rosamund Brousson: Ward Member – Cllr Bramble

Recommendation: Refusal

Members had a brief discussion on this proposal, but were persuaded by the support of the Parish Council and by attending the site visit and seeing the location of the proposal.

Committee Decision: Conditional Approval

Reasons:

No heritage issues, Doesn't represent overdevelopment, no intrusion into neighbour amenity, design acceptable. Ref to NPPF?

Conditions:

- 1 Accordance with plans
2. Materials to be agreed
3. No further window openings

g) 1940/18/HHO 8 Crestway, Strete

Parish: Strete

Householder application for extension and alterations to dwelling to form

additional bedroom

Case Officer Update: None

Speakers included: Objector – Mr Nick Shepherd; Supporter – Mr Gareth Pinwell: Parish Council – Cllr Kate Gill: Ward Member – Cllr Foss

Recommendation: Conditional Approval

During discussion, Members referred to the site inspection and noted that whilst the proposed extension to the front of the dwelling was acceptable, there were concerns over the extension to the back and the potential overlooking that would result.

Committee Decision: Refusal

Reasons:

The proposed rear extension by reason of its size and rearward projection would result in an unacceptable overbearing impact and unacceptable loss of amenity adversely impacting upon the neighbouring properties, Nos. 7 and 9 Crestway. The development is, therefore, contrary to Policy DP3 of the Council's adopted Local Development Framework, Development Policies Development Plan Document and Policies DEV1,DEV2 and DEV20 of the emerging Plymouth and South West Devon Joint Local Plan.

h) 1189/18/HHO Orchard Barn, Ermington

Parish: Ermington

Householder application for re-location of access and extension to dwelling

Case Officer Update: None

Speakers included: Supporter – Mrs Amanda Burden: Ward Member – Cllr Holway

Recommendation: Refusal

During discussion, Members stated that the proposal was still subservient to the principal dwelling and the aspect was away from public view.

Committee Decision: Conditional Approval

Reasons:

The proposal was subservient to the building and would not be seen from the public view. On balance, the proposal was appropriate and not detrimental.

Conditions:

1. Time limit for reserved matters
2. Accords with plans
3. Materials in accordance with details
4. Provision of sedum roof
5. No new openings in roof or elevations of extension

i) 2117/18/FUL Woodland Barton Farm, Avonwick

Parish: Ugborough

Application for new agricultural building to house livestock and for associated access

Case Officer Update: None

Recommendation: Conditional Approval

Committee Decision: Conditional Approval

Conditions:

1. Standard time limit
2. Adherence to plans
3. Surface water drainage
4. Landscaping scheme
5. Bird nesting informative

j) 3558/18/TPO 6 Waltham Way, Ivybridge

Parish: Ivybridge

T1: Willow – coppice to 0.3m from ground level and re-coppice every 5 years, majority of trunk dead, has suffered extensive decay, works for safety reasons and to help regrowth

Case Officer Update: None

Recommendation: Conditional Approval

Committee Decision: Conditional Approval

DM.55/18 PLANNING APPEALS UPDATE

Members noted the list of appeals as outlined in the presented agenda report.

DM.56/18 PLANNING PERFORMANCE INDICATORS

Members noted the list of Planning Performance Indicators as outlined in the presented agenda report.

DM.57/18 **REVIEW OF DEVELOPMENT MANAGEMENT COMMITTEE PROCEDURE
RULE 2.5: VOTING**

Members were presented with a report that asked for a recommendation to either retain or remove Procedure Rule 2.5 which prevented Members from voting where they had not remained for the whole of the debate.

Members had a full discussion on this item, including a debate on whether Member should be allowed to vote if they had not attended the official site visit. Whilst no conclusion was reached regarding attendance at site visits, Members did conclude that Procedure Rule 2.5 should remain.

It was then **RESOLVED**:

That Development Management Committee **RECOMMEND** to Council that Procedure Rule 2.5: Voting re retained.

(Meeting commenced at 9.30am and concluded at 6.00pm)

Chairman

Voting Analysis for Planning Applications – DM Committee 13 February 2019

Application No:	Site Address	Vote	Councillors who Voted Yes	Councillors who Voted No	Councillors who Voted Abstain	Absent
2066/18/FUL	Lantern Lodge Hotel, Grand View Road, Hope Cove	Refusal	Cllrs Rowe, Pearce, Bramble, Holway, Hodgson, Brown, Vint (7)	Cllrs Steer, Foss, Cuthbert, Hitchins (4)	Cllr Brazil (by virtue of not being present for all of the presentation) (1)	(0)
4412/17/ARM	Land at SX 550 552, North of Canes Orchard, Brixton	Refusal	Cllrs Holway, Brown, Bramble, Hitchins, Cuthbert, Vint, Brazil, Foss, Pearce, Hodgson (10)	Cllrs Rowe, Steer (2)	(0)	(0)
Page 12 360/17/OPA	Lutterburn Farm, Lutterburn Street, Ugborough	Conditional Approval	Cllrs Steer, Foss, Bramble, Pearce, Rowe, Cuthbert, Hitchins (7)	Cllrs Brown, Holway, Hodgson, Brazil (4)	Cllr Vint (1)	(0)
3944/18/FUL	14-16 High Street, Totnes	Conditional Approval	Cllrs Holway, Brown, Bramble, Hitchins, Cuthbert, Foss, Pearce, Rowe, Steer (9)	Cllrs Vint, Brazil, Hodgson (3)	(0)	(0)
2785/18/FUL	Meadow Barn, East Portlemouth	Conditional Approval	Cllrs Holway, Brown, Bramble, Hitchins, Cuthbert, Pearce, Rowe, Vint, Brazil, Hodgson (10)	Cllr Steer (1)	Cllr Foss (1)	(0)
3744/18/HHO	Polston Green, Modbury	Conditional Approval	Cllrs Holway, Brown, Bramble, Hitchins, Cuthbert, Pearce, Vint, Brazil, Foss, Hodgson, Steer (11)	Cllr Rowe (1)	(0)	(0)
1940/18/HHO	8 Crestway, Strete	Conditional Approval	Cllrs Steer, Pearce, Rowe, Holway, Hitchins (5)	Cllrs Brown, Cuthbert, Vint, Brazil, Foss, Bramble, Hodgson (7)	(0)	(0)

1940/18/HHO	8 Crestway, Strete	Refusal	Cllrs Brown, Cuthbert, Vint, Brazil, Foss, Bramble, Hodgson (7)	Cllrs Steer, Pearce, Rowe, Holway, Hitchins (5)	(0)	(0)
1189/18/HHO	Orchard Barn, Ermington	Conditional Approval	Cllrs Holway, Brown, Bramble, Hitchins, Vint, Brazil, Steer, Foss (8)	Cllrs Rowe, Pearce (2)	Cllr Cuthbert by virtue of leaving the meeting for this item (1)	Cllr Hodgson (1)
2117/18/FUL	Woodland Barton Farm, Avonwick	Conditional Approval	Cllrs Holway, Brown, Bramble, Hitchins, Cuthbert, Pearce, Vint, Brazil, Foss (8)	(0)	Cllrs Steer and Rowe by virtue of declaring a disclosable pecuniary interest and leaving the room (2)	Cllr Hodgson (1)
3558/18/TPO	6 Waltham Way, Ivybridge	Approval	Cllrs Holway, Bramble, Cuthbert, Pearce, Vint, Brazil, Foss, Steer, Rowe (9)	(0)	(0)	Cllrs Hodgson, Hitchins, Brown (3)

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Agenda Item 6a

PLANNING APPLICATION REPORT

Case Officer: Clare Stewart

Parish: Harberton **Ward:** West Dart

Application No: 3628/17/FUL

Agent/Applicant:

Mr Bill Brown
Sussex Innovation Centre
Science Park Square
Falmer,
Brighton
BN1 9SB

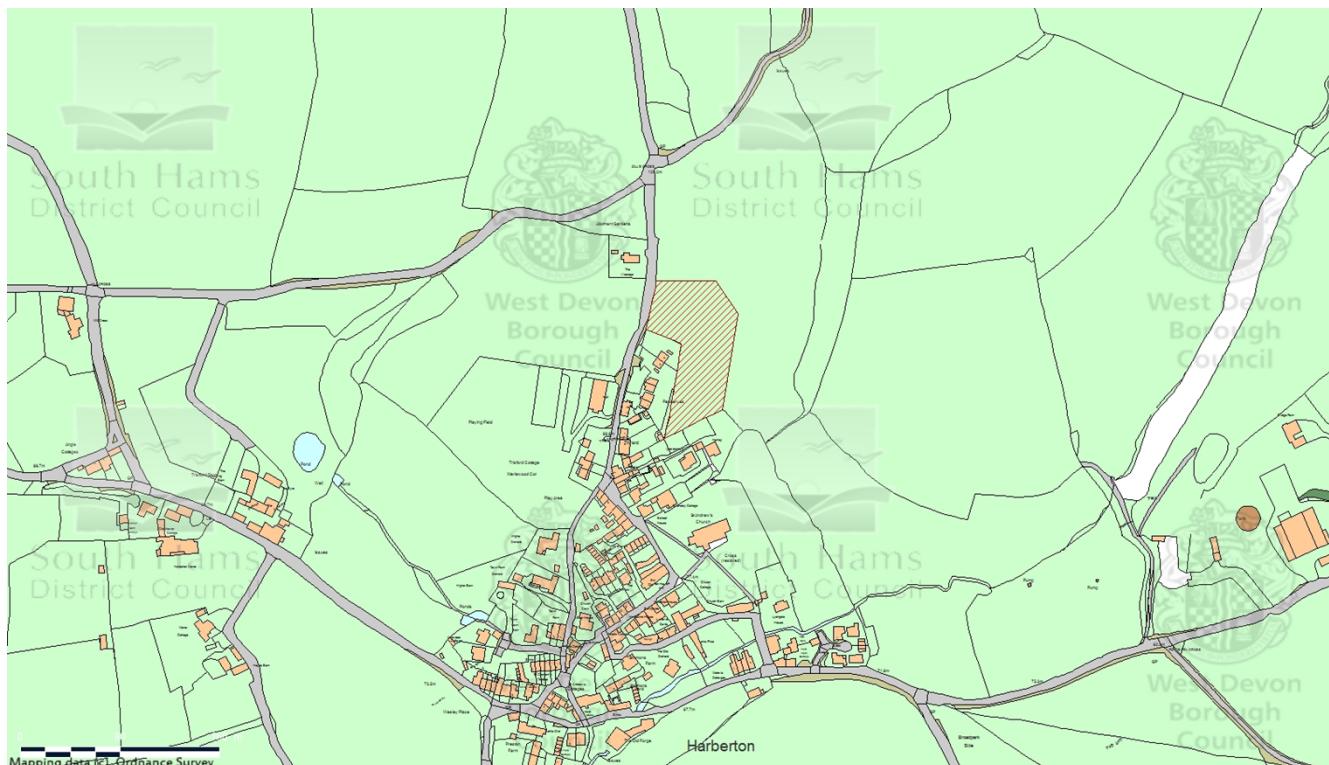
Applicant:

Mr Nick Williams
2 The Old Hall
Tristford Road
Harberton, Totnes
TQ9 7SD

Site Address: Oak Tree Field at SX 778 588, Tristford Road, Harberton, Devon

Development: Erection of 12 dwellings, workshop/office, associated landscaping and site development works

Reason item is being put before Committee: On request of Cllr Tucker who states that this is the type of community development that the Council should be encouraging and he disagrees with the Highways Officer conclusions.



Recommendation: Refusal

Reasons for refusal

1. The roads giving access to the site are by reason of their inadequate width, poor horizontal alignment and junctions are unsuitable to accommodate the increase in traffic likely to be contrary to paragraph 32 of the National Planning Policy Framework.
2. The proposed development does not make adequate provision for the manoeuvring of vehicles within the site and would therefore be likely to result in vehicles reversing onto or manoeuvring on the highway, with consequent risk of additional danger to all users of the road contrary to the National Planning Policy Framework.
3. A final Section 106 Agreement to secure planning obligations appropriate to the scale of development proposed has not been completed and signed. The proposal is therefore contrary to the LDF Planning Obligations SPD; Policy DEL1 of the emerging Plymouth and South West Devon Joint Local Plan; and the National Planning Policy Framework.

Key issues for consideration:

Principle, design, visual impact, heritage, drainage, highways, neighbour amenity.

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

It is estimated that this development has the potential to attract New Homes Bonus of £1,336.80 per dwelling, payable for a period of 4 years. Members are advised that this is provided on an information basis only and is not a material planning consideration in the determination of this application. In addition, the Government has said that the New Homes Bonus scheme is ceasing in 2020 and details of any replacement scheme will not be published by the Government until September 2019.

Site Description:

The site is situated to the north of the village of Harberton on the eastern side of Tristford Road. There is a short frontage directly onto Tristford Road, with the site then extending southwards towards the village to the rear of existing residential properties fronting the highway. To the north and east of the site lies an open field, which slopes down fairly steeply from the crossroads to the north, with the application site itself being more level.

The Haberton Conservation Area lies with the south of the site, along with the Grade I listed Church of St Andrew (which dates from the 14th and 15th centuries). The site lies outside but immediately adjacent to the established Harberton Development Boundary.

The Proposal:

Full planning permission is sought for the erection of 12 dwellings, 10 of which would be self-finish affordable units. The scheme has been developed by the Harberton and Harbertonford Community Land Trust (CLT). One unit would be a market value dwelling for the landowner with the final unit being a market value dwelling for the CLT to sell to subsidise the affordable homes. The housing mix comprises:

- Four x 3-4 bed semi-detached units
- Three x 4 bed detached units
- Two x 2 bed semi-detached units
- One x 2 bed bungalow
- Two x open market units

The above is intended to reflect the identified needs of the CLT membership (along with the two open market units). Access to the site would be taken from Tristford Road, with the dwellings arranged in a cul-de-sac. An open space area is proposed in the south east corner of the site for recreation and as part of the drainage solution. A workshop/office and store is proposed adjacent to Tristford Road along with a bin assembly and storage area. Parking areas would be spread through the development including electric car charging points powered by solar car ports. It is intended to facilitate a car sharing scheme which would be available for wider community use. External finishes are proposed to include natural timber cladding, render and mono-pitch meadow roofs.

Revised plans were submitted and made available for comment in response to some initial concerns raised by technical consultees.

Consultations:

- County Highways Authority – Final comments received 28/02/19:

"Observations:

The Highway Authority notes the location of the site is served from the C208 road (Tristford Road), which is situated to the north of the heart of Harberton village. The Highway Authority previously advised the Planning Authority in a call for sites process the principle of development served from this road was unacceptable from a highway safety perspective, since the roads are unsuitable. TRICS evidence would indicate a site in a rural location such as this would be likely to generate in the region of 72 two way daily vehicle movements.

The fundamental issues arise when considering the likely directional route of traffic generated from the proposals on a daily basis. Having observed traffic for half an hour on the C208 road, it is evident that the majority of traffic when accessing the village heads to the south towards the C204 road (Vicarage Ball Road), which is the main village thoroughfare that eventually leads east towards the A381. The alternative routes to the north of the site are very narrow 2.5m - 3.0m, lengthier (around 0.5km longer), poorly aligned in the horizontal plain and have a limited number of passing places making reversing difficult.

Assuming correctly most traffic would head south as observed, the C208 road splits into an upside down 'Y' shaped arrangement just before it intercepts the C204. Both junctions at the southern end of the 'Y' have their difficulties, but in particular the eastern one is extremely substandard. Having observed traffic at the 'Y' for half an hour, it was observed that most traffic tends to use the eastern arm of the 'Y' which as mentioned is the most substandard.

This is probably because the other route has a restricted width due to parked cars and third party property walls/buildings. The Highway Authority also asked the opinion of the locals and they confirmed that these assumptions were correct. If accepting this is the case the eastern side of the 'Y' junction has zero visibility in either direction due to the presence of buildings either side of the junction. It is also located on a convex shaped main road (Vicarage Ball Road), which means drivers using the main road have little if any time to react to an emerging driver. It is estimated 85th percentile speeds are around 15 - 20mph at this point on the main road. Manual for Streets recommends a junction visibility splay of 17m x 2.4m x 17m x 600mm height should be provided in these circumstances. The alternative (western side of the Y) has no visibility to the east again due to the presence of a building. The main road is also quite narrow with parked cars at the same point.

Overall the roads are also predominantly 3m in width at best with a limited number of passing places. Generally the only available passing places are private driveways, which of course could be chained off or gated at any time legally. There is no visibility at the junctions which are to be relied upon daily by site users, which indicates that the proposals are likely to give rise to additional road safety issues at these points. It is estimated the proposals are likely to increase movements at the junctions mentioned by approximately 5 - 10% daily.

The above issues give rise to overriding highway objections noting the severity of the lack of visibility.

Notwithstanding the above overriding highway objections, if the Planning Authority disagrees and decides the application should be considered acceptable, there are other issues with the level of detail submitted with this full planning application. These can be summarised as follows -

- It has been confirmed the internal estate roads are to remain private.

- The access visibility splays shown now appear to be located within the extent of the public highway or the site and therefore do not cross third party land to the south. Whilst the applicant has pledged in writing the internal access roads will remain private and that road gradients will not exceed 1:12, no details are provided still demonstrating this is possible. A topographical survey is still recommended at the access to cover at least 30m either side of the proposed access on the main road, plus at least 20m into the site. At this stage no levels are shown other than on an onsite topographical survey. This survey indicates the existing land levels fall towards the road, which gives rise to drainage surface water concerns whereby water from the site is likely to discharge onto the existing highway. (Has a drainage solution been submitted that deals with this matter?).

- It is now confirmed the road will be 1:20 for 15m from the highway which is acceptable.

Typical cross sections should also be shown demonstrating the internal road cross sectional levels are between 1:30 and 1:40 gradient. Also typical cross sections should be provided through the newly proposed visibility splay so that verge heights are shown at 1:500 scale in relation to the removed/relocated hedge. This information could be conditioned should the Planning Authority decide to approve the application.

- No construction methods including kerb details or proposed internal road material engineering drawings have been submitted. It may be possible to condition this although the changes may have implications from a aesthetical planning perspective due to type of kerbs/materials etc so should be sought at this stage as this is a full application.

- The tracking for the fire appliance supplied confirms the layout is still too tight however a condition is suggested to deal with these issues in detail should planning permission be granted. The remaining issues can be summarised as follows - There is no tracking for the car parking spaces situated adjacent to the proposed 4.0m estate road. The fire appliance tracking shows that the fire appliance will need to drive through a parked car. The Highway Authority will leave the decision whether a condition or reason for refusal is appropriate to the Planning Authority to decide.

- A refuse storage collection area is still needed within 20m of the public highway. Again this information could be conditioned should the Planning Authority decide to approve the application. The Highway Authority will leave the decision whether a condition or reason for refusal is appropriate to the Planning Authority to decide.

- It is noted several drainage options have been put forward for the site in the Flood Risk Assessment. If the roads are to remain private the Highway Authority will expect to see a condition which looks to prevent mud, stones, water or debris from entering the public highway at any time from the site. It is noted no drainage solution is presented with the planning application directly at the access junction with the public highway. There is therefore a concern water will be allowed to discharge from the site roads onto the existing public highway. The applicant has now said they will include a channel between the non-permeable surface at the junction and the private roads and parking area. However, there is some uncertainty as to where the water will be channeled to?

Recommendation:

THE HEAD OF PLANNING, TRANSPORTATION AND ENVIRONMENT, ON BEHALF OF DEVON COUNTY COUNCIL, AS LOCAL HIGHWAY AUTHORITY, RECOMMENDS THAT PERMISSION BE REFUSED FOR THE FOLLOWING REASONS

1. *The roads giving access to the site are by reason of their inadequate width, poor horizontal alignment and junctions are unsuitable to accommodate the increase in traffic likely to be contrary to paragraph 32 of the National Planning Policy Framework.*
2. *The proposed development does not make adequate provision for the manoeuvring of vehicles within the site and would therefore be likely to result in vehicles reversing onto or manoeuvring on the highway, with consequent risk of additional danger to all users of the road contrary to the National Planning Policy Framework.*

Notwithstanding the above overriding highway objection, if the Planning Authority disagrees and decides the application should be considered acceptable the following conditions should be applied.

1. *Prior to commencement of any part of the site the Planning Authority shall have received and approved a Construction Management Plan (CMP) including:*
 - (a) *the timetable of the works;*
 - (b) *daily hours of construction;*
 - (c) *any road closure;*
 - (d) *hours during which delivery and construction traffic will travel to and from the site, with such vehicular movements being restricted to between 8:00am and 6pm Mondays to Fridays inc.; 9.00am to 1.00pm Saturdays, and no such vehicular movements taking place on Sundays and Bank/Public Holidays unless agreed by the planning Authority in advance;*
 - (e) *the number and sizes of vehicles visiting the site in connection with the development and the frequency of their visits;*
 - (f) *the compound/location where all building materials, finished or unfinished products, parts, crates, packing materials and waste will be stored during the demolition and construction phases;*
 - (g) *areas on-site where delivery vehicles and construction traffic will load or unload building materials, finished or unfinished products, parts, crates, packing materials and waste with confirmation that no construction traffic or delivery vehicles will park on the County highway for loading or unloading purposes, unless prior written agreement has been given by the Local Planning Authority;*
 - (h) *hours during which no construction traffic will be present at the site;*
 - (i) *the means of enclosure of the site during construction works; and*
 - (j) *details of proposals to promote car sharing amongst construction staff in order to limit construction staff vehicles parking off-site*
 - (k) *details of wheel washing facilities and obligations*
 - (l) *The proposed route of all construction traffic exceeding 7.5 tonnes.*
 - (m) *Details of the amount and location of construction worker parking.*
 - (n) *Photographic evidence of the condition of adjacent public highway prior to commencement of any work;*
 - (o) *Details of AA temporary signs during the construction period.*
2. *No mud, stones, water or debris shall be deposited on the public highway at any time.*
Reason - In the interests of highway safety.
3. *The proposed estate road, cycleways, footways, footpaths, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, road*

maintenance/vehicle overhang margins, embankments, visibility splays, accesses, car parking and street furniture shall be constructed and laid out in accordance with details to be approved by the Local Planning Authority in writing before their construction begins, For this purpose, plans and sections indicating, as appropriate, the design, layout, levels, gradients, materials and method of construction shall be submitted to the Local Planning Authority.

REASON: To ensure that adequate information is available for the proper consideration of the detailed proposals.

4. No part of the development hereby approved shall be commenced until:

- The access road and visibility splays have been laid out, kerbed, drained and constructed up to base course level for the first 20 metres back from its junction with the public highway*
- The ironwork has been set to base course level and the visibility splays required by this permission laid out*
- A site compound and car park have been constructed to the written satisfaction of the Local Planning Authority*

REASON: To ensure that adequate on site facilities are available for all traffic attracted to the site during the construction period, in the interest of the safety of all users of the adjoining public highway and to protect the amenities of the adjoining residents

5. A refuse storage area within 20m of the public highway shall be submitted for approval by the Local Planning Authority prior to commencement of any part of the site. The refuse storage area shall be completed prior to occupation of the first dwelling.

Reason - In the interests of highway safety.”

- Highways England – No objection
- Strategic Planning –
 1. *This planning application relates to a site of previously undeveloped agricultural land situated on the northern edge of Harberton, a small village settlement, some 3 miles south west of Totnes. The proposal is for 12 residential units (2 market & 10 self-finish affordable units) and is a Full application.*
 2. *Planning applications must be determined in accordance with the development plan (unless material considerations indicate otherwise). The development plan for South Hams is in transition from local plan and local development framework documents to the new Plymouth and South West Devon Joint Local Plan (JLP).*
 3. *This planning application seeks planning permission for a housing development on an unallocated site in the countryside. It is a departure from the adopted Development Plan as it falls outside the development boundaries in the adopted 1996 South Hams Local Plan that is maintained and saved as Development Plan policy to the present day.*
 4. *The village of Harberton is included in the current adopted Local Development Framework Core Strategy Policy CS1 where development is considered to be acceptable in principle. However, the site lies outside the established settlement development boundary as previously stated and has not been identified in respect of Core Strategy housing allocations and is unallocated. Neither does it have land allocated for housing development (or any other development) in the 2011 Rural Areas Site Allocations Development Plan Document. That said, Harberton is a small sustainable settlement that benefits from a church, public house and parish hall. The village does not have its own school.*

5. In relation to decision-taking on development proposals, the NPPF at para.14 advises that those in accord with the development plan should be approved without delay, and that where the development plan is absent, silent or relevant policies are out-of-date permission should be granted unless material considerations indicate otherwise.
6. In this case, consideration of the sustainability of the proposal would clearly be material. A key element in considering the sustainability of residential development is the location of the site, in physical and visual terms. The site is located at the edge of the built-form of Harberton where residents would have a relatively short walk to a basic level of services and facilities and visually would form an acceptable extension to the village.
7. The new Joint Local Plan provides an up-to-date, emerging development plan context. Although it is currently under Examination, the plan is at a relatively advanced stage and therefore carries some weight in the decision-making process.
8. Harberton lies within the Thriving Towns and Villages Policy Area of the JLP and is identified as a Sustainable Village. The JLP allocates sites at Main Towns, Smaller Towns and Key Villages across the policy area but not at the smaller villages. Therefore, the application site is not proposed for housing development in the Regulation 19 version of the JLP which was submitted for Examination in July 2017.
9. However, Policy TTV30 enables development to come forward in villages which reflects their sustainability, and which will respond to local needs. Importantly, any development in the Sustainable Villages must also respect the character of the villages and any landscape designations. The application meets the requirements of this policy.

10. Conclusion

In summary, for reasons stated above it is recommended that this application for a small scale development be supported as it is located at the edge of the village of Harberton, which is identified as a Sustainable Village in the new JLP, and in this context the development is considered to be sustainable. The proposed development is also considered to be an appropriate scale for its location.”

- Environmental Health Section – Recommend standard unsuspected contamination condition
- Devon County Historic Environment Team – No comments to make
- Lead Local Flood Authority – Final comments on the revised details are awaited and will be reported to Members at the Committee meeting. It is understood their objection is likely to be withdrawn subject to condition and as such would not form a holding reason for refusal.
- Devon County Education – “Following the previous response to the pre-application for this development, the Education Section 106 Infrastructure Approach has been updated and therefore some of the contributions may have changed.

Regarding the above planning application, Devon County Council would need to request an education contribution towards primary education and school transport.

The proposed 12 family-type dwellings, will generate an additional 3 primary pupils and 1.8 secondary pupils.

There is currently capacity at the nearest secondary school for the number of pupils likely to be generated by the proposed development. Devon County Council will likely seek a contribution towards additional education infrastructure at the local primary school that serves the address of

the proposed development. The contribution sought will likely be £40,956.00 (based on the current DfE extension rate for Devon of £13,652) which will be used to provide education facilities for those living in the development.

We would likely require a contribution towards primary school transport costs due to the development being further than 1.5 miles from Harbertonford Primary School. The costs required would now be as follows:-

3.00 pupils

£8.86 per day x 3 pupils x 190 academic days x 7 years = £35,351.00

In addition, a contribution towards Early Years provision is needed ensure delivery of provision for 2, 3 and 4 year olds. This would cost approximately £3,000 (based on £250 per dwelling). This will be used to provide early years provision for pupils likely to be generated by the proposed development.

In addition to the contribution figures quoted above, the County Council would wish to recover legal costs incurred as a result of the preparation and completion of the Agreement. Legal costs are not expected to exceed £500.00 where the agreement relates solely to the education contribution. However, if the agreement involves other issues or if the matter becomes protracted, the legal costs are likely to be in excess of this sum.”

- Affordable Housing – “*The Affordable Housing Enabling team support this application as it provides much needed affordable housing in the parish. There is a high level of housing need in Harberton and a parish housing needs survey that was undertaken in March 2013 identified a need for 28 affordable homes in the parish within the next 5 years.*

South Hams District Council has worked with Harberton & Harbertonford Community Land Trust CIC on writing the allocations policy to ensure it is fair and transparent and legally compliant.“

- Historic England – “*On the basis of the information available to date, we do not wish to offer any comments. We suggest that you seek the views of your specialist conservation and archaeological advisers, as relevant.*”
- Conservation Specialist –

“Heritage Impacts

In considering this application and assessing potential impacts of the development proposal against surrounding heritage assets the following policies, principles, guidance and recent case law have been considered:

Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act, Section 16 of the NPPF including paragraphs; 189,190, 193, 195, 196 & 197 The National Planning Practice Guidance (NPPG) particularly the Section: Conserving and Enhancing the Historic Environment. The Historic England guidance: The Setting of Heritage Assets – Historic Environment Good Practice Advice in Planning: 3.

Assessment of impact of the development proposal on surrounding identified heritage assets.

Earlier this year I offered comments on the initial scheme with reference to potential impact on the ‘setting’ of the highly graded Church of St. Andrew. (summary of those comments attached below)

It was suggested that further to a more detailed analysis of the contribution that the setting of the Church made to its overall significance there might be an opportunity to mitigate against any potential impact.

This view was expressed with particular reference to the established public views of the Church and its dominating tower when viewed from a northerly direction (Gill's Cross, Tristford Road).

It is thus most pleasing to see that the Applicants through their advisors have indeed undertaken the suggested further analysis which has led them to reconsider the site layout to mitigate against potential impacts to the Church and its setting.

The re-ordering of the Site Layout Plan (as demonstrated through the supplied cross sections) would appear to confirm that the existing important public vista of the Church when viewed from the North across Oak Tree field will now be maintained.

As I feel that this considered re-ordering of the site addresses my previous concerns I now raise NO OBJECTION to the proposals.

Initial comments dated 07/03/2018

The below assessment concentrates on the potential impact of the proposed development on the highly graded Parish Church of St. Andrew.

- *It is noted that the churchyard to its northern boundary is bounded by residential development. To a northwest a number of buildings of historic note (much altered with addition) and to the northeast a couple of 20th century houses slightly more set back. Intervisibility from the churchyard across to the site in the northerly direction only occurs from the eastern boundary of the churchyard. There appears little intervisibility at ground level from the main body of the Church in a northerly direction towards the site due to the established residential properties (as referenced).*
- *At the point adjacent to Gills Cross there is a prominent public view of the Church and its Tower. Although it is accepted that this viewpoint represents a limited view, nevertheless it is an established public view afforded by the existing access into Oak Tree Field via the five-bar gate. When viewed from this vantage point the Church is seen in the wider rural landscape and as one might expect the church tower offers the most dominant and imposing structure in the vista. It is recognised that views of the main body of the church are somewhat compromised through the development of the two 20th century residential properties (as referenced above) which abut the southern boundary of the site.*
- *Given the information to hand (and please forgive me if further requested information has indeed already been submitted) I would suggest that in order to properly understand the potential impact on the 'setting of the Church' when viewed from this public vantage point at Gills Cross it would be most useful if a cross section were provided from the northern edge of the field boundary (the five-bar gate) across the site through to the church tower to establish what if any the impact will be, i.e. will the new development (especially those located at the upper northern edge on the higher ground) effectively impinge upon the public view of the Tower? The Heritage Statement discusses the use of 'cut and fill' but I am unclear as to how much and where this would be happening and the resulting impact on the levels and ultimately the juxtaposition of the new build elements and the Church. An accurate photomontage taken from the northern aspect might also offer a useful representation.*
- *Although the Heritage Statement is welcomed it doesn't really address in any great depth the significance of the Tower when viewed in the wider landscape and how such views contribute to the 'setting' of the Church. I would suggest further assessment could be undertaken as and when the above requested information is presented.*
- *If due to the immediate topography it transpires that the new development will indeed the impinge on important views of the Church and its imposing Tower I might suggest that this could be mitigated against by thoughtfully re-examining the site layout to perhaps offer a 'framed view' of the Church through the site and to the north beyond. Given that the red line indicating the site extents seems to be a fairly arbitrary line then I would have thought that if needed this would be a relatively simple exercise.*

I hope the above is viewed as a constructive assessment on the potential impacts on the identified heritage assets and I would be more than happy to discuss further with yourself and indeed the project Architects.”

- Landscape Specialist – “The site lies within Landscape Character Type 3G: River Valley Slopes and Combes, characterised by:

- Secluded, rural tranquil valley landscape which is not interrupted by modern large scale development or busy roads;
- A clustered settlement pattern of historic villages in sheltered locations above the floodplain;
- A strong vernacular of whitewashed cottages with thatch or slate roofs, as well as exposed stone. The church towers form distinctive local landmarks;
- Sparse network of narrow sunken lanes bounded by high Devon hedges and hedgerow trees which often create tunnels through the landscape.

The character of the immediate site area is heavily influenced by the deeply incised landform, within which Harberton is nestled. Harberton and its surroundings positively contribute to the character of the area, displaying a number of the key characteristics and valued attributes of the area. The development of the site with 12 low-density units is not considered to significantly affect the character of the area. The pattern of built form, with some detached, and some semi-detached dwellings, is appropriate for the village context. Set well down on the sloping site, the siting of the proposals would reinforce the ‘nestled’ form of the village within the landscape.

The site is visually well-contained by topography and vegetation, sitting low down on the rising land to the north and east. Glimpsed views of the new development are likely during times of leaf-fall from the approaches to the village from the south, but would be seen as well-related to and in the context of the village. The proposed development is not considered to adversely affect the visual amenity of the area.

In terms of detailed design and materials, the efforts made to integrate the site into its landscape setting by creating an environmentally sustainable design are noted and welcomed. The proposed Landscape and Ecology Plan (13-14/planning/ 001 (Rev B/23-05-2018) contains features and indications of appropriate management principles that could benefit the character of the area. We should condition both detailed hard and soft landscape proposals, and management details through a Landscape and Ecology Management Plan (LEMP) to secure these valuable features of the scheme in perpetuity.

In terms of built design, whilst timber cladding is not a vernacular material, it is recognised that the ethos of this development is one of environmental sustainability and along with the use of green roof technology will result in an aesthetic that is not necessarily characteristic, but is relevant to the landscape setting. The dwelling and window proportions are sensitive to the rural context, and I would raise no issue with these. It isn't explicitly clear which materials are proposed on which elevation, and how the render shades will be distributed. I'd suggest a simple condition to clarify this, seeking details of the external materials by plot number.

Finally, there doesn't appear to be any lighting proposed with this scheme, and given the rural countryside location this is considered to be appropriate. To secure this I would also suggest a conditioned lighting scheme to ensure that any lighting needed for pedestrian safety is low-level and sited and designed to avoid light spill.

For the reasons outlined above, I would raise no objection to the proposed development on landscape grounds under policies DP2 and CS9 (and emerging policy DEV24), subject to the following conditions:

- Samples of all facing materials, and a clear plan for their proposed use on each plot
- Hard and Soft Landscape Scheme

- LEMP
- Lighting scheme”
- Biodiversity/OSSR –
“**Biodiversity**

The site has been subject to Extended Phase 1 Survey, a Preliminary Ecological Appraisal and Bat Activity Surveys. The surveys confirm that the western boundary hedgerow feature is species-rich, and of high ecological importance (and a s41 Habitat of Principal Importance). Towards the northern end of the sites western boundary the hedgerow contains old coppices grown out into with mature standards, while at the southern end of the sites western boundary the hedge has been kept short and there is an absence of coppice/mature trees. The feature has some potential for use by dormice (although not surveyed due to the limited anticipated hedgerow removal for access, their presence would nonetheless be assumed), nesting birds and reptiles.

The western boundary hedgerow has been shown to be used by individual foraging bats, both along the adjacent road under the tree canopy (particularly adjacent the northwestern part of the site), and also on the field side of the hedge including by greater horseshoe bat (albeit not associated with a Sustenance Zone or Strategic Flyway of the South Hams SAC). The field itself is described as grazed improved pasture and has some foraging interest for bats given the associated invertebrates it would support.

The ecology reports clearly highlight the importance of this western boundary hedgerow for wildlife, and likewise draws attention to the impact that breaks and disturbance of the hedgerow could have on wildlife, in terms of foraging/nesting and commuting activity.

The access to the development site is clearly located in a less sensitive section of this western hedgerow, although the extent of the visibility splay seems in question at present – clearly the bigger the splay, the bigger the impact. While it would be possible to remove a small section of this hedgerow for access without dormice surveys (under a presumed presence and precautionary/timed working methodology), removal of any more significant section (if a large splay is required) would require detailed dormouse surveys (noting the reference in the ECOP (Green Ecology).

With the development as currently proposed (using the Site Plan and Landscape Layout for reference), the western boundary hedgerow would be subject to a gap (road and splay) which does not appear to have hedge planting adjacent to the splay (i.e. minimising the gap to continuity of the hedgerow/bank). To the northwestern corner there is a dwelling proposed in close vicinity to the section of the boundary feature used by foraging bats. This would almost certainly be subject to light illumination which would lead to deterioration of this feature for light-sensitive foraging bats. The layout (namely this northwestern dwelling) does not reflect the advice given in the Preliminary Ecological Appraisal (namely the plan in section 6 of the PEA, and as reproduced in the Design and Access Statement). This corner of the site especially needs to remain free of illumination (I would expect no illumination above 0.5 lux of this hedgerow – this would need to be modelled).

It is also noted the field side of the western boundary feature as proposed would fall into the residential garden, thus removing any potential for ongoing management in a method which would enhance or safeguard the feature.

A new hedgebank with associated native planting is proposed along the northern and eastern boundary (along with standards at intervals as reflected on the Landscaping Layout plan). This does have some potential (once established) to compensate for impact on the western boundary feature (in terms of potential for foraging/nest sites/connectivity, etc), but only if it is effective – i.e. appropriately established, managed and unlit. As proposed, there are various dwellings in close proximity to this new hedgerow which will illuminate the hedgerow, and the hedgerow also would

fall into the various gardens, so there would be no control upon ongoing management of the hedgerow.

No detailed reptile survey was undertaken, however the potential for reptile use of the western hedgebank is noted in the PEA. Accordingly the ecologist has recommended a planted buffer alongside the southern hedgerow to accommodate reptiles and hibernacula. Currently these are not reflected on the proposed layout (although there might be scope to incorporate this into the open space feature surrounding the SUDS pond).

At present, considering the impact on the western boundary feature, and loss of grazed improved grassland, despite the new proposed hedgebank I do not consider it possible to conclude that the proposal is policy compliant (in so much as maintaining or enhancing the biodiversity value of this site). I consider there is potential to improve the layout and biodiversity value, by:

- *Potentially incorporating open space into the northwestern corner (this could include additional planting as a buffer), ensuring the boundary remains dark.*
- *Setting back the northwestern dwelling, and avoiding any windows on the road facing elevation (or evidencing that the dwelling as proposed will not exceed 0.5 lux along the feature).*
- *Retaining boundary features in ‘public’ management, enabling consistent management which can maintain/enhance the quality of the feature, and avoiding the boundaries falling into the private residential gardens (and then subject to residents own interference).*
- *Setting back dwellings from the new proposed boundary hedgebank, or evidencing that new external/internal lighting will not exceed 0.5 lux along the feature.*

So, in conclusion – at present the proposal is unlikely to maintain or enhance wildlife value of the site, however with some further thought with respect to layout, there is some potential to ensure the boundary hedgerows can be dark and managed as one habitat feature which would then provide a net gain for biodiversity (and be policy compliant).

(NB – various conditions will be required, I have not specified this yet, as I will await a response from the applicant).

Open Space, Sport and Recreation

I make comment on OSSR in the knowledge that a high percentage of these dwellings would be affordable, and for this reason presumably the scheme may be unable to meet the typical planning obligation – accordingly I am conscious that you will balance this request against the other benefits of the scheme to the local community.

Nonetheless, it is noted that the site is within 200m walking distance of the village play area on Tristford Road. The Play Audit undertaken in support of the Joint Local Plan evidence base (South Hams OSSR Study, 2017) score the site a 3 out of 5 (average – needs improvement), noting ‘site tired – requires improvement – room to expand.’ It is inevitable that any new residents with young children in the proposed development will use this facility, both adding to the pressure on the existing facility, and the need for its improvement.

It is also noted that within the South Hams Playing Pitch Strategy (last updated May 2017), there is demand expressed for a Multi-Use Games Area in the Harberton area, a facility which (if it proves viable and deliverable) would be used by new residents of the proposed development.

If there is an expectation that new residents of the proposed development would come from outside of Harberton, then I would recommend that in accordance with SHDC Core Strategy Policy CS8 and SHDC Development Plan Policies DPD (2010) policy DP8 which set out the rational for seeking OSSR provisions as key infrastructure for securing the delivery of sustainable development and meeting the needs of the community a sum should be sought within the s106.

This sum should be based upon the SHDC OSSR Supplementary Planning Document (2006) and equates to £20,520 towards improvement of the Harberton play area, and £32,130 towards a Multi-Use Games Area for Harberton.

(NB – I appreciate that if the proposal for the dwellings is that they are restricted to existing residents of the parish, that there would be no ‘additional’ pressure on the facilities, and a s106 sum would not be justifiable).

In response to revised details:

“Further to receipt of the letter dated 22nd June 2018 (Sustainable Design Collective) and the updates to planning drawing 13-14/planning/001 the concerns raised in my previous email have been satisfactorily addressed. The proposal can deliver net gain for biodiversity (albeit some of the maintenance will be defined in the subsequent LEMP).

I have also reviewed the comments of Katherine Jones, these are very thorough and there is little for me to add to the comments and proposed conditions by Katherine – they are consistent with those I would have recommended, albeit that the reason I would request such conditions are for the benefit of wildlife (e.g. hedgerow maintenance schedules within a LEMP), and mitigation of potential impacts on wildlife (e.g. lighting strategy). “

- Harberton Parish Council – “*It was resolved to SUPPORT the application on the condition that:*
 - i) *details of the foul drainage plan be approved ensuring that there are no additional flooding risks for people living down-stream, before planning application is finally approved*
 - ii) *there is a removal of permitted development rights.*”

Representations:

20 letters in support of the application have been received, with comments made including:

- Well-designed scheme
- Excellent solution to housing needs of area
- Truly affordable housing
- New and affordable housing limited in area
- Genuinely community led scheme
- Access for all residents in village to communal electric car share scheme would be very beneficial
- No increase in traffic
- Innovative, environmentally sustainable

9 letters of objection have been received with issues raised summarised as follows:

- Highways safety due to narrowness of Tristford Road and surrounding roads, during construction phase and then permanent increase in traffic volume generated by the development
- Support for DCC Highways objection
- Structural damage to buildings and walls from large vehicles
- Traffic noise
- Proposed access to site would be dangerous
- Size of proposed dwellings when identified need was for two/three bedroom properties
- Ability for the four bedroom properties to be affordable
- Drainage
- Biodiversity
- Allocation of the dwellings needs to be closely considered and vetted, circumstances are always changing

- Noise from workshop
- Support for development at an alternative site near Meadow Close
- Development would devalue existing nearby property

The RSPB have offered the following comments/recommendations:

- The site lies within cirl bunting breeding territories recorded in 2016. Cirl buntings are a rare farmland bird and are of high conservation concern.
- The site is within 500m of a greater horseshoe bat commuting/foraging corridor.
- Proposed development should avoid adverse impacts on the above species.
- Support the recommendations made in the submitted ecology report and these should be included in conditions/S106 agreement for the development.
- A number of specific recommendations are made including:
 - Ensure dwellings are not located adjacent to retained or proposed hedges
 - Ensure mature oak is safeguarded
 - Timing of vegetation removal outside bird nesting season
 - New native planting
 - Minimise light spillage
 - Condition/planning obligation for construction (Construction and Environmental Management Plan) and operation phases (Ecological Management Plan).

Relevant Planning History

- 2994/15/PRM Pre-application for proposal of development of site to include 12 new Dwellings. Oak Tree Field, Tristford Road, Haberton. Pre application not concluded (Application to be submitted)

ANALYSIS

Principle of Development/Sustainability:

The site is located outside the adopted Development Boundary for Harberton. Since the application has been submitted the Council's position in respect of its five year housing land supply has changed in that it can now be demonstrated. The Plymouth and South West Devon Joint Local Plan (JLP) has continued to progress through its examination. The site is located on the edge of Harberton, which has been identified as a Sustainable Village within the emerging JLP with an indicative level of 20 new dwellings to be delivered within the plan period. MM36 of the Main Modifications Consultation Version of the JLP, which Officers consider should be given moderate weight, states:

"Proposals for residential development on sites adjoining or very near to an existing settlement which would not otherwise be released for this purpose may be permitted provided that it can be demonstrated that:

- 1. It meets a proven need for affordable housing for local people.*
- 2. It includes a mix of affordable and market housing products where necessary to be financially viable. This includes open market housing, providing it does not represent more than 40% of the homes or 40% of the land take excluding infrastructure and services.*
- 3. Management of the scheme will ensure that the dwellings continue to meet the identified need in perpetuity.*
- 4. The proposal meets the requirement of all other relevant policies of the Plan."*

The National Planning Policy Framework (NPPF) states at paragraph 77-78:

"In rural areas, planning policies and decisions should be responsive to local circumstances and support housing developments that reflect local needs. Local planning authorities should support opportunities to bring forward rural exception sites that will provide affordable housing to meet

identified local needs, and consider whether allowing some market housing on these sites would help to facilitate this.

To promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. Planning policies should identify opportunities for villages to grow and thrive, especially where this will support local services. Where there are groups of smaller settlements, development in one village may support services in a village nearby.”

Having regard to the above policy framework it is considered the site is a broadly sustainable location for new residential development and meets the relevant requirements in respect of affordable housing provision. Two of the twelve units would be market housing which is well below the 40% threshold identified in the emerging JLP. The Council's Strategic Planning team have expressed support for the application. Site specific and other policy considerations still need to be considered in detail as set out below. The site has been identified in the draft Harberton Neighbourhood Plan, but this is still at an early stage of preparation and in itself carries limited weight at this time.

The high proportion of affordable housing proposed for the development (which is supported by the Council's Affordable Housing Specialist) weighs heavily in favour of the application. Some third party objectors have queried the affordability of the four bed units and the allocation process. On the basis that Affordable Housing Specialist is supporting the application is considered no objection should be sustained in this regard.

Design/Landscape:

Officers consider the dwellings themselves are well designed and would provide an attractive form of development. The site layout would provide for private amenity spaces appropriate to family sized homes, and the site would not appear cramped. The environmental ethos behind the design is welcomed. The Council's Landscape Specialist has provided detailed comments as above and raised no overall objection, noting in particular: “*In terms of built design, whilst timber cladding is not a vernacular material, it is recognised that the ethos of this development is one of environmental sustainability and along with the use of green roof technology will result in an aesthetic that is not necessarily characteristic, but is relevant to the landscape setting.*” They have requested a number of conditions in the event the application is approved, all of which would be considered reasonable and necessary.

Heritage:

The Council's Conservation Specialist visited the site and surrounding and initially raised some concern regarding the impact of the development on the setting of the Parish Church of St. Andrew. As can be seen from the consultation response above: “*This view was expressed with particular reference to the established public views of the Church and its dominating tower when viewed from a northerly direction (Gill's Cross, Tristford Road).*

It is thus most pleasing to see that the Applicants through their advisors have indeed undertaken the suggested further analysis which has led them to reconsider the site layout to mitigate against potential impacts to the Church and its setting.

The re-ordering of the Site Layout Plan (as demonstrated through the supplied cross sections) would appear to confirm that the existing important public vista of the Church when viewed from the North across Oak Tree field will now be maintained.”

The Conservation Specialist has confirmed they now have no objection to the proposal.

Drainage:

Discussions with Devon County Council as the Lead Local Flood Authority (LLFA) have been ongoing for a considerable time period since the application was submitted. The Applicant and their advisors have been proactively engaging with the LLFA to reach a solution which would enable a planning consent to be granted subject to conditions(s) for the final drainage details to enable the scheme to move forward in this regard. A revised Flood Risk Assessment was submitted in February 2019, and final comments from the LLFA will be reported to Members at the Committee meeting. It is understood the objection from the LLFA is likely to be withdrawn on the basis of the latest information subject to a condition.

Neighbour Amenity:

It is acknowledged that the proposed development would result in some amenity impact on existing residential properties immediately to the west and south of the site particularly as it is currently undeveloped, and the introduction of dwellings to the site will be therefore be apparent. Plots 10-12 would have the most potential to result in neighbour impacts due to their position in relation to the existing properties. Officers are of the view that the significance of the impact would not be grounds for refusal having regard to their orientation and distances from shared boundaries.

Noise from the proposed workshop has been raised as a concern by a third party. This building would be in relatively close proximity to some existing residential properties as well as those proposed within the development. The Environmental Health Specialist has raised no objection to the application. A condition restricting the use of this building to B1 purposes only (B1(a) relates to offices and B1(c) light industry appropriate in a residential area) would be appropriate to ensure the building did not cause any amenity issues.

Highways/Access:

Devon County Highways have maintained an in principle objection to the development proposed. Their final consultation response has been included in full above, which sets out their concerns regarding the suitability of roads in the locality to serve the development. They consider that the development would increase traffic at junctions with no visibility. This is a fundamental highways safety issue and DCC Highways have recommended refusal of the application on this basis. Their initial response raised a number of technical issues with the development on the site itself, and the Applicant and their advisors have proactively sought to address these matters and revised details have been submitted prior to determination.

Officers consider the remaining technical issues raised by DCC Highways could be dealt with by condition in the event of an approval. The main issue for Member of the Committee to consider is the fundamental issue of highways safety in respect of the ability of the local highway network to accommodate the development proposal, with particular regard to the visibility at the junctions future occupiers would have to use on a daily basis. As is stated in their consultation response DCC Highways as the Highway Authority consider the severity of this issue warrants refusal of the application.

Ecology:

The Council's Ecologist provided a detailed first response raising some issues with the proposal as detailed above, which have been addressed through the submission of revised details. Conditions would be recommended in the event of an approval in line with the final consultation response.

Planning Obligations:

Harberton & Harbertonford Community Land Trust have developed the allocation policy for the affordable units in discussion with Officers, and the Affordable Housing Specialist is in support of the

application. A Section 106 agreement would need to be completed and signed prior to the issuing of a planning approval to secure the on-site contribution specified within the application, and as this has not been completed and signed it forms a holding reason for refusal. The agreement would also include reference to the maintenance of the surface water drainage management system.

In terms of an Open Space, Sport and Recreation (OSSR) contribution, there is acknowledgment of the high level of affordable housing and that the residents would come from within the Parish. On this basis a Section 106 contribution is not being sought by Officers on this occasion.

The draft Heads of Terms provided by the Applicant do not make reference to the financial contribution towards education provision which is being sought by Devon County Council.

Other Matters:

The Parish Council's support for the application is conditional on the basis that flood risk for people living down-stream is addressed and permitted development rights are removed. The LLFA is now satisfied the final drainage scheme can be appropriately dealt with by condition. Recent appeal decisions have made it very clear that permitted development rights should only be removed in exceptional circumstances. Members are advised that in the event the Officer recommendation is overturned the precise nature of the exceptional circumstances to remove permitted development would need to be included in any associated planning condition.

In response to other issues raised in representations not considered above:

- Impact on nearby property values – this is not a material planning consideration.
- Support for development at an alternative site near Meadow Close – this site has been also been identified in the draft Harberton Neighbourhood Plan, which as stated above carries limited weight at this time. A formal application on this site has not yet been submitted.

The Planning Balance:

The application would provide for much needed affordable housing in a generally sustainable location, which would make a positive contribution to the area in terms of its design and would preserve the setting of nearby heritage assets notably the highly graded Church. The Applicant and their advisors have proactively sought to address concerns raised by technical consultees, and the scheme now presented is considered to broadly address the matters raised. A number of planning conditions would still be required to secure final details. There remains a fundamental highways safety objection from the Highway Authority to the principle of the development in this location, which is otherwise considered to accord with the adopted and emerging local policy position and the NPPF. The Highway Authority objection is considered to be overriding and Officers are obliged to recommend refusal on this basis. A further holding reason for refusal is recommended as the Section 106 Agreement has not been completed.

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

Planning Policy

Section 70 of the 1990 Town and Country Planning Act requires that regard be had to the development plan, any local finance and any other material considerations. Section 38(6) of the 2004 Planning and Compensation Act requires that applications are to be determined in accordance with the development plan unless material considerations indicate otherwise.

The relevant development plan policies are set out below:

South Hams LDF Core Strategy

CS1 Location of Development

CS7 Design

CS9 Landscape and Historic Environment

CS10 Nature Conservation

CS11 Climate Change

Development Policies DPD

DP1 High Quality Design

DP2 Landscape Character

DP3 Residential Amenity

DP4 Sustainable Construction

DP5 Conservation and Wildlife

DP6 Historic Environment

DP7 Transport, Access & Parking

DP15 Development in the Countryside

Status of emerging JLP policies for decision makers

The Plymouth & South West Devon Joint Local Plan has undergone a main modifications consultation (22 Oct – 03 Dec 2018) as part of the examination in public to determine the soundness of the plan. The joint councils are waiting to hear from the Planning Inspectorate (PINS) regarding the next steps. Until PINS provide an update, the JLP councils are unable to commit to a timetable for adoption.

The National Planning Policy Framework provides guidance on the weight that can be given to policies in emerging local plans in paragraph 48:

48. Local planning authorities may give weight to relevant policies in emerging plans according to:

- a) the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);
- b) the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
- c) the degree of consistency of the relevant policies in the emerging plan to this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given)

The JLP is nearing the conclusion of the examination process, and can be considered to be at an advanced stage of preparation.

Whilst technically all objections are unresolved until the Inspectors' issue their Final Report, some policies which did not receive objections at the Reg 19 stage could be given very significant weight. The nature and scope of objections made regarding each policy have been taken into account when determining the weight to be apportioned to each emerging policy.

The Council consider that all emerging policies are compliant with the NPPF. It should be noted that the JLP is being examined against the provisions of the 2012 NPPF, and therefore for the purposes of paragraph 48 of the NPPF policies should also be assessed for their conformity against the 2012 NPPF.

In considering the merits of this proposal, case officer recommendations are informed by the weight that can be attributed to emerging JLP policies and adopted development plan policies, as well as the degree of conformity with the 2019 NPPF.

PLYMOUTH AND SOUTH WEST DEVON JOINT LOCAL PLAN -: PUBLICATION

(as considered by the Full Councils end Feb/Early March 2017)

SPT1 Delivering sustainable development

SPT2 Sustainable linked neighbourhoods and sustainable rural communities

SPT3 Provision for new homes

TTV1 Prioritising growth through a hierarchy of sustainable settlements

TTV2 Delivering sustainable development in the Thriving Towns and Villages Policy Area

TTV29 Site allocations in the Smaller Towns and Key Villages

TTV30 Empowering local residents to create strong and sustainable communities

TTV31 Development in the Countryside

DEV1 Protecting amenity and the environment

DEV2 Air, water, soil, noise and land

DEV8 Meeting local housing need in the Thriving Towns and Villages Policy Area

DEV9 Accessible housing

DEV10 Delivering high quality housing

DEV20 Place shaping and the quality of the built environment

DEV21 Conserving the historic environment

DEV22 Development affecting the historic environment

DEV24 Landscape character

DEV28 Protecting and enhancing biodiversity and geological conservation

DEV30 Trees, woodlands and hedgerows

DEV31 Specific provisions relating to transport

DEV32 Meeting the community infrastructure needs of new homes

DEV37 Managing flood risk and Water Quality Impacts

DEL1 Approach to development delivery and viability, planning obligations and the Community Infrastructure Levy

Neighbourhood Plan

A Harberton NP area has been designated, and a draft plan was published in April 2018. The site subject of this application is identified as Housing Site 5 within the draft plan, and draft Policy H1 specifically identifies it as a CLT site with 10 affordable units and 2 market units. The NP has not yet reached Regulation 14 stage and therefore carries only limited weight.

Considerations under Human Rights Act 1998 and Equalities Act 2010

The provisions of the Human Rights Act 1998 and Equalities Act 2010 have been taken into account in reaching the recommendation contained in this report.

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Agenda Item 6b

PLANNING APPLICATION REPORT

Case Officer: Gemma Bristow

Parish: Wembury **Ward:** Wembury and Brixton

Application No: 2483/18/FUL & 2484/18/LBC

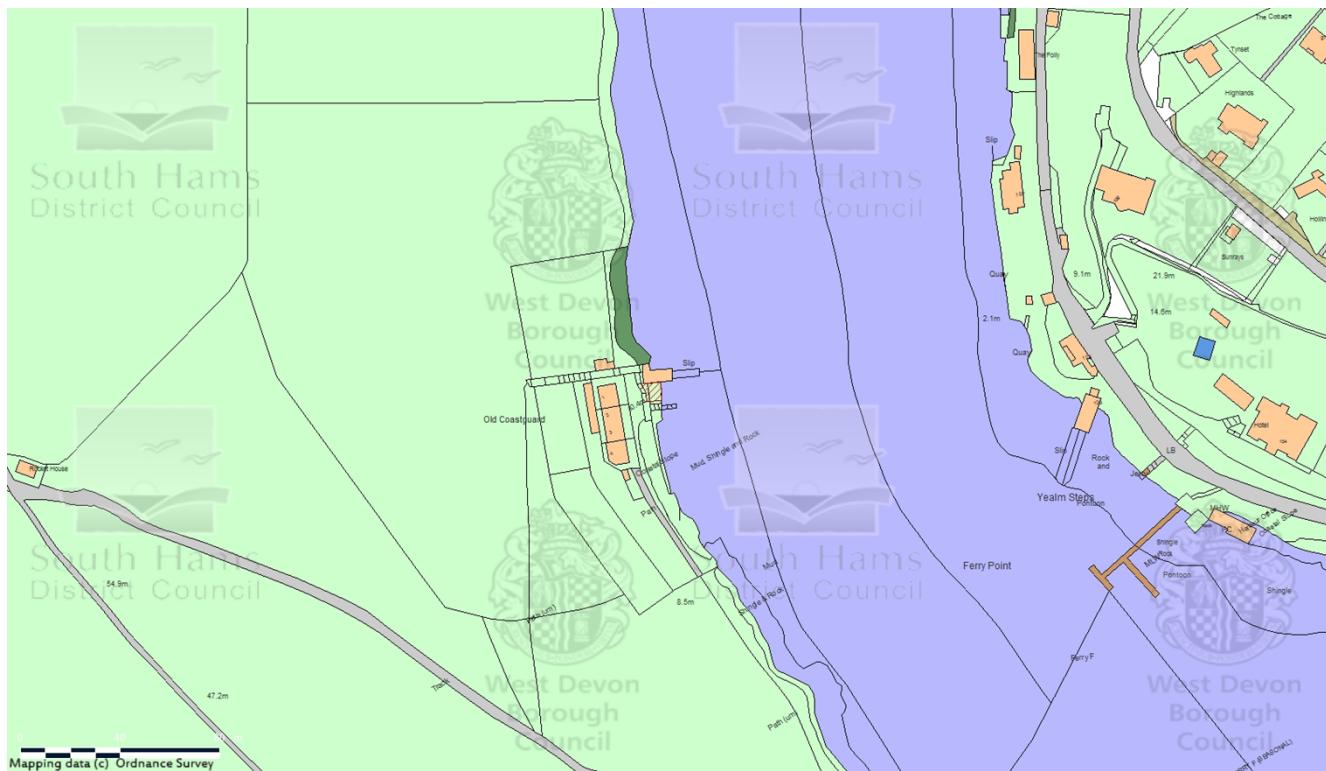
Agent/Applicant:

C Stewart
Olinda
Knoll Road
Godalming
GU7 2EP

Site Address: 1 Old Coastguard Cottages, Wembury, PL9 0EJ

Development: Construction of a new quay to improve access (resubmission of 3078/17/FUL)

Reason item is being put before Committee: Cllr D Brown called this application to committee having regard to the potential impact on the coastline and the AONB



Recommendation: Delegate to Head Of Practice Development Management, in conjunction with Chairman to conditionally grant planning permission, subject to a Section 106 legal agreement.

However, in the event that the Section 106 legal Agreement remains unsigned six months after this resolution, that the application is reviewed by the HoP Lead Development Management, in consultation with the Chairman of the Committee, and if no progress is being made delegated authority is given to the HoP to refuse to application in the absence of an agreed S106 Agreement.

The Section 106 should secure the following:

To restrict the use of the quay for boat launching/recovery and the storage of two access boats only.

Conditions

1. Time limit
2. In accordance with plans
3. If no longer needed to be removed
4. CEMP
5. No external lighting
6. Natural England best practice on construction on the foreshore
7. Details and sample of quay materials
8. In accordance with ecology report

Key issues for consideration:

Principle, impact on AONB and Undeveloped coast, listed buildings and boathouse, SSSI, design and materials

Site Description:

No.1 Old Coastguard Cottage forms part of a terrace of four dwellings located on the south (Wembury) side of the River Yealm, almost opposite the Yealm Steps/pontoon on the Newton Ferrers side. It is noted that all the cottages are used as holiday lets/second homes. The Coastguard Cottages are only accessed by foot on the Wembury side down a coastal track of approx. 1.5 miles or by boat from the Newton Ferrers side.

Cottages no. 1, 2 and 3 are also grade II listed, although it is noted that No.4 is not. Below the cottages on the foreshore edge is a Grade II listed boathouse and steps leading down to the foreshore, both of which are not within the ownership of the applicant. The applicant owns the section of land between the steps and the boathouse but must maintain rights of access to the boathouse to the owner cottage nos. 2 – 4.

The site is within the South Devon Area of Outstanding Natural Beauty, Undeveloped Coast and SSSI.

The Proposal:

Construction of a new timber quay to improve access for the residents of 1 Old Coastguard for people, luggage, goods and materials and storage of the craft necessary to enable this. The structure will be 7.8m long by 2.6m wide set on seven x 0.9m high timber posts attached to the revetment slope.

Materials: GRP fibregrid floor, timber nosing, steel shoe and steel rods into stone quay, timber material of posts

In support of the application the applicant commissioned a Marine Safety Review Report by Nash Maritime. This report concluded:

- *The outhaul system as currently rigged is difficult to use and results in needing to stand on the revetment to reach the dinghy/strop.*

- *The revetment is a sloped uneven surface with marine algal growth and/or seaweed and is not easy to stand or walk on.*
- *The outhaul should be re-rigged to be easier to operate and moved closer to the steps to reduce needing to stand on the revetment.*
- *The proposed quay would provide a safe and secure area to operate the outhaul, allow a dinghy to be manoeuvred without standing on the revetment, provide a barrier to stop a dingy riding over the revetment causing potential damage to the boat and provide a point to entry/egress to the dinghy.*
- *In relation to the recovery and storage of a dinghy the report found it is often necessary to walk on the revetment to guide the dinghy into position, the dinghy rides over the revetment, but a fender arrangement reduces likelihood of damage, it is difficult task and needs at least two strong persons.*
- *The proposed quay would eliminate the need to walk over the revetment, and at the right tide height the dinghy could be hauled/rolled onto the quay.*
- *Storing the dinghy on the quay would enable the task to be undertaken by one individual*
- *The results of the risk analysis indicate that all the risk scores associated with the existing operations fall in the ALARP (As Low as Reasonably Practicable) or less region of risk. The scores are primarily driven by the fact that there have been no serious reported injuries nor any major damage to dinghies or infrastructure.*
- *The two operations found to have the greatest risk, scored at 5, were associated with the existing operation were existing recovery/launching and storage of boats and existing outhaul operation*
- *By implementing the improvements to the outhaul system (re-rigging and re-positioning) the likelihood risks are reduced to medium/low albeit remaining within ALARP. By additionally implementing the proposed platform the existing operations shows that implementing these measures can reduce the risk to low.*

Further information was provided that stated:

- *The window either side of high water which has been revised to be just under 2hrs, which is when the platform would be usable, is based on a mean high water spring tide (MHWS) and mean high water neap tide (MHWN).*
- *Figure 3 of the report shows a diagrammatic cross section with the levels of key features and structures shown together with MHWS (+5.4m CD) and MHWN (+4.3m CD). Please note that MLWS (+0.7m CD) and MLWN (+2.1m CD) aren't shown on the drawing at this scale as they intersect the foreshore some distance away from the property due to the shallow slope.*
- *With regards to usage of the platform in spring tides and neap tides: The proposed platform level is at +5.9m CD which means it will not be submerged on a high spring tide (MHWS is +5.4m CD therefore circa 0.4m clearance) and so there is a window for the platform to be used during spring and neap tides.*

Consultations:

- Natural England: No objection subject to condition to address construction impacts on intertidal interest features and reduce pollution in the marine environment, will not have significant adverse impacts on designated sites Plymouth Sound and Estuaries SAC, Yealm Estuary SSSI and protected landscape South Devon AONB and has no objection.
- South Devon AONB Estuaries Officer: As part of the proposed development is within the foreshore, the applicant is also certain to require a Marine License from the MMO for the same proposed development.

I suggest that the health of the estuary and nearby coast needs to be carefully considered, and all required mitigations detailed within a Construction Environmental Management Plan. I would expect

this to contain detail of how all dust, silt and other potential pollutants will be effectively captured and prevented from entering the estuary, both during the construction phase as well as the new developments proposed uses. Excellent guidance is contained within the Environment Agency's Pollution Prevention Guidance 5 & 6 (appended). NB Whilst these documents are no longer supported by the EA, they still contain sound advice that I am confident that the applicant will find useful. The CEMP should also pre-empt any potential need for transportation by water or along the shore of construction materials.

Any external lighting of this proposed development needs to be carefully considered for its impacts on navigation (a Yealm Harbour Authority function) and on the estuarine waters below and suggest that it is strictly conditioned that no external lighting may spill out over the waters.

We would also draw your attention to the new emerging Newton & Noss Neighbourhood Plan and Policy N3P-4: Development and Construction of their submitted plan <http://www.n3p.co.uk/>

To fit/blend/reduce the aesthetic impact of the proposed quay and davit with the historic status of the existing buildings and seawalls, etc. of the site, we would suggest the consideration of the following; the overall expanse of the proposed quay might be reduced to the realistic size of the vessels that it is likely to be used for, reducing the height of the decking slightly and exploring the source of a black painted and period styled davit.

- Landscape officers: The proposed addition of development in this area is regrettable as the foreshore is under significant pressure for recreational uses, and currently contributes to the estuary character as a special quality of the AONB. However when viewed from both the opposite bank and the water, the proposed location lies between existing built features, and would not extend the visible area of development. In addition, the level horizontal platform means that the change in view would be limited. I note the intention to limit the number of boats stored in this area through a Unilateral Undertaking and this is welcomed as a means to lower the associated visual impacts of the proposals. Despite the principle concern about further foreshore development, the impacts of this particular proposal on both landscape character and visual amenity would be limited, and I would therefore not raise an objection on landscape grounds under Development Plan policies DP2 and CS9, and the emerging policies of the Joint Local Plan.

- Heritage Specialist:

This proposal has been the subject of lengthy debate and discussion with the applicant and other interested parties. The Coastguard Cottages are listed as a single item as is the boathouse, both at grade II. The quay has been considered for listing by Historic England but was assessed not to be of sufficient historic interest to merit individual designation. We have, however, treated it as curtilage listed to the Cottages which (as I understand it) at the time of listing were in a single ownership with the quay being shared. This judgement is based on the latest Historic England guidance.

In accordance with our policies, the 1990 Act and the NPPF I base my assessment of this proposal on two main considerations. Firstly the impact of the proposal on the character and significance of the quay itself as a heritage asset and secondly the effect on the significance, special interest and setting of the designated heritage assets, (the cottages and the boathouse).

1 Impact on the quay as a curtilage listed heritage asset

The revised design has reduced the apparent bulk and the height of the structure. It will be attached to the rubble stone quay which will involve some small amount of intervention and, therefore, harm to the historic fabric. The profile of the stone quay structure will remain intact so there will be no permanent change to the historic fabric and the new structure could be fully removed in future should it prove to be no longer needed.

The appearance of the historic quay will be altered, there is no doubt in that. It will, however, remain entirely legible what has happened even on a most casual inspection.

2 Effect on the Coastguard Cottages and Boathouse

The special interest of the Coastguard Cottages and their associated boathouse lies in their being designed and located in a position to facilitate observation (from lookouts on Warren Point) of water activity with direct access to it to facilitate management and assistance when needed. This highly particular focus on marine activity is integral to the significance of the group and is emphasised by the very relevant reality that the properties can only be accessed by water.

The proposed quay is intended solely to enhance the accessibility of the property. The design is clearly indicative of that purpose so it can be seen as an evolution of the fundamental relationship of people using the property with water craft. It is reasonable to conclude that the introduction of an improved quay structure does not of itself cause harm to the significance or special interest of the designated heritage assets so long as it is clearly designed to perform that function and nothing more.

Assessment of setting relates almost entirely to the views from the east, either from the water or sites on the other side. The impact on views from the Cottages will be minimal – a landing stage in the foreground of the wider views with tenders stored upon it. Step 3 of the assessment process set out by Historic England in the guidance note ‘The Setting of Heritage Assets’ states, ‘Assess the effects of the proposed development, whether beneficial or harmful, on that significance or on the ability to appreciate it’. The site is in a beautiful location that is viewed, enjoyed and appreciated by many 1000’s of people each year. The proposal will change those views, as have the other constructions in the locality including the very utilitarian concrete covering / re-building of the old jetty and two other landing points / waterside structures constructed to the north and south of the site. Applying the HE guidance I conclude that the proposed structure will result in some harm to setting, but this harm is relatively slight due to the proposed structure being visually quite lightweight, serving a clear purpose and being (at least notionally) reversible in future. The level of harm has been reduced through negotiated design changes in accordance with Step 4 of the HE guidance on setting.

The use of waterside buildings and quays changes over time and this progressive evolution is visible in Newton and Noss as elsewhere. This nearly always results in a degree of harm but seldom to the point that a locality appreciated for its beauty is considered to have lost that charm.

The most relevant para's of the NPPF are:-

NPPF 194: Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification.....

NPPF 196: Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

This leads to the question ‘what is the Optimum Viable Use for the Cottages?’ The fact that all are used as holiday letting accommodation suggests that few people have the desire to live in such a location with no vehicular access as their principal dwelling. That being the case the Cottages rely on occupation by visitors / guests and holidaymakers in order to justify their ongoing maintenance and repair.

If holiday use is accepted to be the ‘Optimum Viable Use’ for the Cottages, what benefits does the proposal offer? It appears to offer safer access to the site for people with limited skills in the handling of watercraft or who rely on a water taxi to get there. It also appears to offer accessibility to a greater proportion of the population who may have restricted mobility. The proposal will only present these benefits to one cottage so that further complicates the judgement needed in the planning balance. I note, however, that alternative ways to provide enhanced accessibility for that cottage require the use of land or structures not within the control of the applicant.

Heritage response conclusions

- The proposal will result in some harm to the setting of the heritage assets, but not to their special interest.
- The harm to the significance of the designated heritage assets is certainly 'less than substantial' and relates almost entirely to impact on setting.
- The level of harm can be considered justified if it secures public benefit, which includes supporting the optimum viable use of the property and delivering enhanced accessibility for a greater proportion of the population.
- MMO Office: Maine Licence required as the scope of works looks like it will occur below MHWSprings which is the marine licensing area we are responsible for. However Mr Stewarts planning application does not need to be held up for any reason and should proceed as normal.
- Wembury Parish Council: no objection
- Newton and Noss Parish Council: Objection
Adverse impact on waterfront, listed buildings and heritage site, would create deck rather than a quay.
- Wembury Local History Society: Objection
Thanks to their Listed status, the cottages' external appearance has been excellently preserved. The height of the quay would render it unusable for most small boats. The applicant has full rights to use the existing steps/jetty. The quay may be used for domestic curtilage. Concern about damage to the armoured quay from new loadings of the quay.
- River Yealm and District Association (RYDA): Objection
The proposed "quay" and deck would obscure the existing quay and wall having a negative impact on the listed building. The material of the proposed deck, GRP Fibre Grid, is particularly detrimental and will be visible from the cottages and higher elevations across the river. A much more sympathetic design would be possible using local natural materials
- Gary Streeter MP: General comments
Writing on behalf of a number of objectors, concerns inaccuracies on the application as the applicant does have rights of access over the jetty/steps, and that changes to how the outhaul is rigged would resolve the issue of its use.
- Yealm Harbour Authority: General comments
Two of our Committee did recently pay a visit to the site and have asked that I include the following comment: "We refer to the planning application. We have been asked to comment on the existing outhaul. In our view this could be made more safe with simple modifications."
The Committee would wish to say that there is 'no comment' on the staging proposed and would not wish to comment on the current infrastructure.
There are many boats left afloat during the winter months, many of which apart from bailing (emptying of water) are left unused for long periods.

Representations:

18 letters of objection received on the following grounds:

- Unspoilt surrounding of listed attributes character and enjoyment of the area
- Out of keeping development, eye sore
- Too high above high tide mark
- Cottage currently has ample access
- Changing the outhaul and position on foreshore will make necessary access improvements
- Would change an iconic view
- Platform could only be used at high spring tide
- Platform would be used for sunbathing
- Within West Devon AONB

- No mention of the use of the quay in relation to tidal movement
- No details of structural integrity of the proposal
- Within curtilage of Grade II listed buildings
- Marine engineering works should be treated as Grade II listed
- The proposal would not enhance the local area
- During a storm and a high tide the structure will put significant additional loads on the historic quay
- If permission is granted, a condition should insist on watertight joints to protect the engineering works
- The change in material of the proposed quay to GRP grid will increase the upward force from wave and wind during storms. The footings needed to anchor the quay will undermine the stability of the historic quay and walls.
- The storage of boats for No.1 Coastguard cottage has already been vertically against the high wall
- These buildings and the cobbled armoured wall are a historical record of an early 19th century Coastguard station and are an important part of maritime history both in the Yealm and nationally
- Fibregrid surface will be inappropriate in this location
- A steel ladder is needed on the quay to increase its use on lower tides
- Access should be given to all cottages users to the new quay
- The quay will collect seaweed which will rot and attract vermin and become a health hazard
- The quay would impede usage of the existing steps

Comments in response to Nash Maritime report:

- The report is not independent as commissioned and doctored by the applicant
- Omitted a discussion on use in relation to the tide
- Even at the top of a neap tide there would be a 2m gap to the top of the deck, at the top of spring tide there would still be a gap of 0.6m.
- the report has not attempted the standard risk analysis approach of quantifying and comparing the risk of the future proposal
- All results fall within ‘As Low As Reasonably Possible (ALARP) range or less” which “means that they are acceptable, but some risk reduction should ideally be put in place. But the risk score is calculated using the currently rigged outhaul scheme which has been shown can be re-rigged to improve its use.
- Nash Maritime formed on 30 October 2018 at the time the report was commissioned, and the website says ‘under construction’

4 letters of support on the following grounds:

- Photos should foreshore is covered in seaweed and access is dangerous during a high tide
- Previous rentees of no.1 concerned about dangers of access
- Sympathetic to the surrounds
- There are a number of newer quays which provide improved access to the other cottages

1 general comment on the following grounds:

- Works require a MMO licence

Relevant Planning History

- 3078/17/FUL- Construction of a new quay to improve access, withdrawn
- 0038/15/PRH - Pre-app enquiry to 1. restore external door and 2. timber decking to existing quay. Officer support given.

ANALYSIS

Principle

It is acknowledged that the terrace of four Old Coastguard Cottages are in a very unique position given they are not accessible by car, but by boat from the Newton Ferrers side of the river. In

addition, the boathouse and slipway that historically served all the cottages are now in the ownership of no.2-4 and so the owners of no.1 do not have a means to store or safely launch/recover boats at this site. Nevertheless, this is a highly sensitive site within a very prominent position on the waters edge opposite Newton Ferrers, added to which the cottages and boathouse are Grade II listed and the sloping revetment to which the proposed quay would be attached is considered to be curtilage listed.

In terms of the existing access arrangements the applicant has confirmed there is a ferry in operation from April to September which runs for three hours a day (10:00 – 12:00 & 15:00 – 16:00) which can drop occupiers off 200m away from the cottages, although can sometimes drop on the foreshore at the cottages themselves. The applicant has stated the nearest location to access by car is to park at Thorn House and walk 2km down a steep track and the applicant has rights of access by foot, wheel barrow or hand cart, but in practice this route is only used in an emergency or bad weather in winter.

At present the property is normally accessed by boat from the harbour pontoon over the beach at low water and alongside the existing stone revetment or the neighbour's steps/jetty at high water, to which the applicant has rights of access. Heavy or bulky materials are usually loaded from Bridge End Quay. Unloading or alighting on the historic stone revetment is difficult and hazardous as it is sloping, uneven and slippery but necessary to manoeuvre the boat into a place and prevent it grounding. It is noted that there has been a dispute between the neighbours of the cottages in terms of access over the steps leading down to the foreshore (referred to in the deeds as jetty), however the deeds do confirm the occupants of no.1 have rights to use the steps. The jetty to the south of the steps is within the sole ownership of the owner of no.2-4 Coastguards It should also be noted that while the owners of no.2-4 have no issue with the applicant using the steps concerns have been raised over the liability of holiday tenants using them. While this is not a planning consideration but a civil matter it is important in terms of understanding the current access arrangements of the different occupiers of the cottages.

The Nash Marine report commissioned by the applicant examined the current access arrangements of No.1 Coastguards in terms of water access and storage of dinghies. Both this report and the Harbour Authority agreed that the current outhaul scheme could be re-rigged for easier use which could reduce the need to walk over the uneven sloping revetment. However, it should be noted this proposed rearrangement of the outhaul would not aid the recovery or launching of dinghies and there would still need a need to walk on the revetment to fend off the dinghy. The Nash report concluded that the proposed quay would provide a helpful level surface to operate the outhaul and would provide the only means for the applicant to comfortably launch/recover dinghies, albeit at high tide.

The additional information provided clarified the proposed quay could be used for access to dinghies for approx. just under 2hrs either side of high water, and would not be submerged during spring tides or in accessible during neap tides. The owner of nos.2-4 Coastguards challenged this assertion by way of photographic evidence of high tides, and the applicant has consequently amended the plans to lower the height of the platform. Nevertheless, the window the platform would be accessible for water access is not considered to have changed significantly.

The proposed quay would provide a safe level platform on which the occupants of no.1 Coastguards could launch and recover a small boat, or unload/load heavy goods at high tide. While there is some ambiguity over the length of this window for safer access, it would provide the only opportunity for the owners to safely bring in or out bulky goods from the property and recover their boat. It is also a given that access to this property by boat is constrained by the tide and weather conditions, however there is currently no opportunity for safe access during higher points of the tide as the use of the outhaul requires the occupiers to stand on the sloping revetment. Outside of the window that the quay could be used, the occupiers would still need to climb down to the foreshore to board a boat, however the use of the outhaul would be much improved given it would be operated when stood on the level platform.

The neighbour, the owner of no.2-4, the boathouse, slipway and steps and majority of the land either side of the applicant's land, has said they have offered the applicant to swap the outhaul for the one which leads directly into the steps. The applicant acknowledges this would be far easier to operate given it is anchored to a level platform on land and would bring a boat directly into the steps. However owing to the breakdown in neighbour relations the applicant is reticent about how such an agreement could be worked out, particularly given the concerns of holiday tenants' rights of access.

The second purpose of the quay is to provide a platform to store the two boats that are used by the occupiers of no.1 through the winter months. At present it is very difficult to lift the boats out of the water at the property due to the steep slope of the revetment, as also confirmed within the Nash report, added to which the applicant has to retain rights of access over the narrow strip of level land above the revetment. During the winter months when the ferry is not in operation, if a bad weather warning is issued the applicant has no means to pull the boat out of the water to secure it safely when they are staying at the Cottage. In comparison to the previous application the davit has been removed from the plans and a smaller less visually intrusive roller proposed to aid with the recovery of boats from the water. It should be noted that the neighbour is able to store boats through winter within the listed boathouse (if it were to be repaired and maintained) or on the stone jetty's within their ownership, although the neighbour contends these do not provide dry storage during high tides.

In summary, the proposed quay would provide a stable platform to operate the outhaul and to safely load/unload from at high tide. In addition, it would provide a means to be able to recover and store two boats during winter when there is bad weather and no other means to access the property other than by foot.

Heritage

The Coastguard Cottages are listed as a single item as is the boathouse, both at grade II. The sloping revetment has been considered for listing by Historic England but was assessed not to be of sufficient historic interest to merit individual designation. We have, however, treated it as curtilage listed to the Cottages which, to the best of our knowledge, at the time of listing were in a single ownership with the revetment being shared. This judgement is based on the latest Historic England guidance.

In accordance with our policies, the 1990 Act and the NPPF the heritage assessment has taken on two main considerations. Firstly the impact of the proposal on the character and significance of the revetment itself as a heritage asset and secondly the effect on the significance, special interest and setting of the designated heritage assets, (the cottages and the boathouse).

1. Impact on the revetment as a curtilage listed heritage asset

The revised design has reduced the apparent bulk and the height of the structure. It will be attached to the rubble stone revetment which will involve some small amount of intervention and, therefore, harm to the historic fabric. The profile of the stone revetment structure will remain intact so there will be no permanent change to the historic fabric and the new structure could be fully removed in future should it prove to be no longer needed.

The appearance of the historic revetment will be altered, there is no doubt in that. It will, however, remain entirely legible what has happened even on a most casual inspection.

2. Effect on the Coastguard Cottages and Boathouse

The special interest of the Coastguard Cottages and their associated boathouse lies in their being designed and located in a position to facilitate observation (from lookouts on Warren Point) of water activity with direct access to it to facilitate management and assistance when needed. This highly particular focus on marine activity is integral to the significance of the group and is emphasised by the very relevant reality that the properties can only be accessed by water.

The proposed quay is intended solely to enhance the accessibility of the property. The design is clearly indicative of that purpose so it can be seen as an evolution of the fundamental relationship of people using the property with water craft. It is reasonable to conclude that the introduction of an

improved quay structure does not of itself cause harm to the significance or special interest of the designated heritage assets so long as it is clearly designed to perform that function and nothing more.

Assessment of setting relates almost entirely to the views from the east, either from the water or sites on the other side. The impact on views from the Cottages will be minimal – a landing stage in the foreground of the wider views with tenders stored upon it. Step 3 of the assessment process set out by Historic England in the guidance note ‘The Setting of Heritage Assets’ states, ‘Assess the effects of the proposed development, whether beneficial or harmful, on that significance or on the ability to appreciate it’. The site is in a beautiful location that is viewed, enjoyed and appreciated by many 1000’s of people each year. The proposal will change those views, as have the other constructions in the locality including the very utilitarian concrete covering / re-building of the old jetty and two other landing points / waterside structures constructed to the north and south of the site. Applying the HE guidance the specialist heritage officer concludes that the proposed structure will result in some harm to setting, but this harm is relatively slight due to the proposed structure being visually quite lightweight, serving a clear purpose and being (at least notionally) reversible in future. The level of harm has been reduced through negotiated design changes in accordance with Step 4 of the HE guidance on setting.

The use of waterside buildings and quays changes over time and this progressive evolution is visible in Newton and Noss as elsewhere. This nearly always results in a degree of harm but seldom to the point that a locality appreciated for its beauty is considered to have lost that charm.

The most relevant para’s of the NPPF are:-

NPPF 194: Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification.....

NPPF 196: Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

This leads to the question ‘what is the Optimum Viable Use for the Cottages?’ The fact that all are used as either holiday letting accommodation or second homes suggests that few people have the desire to live permanently in such a location with no vehicular access as their principal dwelling. That being the case the Cottages rely on occupation by visitors / guests and holidaymakers in order to justify their ongoing maintenance and repair.

If holiday use is accepted to be the ‘Optimum Viable Use’ for the Cottages, what benefits does the proposal offer? It appears to offer safer access to the site for people with limited skills in the handling of watercraft or who rely on a water taxi to get there. It also appears to offer accessibility to a greater proportion of the population who may have restricted mobility. The proposal will only present these benefits to one cottage so that further complicates the judgement needed in the planning balance. However, it is noted that alternative ways to provide enhanced accessibility for that cottage require the use of land or structures not within the control of the applicant.

The specialist heritage officer concludes the proposal will result in some harm to the setting of the heritage assets, but not to their special interest. The harm to the significance of the designated heritage assets is certainly ‘less than substantial’ and relates almost entirely to impact on setting. The level of harm can be considered justified if it secures public benefit, which includes supporting the optimum viable use of the property and delivering enhanced accessibility for a greater proportion of the population.

Landscape

In addition to the heritage issues, this is a highly sensitive and prominent site within the AONB and undeveloped coast that is afforded the highest level of protection.

Nevertheless, the proposed structure would be low level and supported on timber posts that would fade into the surrounding landscape over time. The visibility of the quay would be limited by being positioned between the boathouse and stone steps, and it would be read in the context of the existing stone quays located either side which are currently used to store boats.

There is some concern that this development could lead to a domestication of the foreshore from use of the proposed quay as sitting out/sun deck/BBQs etc. While the applicant contends this point given the cottage is served by a large terrace, this is an area of concern. It is noted that a number of smaller boats/dinghies are currently stored on the land behind the existing stone quay which already detracts from the 'unspoilt' appearance of the foreshore but are fitting with their marine location. In this case it is not possible to condition the quay for use for launching/recovery of boats only, as this is not an enforceable condition given the applicants have rights to use their land as they wish in relation to residential use. Nevertheless, the applicant has agreed to pay for a unilateral undertaking to be prepared that would ensure the quay could only be used for the launching/recovery of boats and storage of two access boats. It is considered that in light of the low nature of the structure and legal agreement to restrict its use, it would not now have an adverse impact on the AONB or landscape setting.

It is noted that Newton and Noss Neighbourhood Plan is now made so has full weight, and includes policies N3P-2 on protecting the waterfront, N3P-8 on heritage and conservation and N3P-9 on protecting the landscape. While the proposal is outside of the boundary of Newton and Noss it clearly has a strong link by the water access and the views of the proposal from the Newton side. Nevertheless, in line with the discussion above the proposal is considered to comply with these policies as it is not considered to harm the landscape character or marine environment.

Marine conservation

In terms of the impact on the estuary Natural England have reviewed the application, and in response to additional specifications of the works provided and a Construction Environmental Management Plan have confirmed the works would not have a significant adverse impact on Plymouth Sound and Estuaries SAC, Yealm Estuary SSSI and protected landscape South Devon AONB. It is recommended that further conditions are imposed to ensure:

- Vehicle movements on the foreshore are kept to a minimum and access/egress routes clearly defined.
- No storage of equipment on the foreshore.
- Contractors adhere to pollution prevention best practice guidelines including use of materials that are not toxic to the marine environment and measures to ensure no leakage of materials into the marine environment

The need to obtain a Marine Licence is outside the remit of this application, however it is noted that applicants state they own the land on which the quay would be constructed. This is separate matter that would need to be resolved once a decision has been reached on this application.

The AONB Estuaries partnership made further comments to confirm the proposal would require a Marine Licence. While a Construction and Environmental Management Plan was submitted it has not specifically detailed how dust, silt and other potential pollutants will be effectively captured and prevented from entering the estuary, as requested by the estuaries officer. The CEMP should also cover how materials will be transported to the site and protection of common oysters. The estuaries officer also requests that all materials are muted colours and timber is left to fade naturally and there should be no additional railings etc attached to the quay, and its size should be kept to the minimum necessary. The CEMP condition will therefore request a new detailed document to cover the points above.

Planning Balance

This is a highly prominent and protected site within the AONB, undeveloped coast and SSSI, however the structure proposed is low level and not considered to be visibly harmful to the landscape or

AONB. While there is considered to be some harm to the setting of the listed boathouse, this is considered to be less than substantial and outweighed by the improved access for the occupiers of no.1 Coastguard Cottage in terms of its optimal viable use as a listed building. Any development on the foreshore is going to be highly sensitive, however it is considered that in this case there is a need to provide improved access to No.1 Old Coastguard cottage given it does not benefit from the use of the boathouse slipway and has nowhere to store boats during bad weather. It is considered that given the minimal visibility of the quay proposed, the legal safeguards on its use and the access improvements the proposal should be supported.

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

Planning Policy

Section 70 of the 1990 Town and Country Planning Act requires that regard be had to the development plan, any local finance and any other material considerations. Section 38(6) of the 2004 Planning and Compensation Act requires that applications are to be determined in accordance with the development plan unless material considerations indicate otherwise.

The relevant development plan policies are set out below:

South Hams LDF Core Strategy

CS7 Design
CS9 Landscape and Historic Environment
CS10 Nature Conservation
CS11 Climate Change

Development Policies DPD

DP1 High Quality Design
DP2 Landscape Character
DP3 Residential Amenity
DP4 Sustainable Construction
DP5 Conservation and Wildlife
DP6 Historic Environment

Emerging Joint Local Plan

The Plymouth & South West Devon Joint Local Plan has undergone a main modifications consultation (22 Oct – 03 Dec 2018) as part of the examination in public to determine the soundness of the plan. The joint councils are waiting to hear from the Planning Inspectorate (PINS) regarding the next steps. Until PINS provide an update, the JLP councils are unable to commit to a timetable for adoption.

The National Planning Policy Framework provides guidance on the weight that can be given to policies in emerging local plans in paragraph 48:

48. Local planning authorities may give weight to relevant policies in emerging plans according to:

- a) the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);
- b) the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and

c) the degree of consistency of the relevant policies in the emerging plan to this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given)

The JLP is nearing the conclusion of the examination process, and can be considered to be at an advanced stage of preparation.

Whilst technically all objections are unresolved until the Inspectors issue their Final Report, some policies which did not receive objections at the Reg 19 stage could be given very significant weight. The nature and scope of objections made regarding each policy have been taken into account when determining the weight to be apportioned to each emerging policy.

The Council consider that all emerging policies are compliant with the NPPF. It should be noted that the JLP is being examined against the provisions of the 2012 NPPF, and therefore for the purposes of paragraph 48 of the NPPF policies should also be assessed for their conformity against the 2012 NPPF.

In considering the merits of this proposal, case officer recommendations are informed by the weight that can be attributed to emerging JLP policies and adopted development plan policies, as well as the degree of conformity with the 2019 NPPF.

PLYMOUTH AND SOUTH WEST DEVON JOINT LOCAL PLAN -: PUBLICATION (as considered by the Full Councils end Feb/Early March 2017)

TTV31 Development in the Countryside

TTV32 Residential extensions and replacement dwellings in the countryside

DEV1 Protecting amenity and the environment

DEV2 Air, water, soil, noise and land

DEV3 Sport and recreation

DEV10 Delivering high quality housing

DEV22 Development affecting the historic environment

DEV24 Landscape character

DEV25 Undeveloped coast

DEV27 Nationally protected landscapes

DEV28 Protecting and enhancing biodiversity and geological conservation

DEV37 Managing flood risk and Water Quality Impacts

DEV38 Coastal Change Management Areas

Wembury Neighbourhood Plan

Newton and Noss Neighbourhood Plan

N3P-2 Protecting the Waterfront

N3P-8 Heritage and Conservation

N3P-9 Protecting the landscape

Considerations under Human Rights Act 1998 and Equalities Act 2010

The provisions of the Human Rights Act 1998 and Equalities Act 2010 have been taken into account in reaching the recommendation contained in this report.

Conditions:

1. The development to which this permission relates must be begun not later than the expiration of three years beginning with the date on which this permission is granted.

Reason: To comply with Section 91 of the Town and Country Planning Act, 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development hereby approved shall in all respects accord strictly with drawing numbers below received by the Local Planning Authority on

P2269-DR-002 17/5/18

P2269-DR-005 1/2/18

P2269-DR-007 1/2/18

Site Location plan 25/9/17

Reason: To ensure that the proposed development is carried out in accordance with the drawings forming part of the application to which this approval relates.

3. If the quay is no longer needed for boat launching/recovery or boat storage then it shall be removed and the land reinstated to its former state.

Reason: To ensure only essential marine development is retained on the foreshore.

4. Notwithstanding the details within the submitted Construction Environment Management Plan (CEMP) received on 1st February 2018, further details shall be submitted to and approved in writing by the Local planning Authority in relation to preventing dust, silt and other potential pollutants from entering the estuary, how materials will be transported to the site and where they will be stored, and protection of common Oysters prior to the commencement of development.

Reason: To protect the foreshore from impacts of construction

This needs to be a pre-commencement condition to ensure biodiversity protection measures are in place from the very start of the construction process.

5. Notwithstanding the details provided, there shall be no external lighting unless otherwise agreed in writing by the Local Planning Authority.

Reason: To protect the countryside from intrusive development

6. The proposed works shall be undertaken in compliance with the best practice guidance set out in Natural England's response dated 28 March 2018 ref: 421789:

- Vehicle movements on the foreshore shall be kept to a minimum and access/egress routes clearly defined.
- No storage of equipment on the foreshore
- Contractors shall adhere to pollution prevention best practice guidelines including use of materials that are not toxic to the marine environment and measures to ensure no leakage of materials into the marine environment

Measures to ensure compliance with the above shall be set out in the revised CEMP required by condition 4 of this permission

- Reason: To safeguard the intertidal and estuarine habitats

7. Prior to their use/installation full details and samples of the materials to be used in the construction of the quay shall be submitted to and approved in writing by the Local Planning Authority. Development shall take place in accordance with the approved details

Reason: In the interest of visual amenity

8. Development shall take place in accordance with the conclusions and recommendations for mitigation set out within the Preliminary Ecological Appraisal by Ecology Services dated January 2018.

Reason: In the interests of biodiversity.

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Agenda Item 6c

PLANNING APPLICATION REPORT

Case Officer: Gemma Bristow

Parish: Wembury **Ward:** Wembury and Brixton

Application No: 2484/18/LBC

Agent/Applicant:

C Stewart
Olinda
Knoll Road
Godalming
GU7 2EP

Applicant:

C Stewart
Olinda
Knoll Road
Godalming
GU7 2EP

Site Address: 1 Old Coastguard Cottages, Wembury, PL9 0EJ

Development: Listed Building Consent for construction of a new quay to improve access

Reason item is being put before Committee: Cllr D Brown called this application to committee having regard to the potential impact on the coastline and the AONB



Recommendation:

Conditional listed building consent

Conditions

1. Time
2. Accordance with plans

Key issues for consideration:

- Impact on the curtilage listed quay structure
 - Effect on the setting of the listed boathouse and Coastguard Cottages (all grade II)
-

Site Description:

No.1 Old Coastguard Cottage forms part of a terrace of four dwellings located on the south (Wembury) side of the River Yealm, almost opposite the Yealm Steps/pontoon on the Newton Ferrers side. It is noted that all the cottages are used as holiday lets/second homes. The Coastguard Cottages are only accessed by foot on the Wembury side down a coastal track or by boat from the Newton Ferrers side. The Cottages are also grade II listed, although noted that the list description states there are 3 it is clear from the description that the whole row comprises the designation, (copied in italics below for reference). Below the cottages on the foreshore edge is a Grade II listed boathouse and steps leading down to the foreshore, both of which are not within the ownership of the applicant. The applicant owns the section of land between the steps and the boathouse but must maintain rights of access to the boathouse to the owner cottage nos. 2 – 4.

Within Area of Outstanding Natural Beauty, Undeveloped Coast and SSSI.

Row of three coastguard cottages. Early C19. Stone rubble. Low pitched slurred slate hipped roof. Two storeys. Long seven window range. Left hand one window bay set back. Horizontally sliding sashes with glazing bars. Only one doorway with hood on brackets and with glazed door. The other doorway is now a window. The third door has a wooden porch in the angle of the set back. Three rendered chimney stacks at the ridge.

The Proposal:

Construction of a new timber quay to improve access, 7.8m long by 2.6m wide on seven x 0.9m high timber posts attached to the revetment slope.

Materials: GRP fibregrid floor, timber nosing, steel shoe and steel rods into stone quay, timber material of posts

Consultations:

- Wembury Parish Council: no objection to LBC, but a structural survey is necessary to ensure that the proposed works do not affect the original quayside structure.
- Newton and Noss Parish Council: Objection
Adverse impact on waterfront, listed buildings and heritage site, would create deck rather than a quay.
- Georgian Group: Objection
Lack of justification on need to improve access given applicant has rights of access over stepped jetty, and the height of the proposed quay would render it unusable, and its foundations would harm the heritage asset.

Representations:

18 letters of objection received on the following grounds:

- Unspoilt surrounding of listed attributes character and enjoyment of the area
- Out of keeping development, eye sore
- Too high above high tide mark
- Cottage currently has ample access
- Changing the outhaul and position on foreshore will make necessary access improvements
- Would change an iconic view
- Platform could only be used at high spring tide
- Platform would be used for sunbathing
- Within West Devon AONB
- No mention of the use of the quay in relation to tidal movement
- No details of structural integrity of the proposal
- Within curtilage of Grade II listed buildings
- Marine engineering works should be treated as Grade II listed
- The proposal would not enhance the local area
- During a storm and a high tide the structure will put significant additional loads on the historic quay
- If permission is granted, a condition should insist on watertight joints to protect the engineering works
- The change in material of the proposed quay to GRP grid will increase the upward force from wave and wind during storms. The footings needed to anchor the quay will undermine the stability of the historic quay and walls.
- The storage of boats for No.1 Coastguard cottage has already been vertically against the high wall
- These buildings and the cobbled armoured wall are a historical record of an early 19th century Coastguard station and are an important part of maritime history both in the Yealm and nationally
- Fibregrid surface will be inappropriate in this location
- A steel ladder is needed on the quay to increase its use on lower tides
- Access should be given to all cottages users to the new quay
- The quay will collect seaweed which will rot and attract vermin and become a health hazard
- The quay would impede usage of the existing steps

Comments in response to Nash Maritime report:

- The report is not independent as commissioned and doctored by the applicant
- Omitted a discussion on use in relation to the tide
- Even at the top of a neap tide there would be a 2m gap to the top of the deck, at the top of spring tide there would still be a gap of 0.6m.
- the report has not attempted the standard risk analysis approach of quantifying and comparing the risk of the future proposal
- All results fall within ‘As Low As Reasonably Possible (ALARP) range or less’ which “means that they are acceptable, but some risk reduction should ideally be put in place. But the risk score is calculated using the currently rigged outhaul scheme which has been shown can be re-rigged to improve its use.
- Nash Maritime formed on 30 October 2018 at the time the report was commissioned, and the website says ‘under construction’

4 letters of support on the following grounds:

- Photos should foreshore is covered in seaweed and access is dangerous during a high tide
- Previous rentees of no.1 concerned about dangers of access
- Sympathetic to the surrounds
- There are a number of newer quays which provide improved access to the other cottages

1 general comment on the following grounds:

- Works require a MMO licence

Relevant Planning History

- 3078/17/FUL- Construction of a new quay to improve access, withdrawn
- 0038/15/PRH - Pre-app enquiry to 1. restore external door and 2. timber decking to existing quay. Officer support given.

ANALYSIS

The Coastguard Cottages are listed as a single item as is the boathouse, both at grade II. The sloping revetment has been considered for listing by Historic England but was assessed not to be of sufficient historic interest to merit individual designation. We have, however, treated it as curtilage listed to the Cottages which, to the best of our knowledge, at the time of listing were in a single ownership with the revetment being shared. This judgement is based on the latest Historic England guidance.

In accordance with our policies, the Planning (Listed Buildings and Conservation Areas) Act, 1990 and the NPPF the heritage assessment has taken on two main considerations. Firstly the impact of the proposal on the character and significance of the revetment itself as a heritage asset and secondly the effect on the significance, special interest and setting of the designated heritage assets, (the cottages and the boathouse).

1. Impact on the revetment as a curtilage listed heritage asset

The quay wall / revetment was not an original feature. It appears it was added in the later 19th or early 20th century. It is of less significance than the designated structures but is part of the ensemble and contributes positively to the historic character of the site.

The revised design has reduced the apparent bulk and the height of the proposed structure. It will be attached to the rubble stone revetment which will involve some small amount of intervention and, therefore, harm to the historic fabric. The structural attachment involves the use of minimal contact with rods resin set in holes drilled into the structure and steel shoes within which the timber posts will be set. This has minimised the physical harm as far as possible. The other minor physical changes required do not amount to harm that would warrant refusal as the works can either be undone in future or would leave so little trace as to be of minimal consequence.

The profile of the stone revetment structure will remain intact so there will be no permanent change to the historic fabric. The new structure could be fully removed and the drilled holes filled in future should it prove to be no longer needed.

The appearance of the historic revetment will be altered, there is no doubt in that. It will, however, remain entirely legible what has happened even on a most casual inspection.

2. Effect on the Coastguard Cottages and Boathouse

The special interest of the Coastguard Cottages and their associated boathouse lies in their being designed and located in a position to facilitate observation (from lookouts on Warren Point) of water activity with direct access to it to facilitate management and assistance when needed. This highly particular focus on marine activity is integral to the significance of the group and is emphasised by the very relevant reality that the properties can only be accessed by water.

The proposed quay is intended solely to enhance the accessibility of the property. The design is clearly indicative of that purpose so it can be seen as an evolution of the fundamental relationship of people using the property with water craft. It is reasonable to conclude that the introduction of an improved quay structure does not of itself cause harm to the significance or special interest of the designated heritage assets so long as it is clearly designed to perform that function and nothing more.

The setting issue and discussion of principle are more fully covered in the associated planning application report.

For the purposes of the listed building consent the main issue is the physical impact on the curtilage listed structure.

The use of waterside buildings and quays changes over time and this progressive evolution is visible in Newton and Noss as elsewhere. This nearly always results in a degree of harm but seldom to the point that a locality appreciated for its beauty is considered to have lost that charm.

The relevant Neighbourhood Plan policy states, 'Development proposals are required to not have a significant adverse impact on designated and non-designated historic and heritage assets and their settings....' The harm assessed for this proposed development is not considered to amount to 'significant adverse impact' and is, therefore, judged to meet the aims of the Neighbourhood Plan.

The most relevant para's of the NPPF are:-

NPPF 194: Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification.....

NPPF 196: Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

Conclusion and recommendation

Assessment of the proposed development leads to the conclusion that the proposal will result in very minor harm to the fabric of the quay / revetment and some small harm to the setting of the heritage assets, but not to their special interest. The harm to the significance of the designated heritage assets is certainly 'less than substantial' and relates almost entirely to impact on setting. The level of harm can be considered justified if it secures public benefit, which includes supporting the optimum viable use of the property and delivering enhanced accessibility for a greater proportion of the population.

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

This application has been considered in accordance with Sections 16, 17 and 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990

Planning Policy

Section 70 of the 1990 Town and Country Planning Act requires that regard be had to the development plan, any local finance and any other material considerations. Section 38(6) of the 2004 Planning and Compensation Act requires that applications are to be determined in accordance with the development plan unless material considerations indicate otherwise.

The relevant development plan policies are set out below:

South Hams LDF Core Strategy

CS9 Landscape and Historic Environment

Development Policies DPD

DP1 High Quality Design
DP6 Historic Environment

Status of emerging JLP policies for decision makers

The Plymouth & South West Devon Joint Local Plan has undergone a main modifications consultation (22 Oct – 03 Dec 2018) as part of the examination in public to determine the soundness of the plan.

The joint councils are waiting to hear from the Planning Inspectorate (PINS) regarding the next steps. Until PINS provide an update, the JLP councils are unable to commit to a timetable for adoption.

The National Planning Policy Framework provides guidance on the weight that can be given to policies in emerging local plans in paragraph 48:

48. Local planning authorities may give weight to relevant policies in emerging plans according to:
 - a) the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);
 - b) the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
 - c) the degree of consistency of the relevant policies in the emerging plan to this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given)

The JLP is nearing the conclusion of the examination process, and can be considered to be at an advanced stage of preparation.

Whilst technically all objections are unresolved until the Inspectors issue their Final Report, some policies which did not receive objections at the Reg 19 stage could be given very significant weight. The nature and scope of objections made regarding each policy have been taken into account when determining the weight to be apportioned to each emerging policy.

The Council consider that all emerging policies are compliant with the NPPF. It should be noted that the JLP is being examined against the provisions of the 2012 NPPF, and therefore for the purposes of paragraph 48 of the NPPF policies should also be assessed for their conformity against the 2012 NPPF.

In considering the merits of this proposal, case officer recommendations are informed by the weight that can be attributed to emerging JLP policies and adopted development plan policies, as well as the degree of conformity with the 2019 NPPF.

**PLYMOUTH AND SOUTH WEST DEVON JOINT LOCAL PLAN -: PUBLICATION
(as considered by the Full Councils end Feb/Early March 2017)**

DEV21 Conserving the historic environment

DEV22 Development affecting the historic environment

NPPF

189, 190, 192, 193, 194, 196

Wembury Neighbourhood Plan

No plan at present

Newton and Noss Neighbourhood Plan

N3P-8 b)

'Development proposals are required to not have a significant adverse impact on designated and non-designated historic and heritage assets and their settings. This shall include the setting and waterfront of Bridgend.'

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.

Agenda Item 6d

PLANNING APPLICATION REPORT

Case Officer: Rob Heard

Parish: Salcombe Ward: Salcombe and Thurlestone

Application No: 3262/18/FUL

Agent/Applicant:

Mr Nigel Keen - DRA Architects
The Studio
105 Southbroom Road
Devizes
SN10 1LY

Applicant:

King, Cooper, Payne
Land Opposite Lyndale,
Onslow Road
Salcombe
TQ88AH

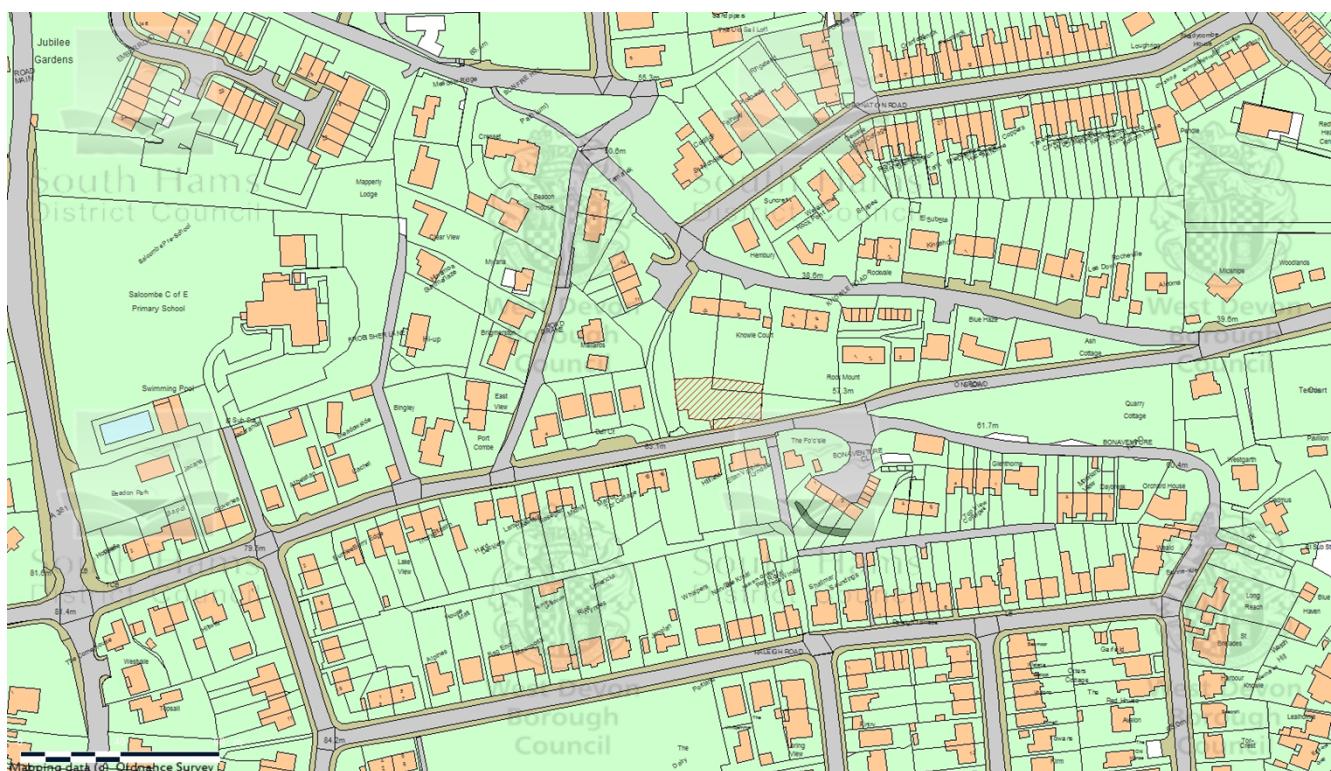
Site Address: Lyndale, Onslow Road, Salcombe, Devon, TQ8 8AH

Development: Proposed residential development of two detached dwellings on vacant land.
Revised scheme submission of refused application for three dwellings ref 1240/16/FUL

Reason item is being put before Committee:

Objections on following material planning grounds:

- Highway Safety
- Impact upon neighbouring properties residential amenities
- Inappropriate design



Recommendation: Conditional Approval

Conditions:

- Time Limit
- Approved Plans
- Unexpected Contamination
- Ecology Adherence
- Removal of Permitted Development Rights
- Submission of Materials for Approval
- Implementation of Drainage Scheme
- Boundary Treatments

Key issues for consideration:

- Principle of Development
 - Design/Impact upon landscape
 - Residential Amenity
 - Highways
 - Drainage
-

Site Description:

The site lies within the development boundary of Salcombe and is within the South Devon Area of Outstanding Natural Beauty (AONB). The land, an area of approximately a little under 0.07 hectares (673 sq. m as advised in the Design & Access Statement) lies on the north side of Onslow Road. The site lies within Flood Zone 1, the lowest risk of flooding.

Presently undeveloped, the land appears to have been garden land in the past, in part for some period in connection with the bungalow 10 Knowle Road to the north and in part in connection with the property Lyndale to the south, the latter being physically separated from the application land by Onslow Road. The frontage has a hedge, within which there is a gap for pedestrian access and appears to have historically been used for parking, though no formal dropped kerb arrangement exists. Behind this relatively flat area, the land slopes sharply away northwards such that there is a fall in levels across the site, from the lowest point to the pavement in Onslow Road, of between 6.5m at the eastern end to 8.22m at the western end.

The land is irregularly shaped [narrower to the front (south abutting Onslow Road)/wider to the rear /north abutting neighbouring gardens] with an area towards the western part of the site not directly fronting Onslow Road, having an intervening area of landscape planting between the road and the application site . A small public seating area occupies part of this land to the west of the site, adjacent to the public steps (known as Piggy Lane) with planting, which abuts the western boundary of the site and which is a pedestrian link between Onslow Road and Knowle Road/ the other residential dwellings to the north.

Along Onslow Road, which runs broadly west to east in the immediate vicinity of the application site, there is a pedestrian pavement on the north side, with street lighting and double yellow lines. A traffic warning sign advises motorists that the road narrows to the east as it falls downhill beyond the application site. The northern and eastern site boundaries border residential gardens, serving

properties set at a lower level, fronting Knowle Road, comprising bungalows immediately behind (north of) the application site and two storey apartments to the north-east.

The topography of the area generally is steeply sloping, much of Salcombe being built on sloping valley sides and the site is not untypical in this regard. Properties on the south side of Onslow Road are set at a level elevated above the highway. The bungalows behind the site to the north and two storey flats in Knowle Court are set at a much lower level, though set higher than the level of Knowle Road. To the west, properties in Dell Court are two storey with additional accommodation in the roof and basement levels. The ground floor entrance level is set at a lower level than the public highway, served by an access parallel with Onslow Road. Set at a lower level below Dell Court, Mallards is a detached property to the north-west. Locally buildings have developed incrementally over time mostly throughout the twentieth century and into the new millennium such that there is a wide range of building ages and styles, which is a positive feature of the area, as are the glimpsed public views of distant shoreline and green ridges, also a result of the undulating topography.

Salcombe is a town, predominantly urban and suburban in character, where the built form does dominate, though there is a greenery locally, with green spaces and many properties having front and rear gardens and trees visible in public views as a result of the topography. Properties on the south side are raised up above the level of the road behind front gardens. On the north side, Dell Court has a hedge fronting the road, with properties set at a lower level. Planting at Piggy Steps is in the public realm, which together with the application site and combined gardens of the properties fronting Knowle Road provide a green break in the built form as Onslow Road runs east where it narrows and falls downhill. Views can be had from along this section of Onslow Road and as it falls eastwards out to the coast and hills of the AONB towards Batson Creek.

Looking north across the valley from Onslow Road, properties on the upper valley slopes opposite have by and large been developed comparatively sympathetically, with space for planting and which do not break the tree line on the ridge above. To the north-west, where the land appears higher, buildings appear more densely developed, with less greenery visible and which break the skyline, sometimes in a jarring manner. The principal character views along Onslow Road are to the north east, towards Batson Creek.

The Proposal:

This application seeks full planning permission for the erection of 2 new detached dwellings, with associated access and car parking.

The properties are contemporary in appearance, 3 storeys at the rear with one dwelling presenting a single storey onto Onslow Road and the other 2 storeys. Two on plot car parking spaces are provided for each dwelling, with a single access from Onslow Road at the top of the site serving both dwellings.

The dwellings have been designed to fit into the sloping topography to avoid the requirement for development platforms and this has resulted in the proposals being split level, with the accommodation internally spread over 3 floors.

Consultations:

County Highways Authority; Comments as follows *The proposed access, parking and turning is adequate from a highway point of view to serve the proposed development. The access, with adequate on-site turning facilities enabling cars to leave and enter the highway complies with contemporary design guidance. There are no objections to the proposals from a highway point of view and suitable conditions are recommended.*

Parish Council; Comments as follows *Objection as the design and materials were not in keeping with the locality nor did they fit the context of the emerging Neighbourhood Plan notably policy D1 which*

referred not just to the Conservation Area but all development within the development boundary. The design was felt to be overbearing and there was concern that one property proposed within the plan had a terrace looking out over Onslow Road and thus would create overlooking to those properties. Notably this design brought the proposed properties closer to the road and there was concern that currently the properties down Onslow Road followed a line that was set back. Access onto the highway with the proposed properties being situated close to the road was also more difficult. It was acknowledged that drainage would incorporate attenuation tanks, with the approval of South West Water, but town council highlighted concerns that this site would still over burden water runoff into pipes in this area. A vast amount of money had been expended to remove surface water around the area from sewers although it was accepted that attenuation was to be used and not soakaways. There would be further impact on the AONB and Neighbourhood Plan policy ENV6 highlighted important views, this was not just notwithstanding the bench view but also views from the other side of Batson Creek and Shadycome looking up at this location which was identified as a locally important view. Policy T2 of the Neighbourhood Plan also stated that there should be three parking spaces per 3 bedroomed properties which this did not provide and in fact provided restricted car parking with minimal turning. The sight lines shown on the plans meant any car would have to be over the pavement and not within the property and planting would further affect sight lines. Should consideration be given to approve this or any future development in this area, as it was situated so close to the highway and due to the topography, there must be site management plan as it was the busiest access road into Salcombe and town council would wish to see a Construction Environmental plan to cover constructions run off as well as water run-off.

Representations:

Representations from Residents

12 letters of representation have been received (all in objection to the application) covering the following points (summarised):

- Over development
- Concerns about access from a highway safety perspective
- Right to light and open air space will be negated
- Unacceptable noise impact during construction stage
- Concerns about land stability
- Over bearing impact upon nearby neighbours with regards to loss of light
- Design and materials not in keeping with the area
- The development will result in over dominance to nearby dwellings
- Traffic flow on Onslow Road will be disrupted
- Scale of development is overbearing
- The properties have been designed as holiday homes.
- The proposed dwellings are ugly, angular and out of keeping
- The proposals will be over bearing to nearby dwellings
- Land stability at the site is questionable
- The increased sense of enclosure, overlooking, loss of privacy and direct overshadowing will have a significant and detrimental impact on the residents of No 9 & No 10 Knowle Court
- The proposed design / style is out of keeping with the local street scene and is extremely dominant in relation to its local surroundings, especially given its prominent position
- The modern contemporary design and choice of materials (zinc cladding) is not sympathetic to a development within an AONB where landscape character is a key consideration
- Significant areas of glazing will lead to inappropriate levels of light pollution
- The revised application is hardly revised at all in terms of mass, density, roof height and overbearing impact to neighbours below
- The zinc cladding will give the appearance of a retail shed
- The proposed position of an attenuation tank has significant implications for properties downhill of this proposal
- The loss of privacy to 8 Knowle Court will be significant

- The Street scene certainly will not be enhanced by the proposal in design and impact far from it could be described as rather “Gastly” in appearance what with its zinc cladding

The comments made in representations from the Parish Council and from residents, that are material planning issues, are thoroughly analysed below in the Analysis section of this report.

Representations from Internal Consultees

Drainage; Support the proposals subject to the imposition of a planning condition, full details of the surface water and foul drainage have been submitted.

Environmental Health Section; No objections subject to a condition (Unexpected Contamination).

Relevant Planning History

1240/16/FUL; Proposed residential development of three detached dwellings. **Refused** due to following reasons:

1. The proposed development, due to its design, siting, height, scale, form, bulk and massing would result in an unduly overbearing, dominant and unneighbourly development, detrimental to the amenities of neighbouring occupiers by reason of an overbearing impact, increased sense of enclosure, overlooking, loss of privacy (direct and perceived) and overshadowing, contrary to Policy DP3 (1 and 2), paragraph 17 the NPPF, Planning Practice Guidance on Design including paragraphs 002 and 026 and emerging JLP Policy DEV 1(1).
2. The proposed development, due to the layout, form, scale, appearance and extent of built development and hard surfacing, absence of opportunities for the retention of natural features and limited capacity for mitigation planting, would result in a development of an inappropriate and overtly urban nature of incongruous appearance in the street scene and landscape, tantamount to an overdevelopment, and which fails to positively respond to local townscape, settlement and landscape character, fails to conserve or enhance the landscape and scenic beauty of the South Devon AONB (a landscape of national importance), or to protect or enhance local views, contrary to Policies DP1 (a, c & e), DP2 (1 b, c & d), CS7 (1) and CS9 (1), paragraphs 7, 8, 17, 61, 64 & 125 of the NPPF, Planning for the South Devon AONB: Planning Guidance Version 1 Supplementary Planning Guidance, advice in National Planning Practice Guidance on Design including paragraphs 006 & 007, 023, 026 & 040 and on Light Pollution including paragraphs 001, 002, 003 & 005, and emerging JLP Policies DEV 10 (1, 2 & 6) and DEV20 (2, 3, 5 & 7) and SPT11 (2).
3. In the absence of adequate drainage and ground stability details, the proposal fails to demonstrate that surface water can be adequately dealt with, in the absence of which the proposal could give rise to an increased risk of flooding elsewhere, and land instability, to the detriment of the safety and amenities of neighbouring occupiers and the area generally, contrary to policy DP4 (3 & 5), paragraphs 103, 109, 120 & 121 of the NPPF, advice in National Planning Practice Guidance on Land Stability including paragraphs 001, 003 & 006, and emerging JLP Policy DEV2 (1).

ANALYSIS

The starting point for consideration is the development plan and the provisions of Section 38(6) of the Planning and Compulsory Purchase Act 2004 which requires that planning applications are determined in accordance with the development plan unless material considerations indicate otherwise. At the heart of the National Planning Policy Framework (NPPF) is a presumption in favour of sustainable development which for decision making means approving development proposals that accord with the

development plan and where the development plan policies are out-of-date, granting permission unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in NPPF taken as a whole or specific policies in the NPPF indicate development should be restricted.

Principle of Development/Sustainability:

The site lies within the development boundary for Salcombe and the proposed development is considered to accord in principle with Policy CS1 (Location of Development) of the South Hams LDF Core Strategy, which advises that residential development is acceptable in principle in Salcombe. The proposals also comply with Policy SHDC1 (Development Boundaries) of the Local Plan, being located within the development boundary for Salcombe and compatible with the character of the site and surroundings, and causing no significant adverse impacts (details are analysed later in this report).

NPPF Paragraph 7, promotes the three dimensions to sustainable development: economic, social and environmental. Under paragraph 8 these factors cannot be disaggregated. It is considered that a development of two dwellings would make a positive contribution in social and economic terms, through meeting housing need, providing construction jobs and from increased spending in the local economy, which in turn can help support services.

The previously refused application (see Planning History section above) raised concerns that the proposals did not contribute positively to the environmental dimension to sustainable development. However, the proposals have now been significantly revised and the perceived environmental impacts from the proposed development are now considered acceptable. This issue is analysed in more detail in the report below under the heading Design/Landscape.

The emerging Joint Local Plan (JLP) is at an advanced stage and is expected to be adopted shortly. However, the general thrust of existing and emerging polices are similar with regards to the principle of development and sustainability issues for proposals in this location.

Policy SALCH2 (Market Housing) of the emerging Neighbourhood Plan supports market housing in the Parish within allocated sites of the SHDC Joint Local Development Plan and on infill sites within the existing development boundary.

Having regard to the principle of development and sustainability considerations, a development of two family dwellings within the development boundary of this sustainable settlement is supported by Local Planning Policy and in National Planning Guidance.

Design/Landscape:

The site lies within the South Devon AONB and Undeveloped Coast. The application is assessed with regard to the potential impacts of the development on local character, including impacts on the AONB. The LPA has a duty under The Countryside & Rights of Way Act 2000 which provides a statutory framework for all policy, plan-making and decision-taking affecting the AONB by all public bodies, including local planning authorities and government agencies. Section 85(1) in particular is relevant to decision making in relation to the duty to have regard to the purpose of conserving and enhancing the natural beauty of the AONB.

The site lies outside of the Salcombe Conservation Area and beyond the Conservation Area setting boundaries. There are no Listed Buildings or Ancient Monuments nearby whose setting could potentially be affected by the proposals and no significant heritage impacts are considered to arise. Guidance in the NPPF requires great weight be afforded to conserving the landscape and scenic beauty of the AONB. At the local level, policies CS9 (Landscape and Historic Environment) of the Core Strategy and DP2 (Landscape Character) of the Development Policies DPD address local character and visual amenity considerations and CS7 (Design) of the Core Strategy and DP1 (High Quality Design) of the Development Guidelines DPD set criteria for high quality design including the need to respect and respond to the South Hams character, in terms of its settlements and landscape.

Policy DP1 (High Quality Design) of the Development Policies DPD states that new development should also be based on a good understanding of the context of the site, and contribute positively to its setting by enhancing the local character, taking account of the layout, scale, appearance, existing materials and built and natural features of the surrounding area; and protect local and strategic landmarks and buildings, and enhance views and skylines.

Policy DP2 of the DPD seeks to safeguard landscape character and includes a number of criteria requiring development proposals to demonstrate how they conserve and/ or enhance the local landscape character by: reflecting the needs and issues set out in identified landscape character areas; ensuring its location, siting, layout, scale and design conserves and/or enhances what is special and locally distinctive about the landscape character; retaining, integrating and enhancing distinctive features; avoiding unsympathetic intrusion in the wider landscape, such as detrimental impact on the character of skylines or views from public vantage points and light pollution; and respecting the unspoilt nature and tranquillity of the area.

The agent has produced a number of photo montages that show the development within the context of the surrounding area and allow consideration of the proposal with regards to the wider setting and landscape character of the area. The site is within the town and is not in the undeveloped part of the AONB, falling within an area that can be described as suburban, with a varied context that has no overall dominating character. This scaled back proposal, with one less dwelling proposed than the previously refused scheme, fits onto the site without raising issues of over development, leaving adequate space for landscaping and curtilage, providing a development proposal that does not negatively affect the overall character of the AONB or surrounding landscape.

It is considered that the proposals are in keeping with the established pattern of development in the area, which is characterised by ad hoc, incremental development of the steeply sloping hillsides with no prevailing approach to the wider layout or character and appearance of the area. The proposed development is respectful of the setting and the overall approach to the sites development, when considering the AONB, landscape and wider context, is considered to be in accordance with the general requirements of Policies DP1 and DP2.

The scale and layout of the proposed development ensure that the dwellings have a much more limited impact upon the character and appearance of the area than the previous application for 3 dwellings. Rather than create development platforms, the proposals use the challenging and steeply sloping topography to create split level design solutions in order to reduce massing and limit the provision of hard surfacing at the site, which helps to reduce the impact on the surrounding development (particularly when compared to the previously refused scheme). The development is on the lower side of the road, is proposed to be set below the level of the road and incorporates under build accommodation at the rear. This has resulted in the proposals presenting single and 2 storey elevations (south) at the street level to Onslow Road with the main massing of the development built into the central part of the site, facing north.

The proposed dwellings are arranged either side of an entrance court and have open fronted garaging that face into the shared turning space between the dwellings. The main bulk of the built form of both dwellings then extends northwards into the site, leaving an appropriate distance between the north elevations and the boundary of the site, which provides residential curtilage. The footprint of both dwellings ensures that there is a reasonable amount of curtilage and external amenity space, in the form of what is mainly shown as tiered garden space on the proposed plans.

Much of Salcombe is built on steeply sloping valley sides and development has evolved iteratively historically, including to take advantage of some of the fantastic views available, site circumstances permitting. Multi-level buildings are considered to be an established and effective way of optimising development on steeply sloping sites and Salcombe is no exception in this regard in accommodating this form of development.

Whilst the dwellings are both contemporary in architectural style, and follow the same design strategy, they are different in external appearance and arrangement. Flat (sedum) and mono pitch roofs are proposed to limit the dwellings impacts upon the landscape and the materials palate is limited to render and zinc for the external elevations, with reasonable but not excessive use of glazing. The use of zinc in particular helps to limit the proposals visual impact, proving much more recessive when compared to the dominance of render and glazing proposed in the previous refusal.

Despite the differences in external arrangement, it is considered that the dwellings will sit comfortably alongside each other, and that the architectural language is appropriate given that there is no prevailing architectural style in this part of Salcombe, with the existing surrounding development being of limited architectural merit. The area has developed incrementally, primarily through the mid to late twentieth century and into the new millennium, and designs are varied, with no one strong dominating character or aesthetic.

With no strong overall aesthetic or design features locally which may influence the provision of new development, the external contemporary approach proposed is considered to be acceptable, and the detailed issues such as the fenestration, the extent of glazing, and materials are all considered to contribute to the provision of a positive contemporary architectural composition. This is reinforced by other examples of modern developments locally including at Bonfire Hill, which are visible from the application site. Overall, the proposals are considered to provide a good standard of design that is respectful of the site and surrounding, and in accordance with the guidance contained in Policy CS7 (Design) of the Core Strategy and DP1 (High Quality Design) of the Development Guidelines DPD.

Neighbour Amenity:

The proposal has given rise to objections from neighbours about amenity impacts and impacts on the well-being of neighbouring occupiers, notably the occupiers of those properties bordering the application site and in particular impacts to the rear (north) are raised as a cause for concern. Many representations have been received about the perceived adverse impacts on neighbouring amenity (See Representations section above).

Policy DP3 (Residential Amenity) of the Development Policies DPD advises that *development will be permitted provided it does not have an unacceptable impact on the living conditions of occupiers of nearby properties. Unacceptable impacts will be judged against the level of amenity generally accepted within the locality and could result from loss of privacy and overlooking, overbearing and dominant impact, loss of daylight or sunlight, noise or disturbance, odours or fumes.*

Among the 12 core principles for sustainable development under NPPF paragraph 17, is that development proposals should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings. This is a key area of contention.

Much of Salcombe is built on valley sides, where an element of overlooking occurs as a natural consequence of the landform. As such there is an understanding and acceptance that in taking advantage of some of the fantastic views and in seeking to achieve an optimum balance between housing development attempting to make the best use of land and safeguarding local character and amenities, levels of privacy may be lower than is perhaps the case in other suburban environments.

Notwithstanding the details of the submission and respective representations, it falls to the LPA to evaluate impacts. This is undertaken, taking account of all representations in favour and against, not based on the volume or strength of representations, but drawing conclusions independently, and which is only one part of a much wider evaluation process including assessment of the plans and vising the site and surroundings.

To the south of the site, the existing properties are located across the highway (Onslow Road). They are set in an elevated position, due south, set back behind small front gardens and with Onslow Road

in between. The frontage to frontage distances are in no way unusual or unacceptable, notwithstanding the changes in level. The future occupiers would be overlooked to a very minor degree by the higher properties, but this is across a road and front to front separations distances are better than many locally and not unacceptable judged against the level of amenity generally within the locality. There will be no adverse impacts to the residential amenities of the properties to the south of the application site.

Adjacent to the west, separated from the application site by the public access way, are properties fronting Dell Court. These properties are not dissimilar in overall scale to the proposed development, set at a lower level than Onslow Road, incorporate accommodation within the roof, and are set behind a hedge fronting Onslow Road, and accessed via a private drive. The eastern-most of these has flank windows facing east towards the application site, but its principal outlook is north-south. No. 1 Dell Court is separated from the application site by the pedestrian steps/planting. Notwithstanding that objections have been raised to the proposed relationship on amenity grounds, the LPA considers this relationship would be in no way unusual or impact unduly upon existing amenities of Dell Court occupiers to any extent considered to be unduly or unusually unneighbourly.

There is no immediate or adjacent development to the east of the site. This area is mainly characterised by an existing triangular shaped parcel of amenity land, although a small part of the rear garden of an existing property on Knowle Road does lie adjacent to the northern section of this boundary. The triangular parcel of land is characterised by mature tree and shrubbery planting and this provides a significant level of screening from areas to the east. The nearest properties to the east also have mature planting in their rear gardens and this, and the distance between the proposed and existing dwellings, ensures that there will be no detrimental impacts to the residential amenities of the nearest properties to the north east of the site, on Knowle Road (numbers 7 and 8).

The existing properties to the north of the site, numbers 9 and 10 Knowle Road, are both bungalows that face north and have deep rear gardens with dense planting along the boundary with the application site. Due to the steeply sloping topography, these bungalows are situated on substantially lower land than the application site. In fact the level change is so significant that it is clear (from visiting the site) that the proposed development will not overlook either dwelling or its rear garden space, and that any views from the proposed dwellings or from within their grounds will be straight over the roof tops of both 9 and 10 Knowle Road.

Whilst, due to the steeply sloping topography, separation distances are somewhat irrelevant, there are adequate separation distances between the dwellings proposed and numbers 9 and 10 Knowle Road. This is shown on a proposed site plan submitted by the applicant's architect, with the relationship between the dwellings at the closest point being 29.4 metres with respect to no. 10 and 21.4 metres in respect of no. 9. These separation distances are significantly in excess of what might be considered an acceptable relationship at a site where the topography is less steeply sloping.

Concerns raised previously with respect to the refused application at the site for 3 dwellings, in connection with those proposals having an overbearing impact, resulting in a significant increased sense of enclosure, causing significant overshadowing of the gardens for significant periods of time and being unduly unneighbourly, have been successfully mitigated with this application. This is mainly due to the reduction in numbers from 3 to 2 dwellings, but also because the scale and massing of the proposals has been significantly reduced. This has been achieved through a complete redesign of the proposals, with the 2 dwellings proposed within this application being a storey lower and recessive through the revised design and use of materials. This leaves more of the site as curtilage and helps to increase the separation distance between the existing and proposed dwellings, particularly when compared to the previously refused application for 3 dwellings.

In summary, the proposal will not significantly impact upon the residential amenities of any of the surrounding properties and their right to the private and quiet enjoyment of their homes and gardens will not be negatively impacted by the proposed development. It is therefore in accordance with the advice and guidance contained within Policy DP3 (Residential Amenity) of the Development Policies DPD.

Highways/Access:

Access, highway safety, parking and turning are all important considerations in assessing the impacts of this development. While the site currently has no formal direct access for vehicles from Onslow Road, with no dropped kerb, the applicants advise the land has been used for many years for the parking of a vehicle and boat without accident.

Policy DP7 (Transport, Access & Parking) of the Development Policies DPD states that development should provide priority to pedestrians, cyclists and users of public transport, over the private car. This should be achieved through the provision of safe, easy and direct movement for those with mobility difficulties, have safe and adequate means of access, egress and internal circulation/turning arrangements for all modes of transport relevant to the proposal, not materially impair highway safety or traffic movement and not detract or conflict with the transport function of the road. The level of car parking provided should be in accordance with current parking. These, together with residential parking and the level of cycle parking, will be assessed on a flexible site by site basis depending on the provision of public transport and access to local facilities. The thrust of emerging Policy in the JLP does not depart significantly from Local Plan Policy aims

NPPF paragraph 32 requires decisions to take account of whether safe and suitable means of access can be achieved for all people. Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.

Objectors have raised a number of highway related concerns, outlined in the representations section. Concerns relate mainly to the likelihood of reversing on a busy road with high traffic speeds, where the road narrows.

Presently there is an uninterrupted pavement along the northern side of Onslow Road across the application frontage. Yellow lines prevent parking and motorists are advised by signage that the road narrows downhill to the east. The nearest vehicular accesses are to Dell Court to the west, on the north side of Onslow Road and to the east leading to Bonaventure Road (and higher land to the south) on the south side, before Onslow Road continues east where it falls more steeply downhill.

The design of the development has been influenced by the access, parking, turning and visibility splay requirements of the proposal. In particular the development is necessarily pushed back northwards into the site to accommodate all the necessary highways parking and safety requirements. The proposals have 2 on site car parking spaces to serve each dwelling and this is in accordance with current guidance on car parking standards. There is sufficient manoeuvring space within the site for all vehicles to enter and leave in a forward gear and the proposals have the required visibility spaces of 33 metres x 2.4 metres in each direction.

It is considered that the proposals are in accordance with Policy DP7 (Transport, Access & Parking) of the Development Policies DPD and this is confirmed by the County Highways Authority who have stated their support for the proposals, confirming in their consultation response that *The proposed access, parking and turning is adequate from a highway point of view to serve the proposed development. The access, with adequate on-site turning facilities enabling cars to leave and enter the highway complies with contemporary design guidance. There are no objections to the proposals from a highway point of view and suitable conditions are recommended.*

Drainage:

A Drainage Report has been submitted in support of the proposals. This outlines the approach to surface water drainage at the site, concluding that an attenuation tank is proposed to deal with all of

the sites surface water run-off, due to the steepness of the topography and associated slope instability.

The Councils Drainage Officer has stated support for the proposals, recommending that a condition be attached to ensure that the drainage scheme is installed in strict accordance with the plans submitted and hereby approved.

Ecology:

An Ecology Report by Butler Ecology has been submitted in support of the proposals. This identified only a limited impact upon ecology and biodiversity from the proposed development. A condition is recommended so that the development is undertaken in strict accordance with the findings of the ecology report.

Other Matters:

This application has been considered in accordance with Section 38 of the Planning & Compulsory Purchase Act 2004

Planning Policy

Section 70 of the 1990 Town and Country Planning Act requires that regard be had to the development plan, any local finance and any other material considerations. Section 38(6) of the 2004 Planning and Compensation Act requires that applications are to be determined in accordance with the development plan unless material considerations indicate otherwise.

The relevant development plan policies are set out below:

South Hams LDF Core Strategy

CS1 Location of Development

CS7 Design

CS9 Landscape and Historic Environment

CS10 Nature Conservation

Development Policies DPD

DP1 High Quality Design

DP2 Landscape Character

DP3 Residential Amenity

DP4 Sustainable Construction

DP5 Conservation and Wildlife

DP7 Transport, Access & Parking

South Hams Local Plan (please delete as necessary)

SHDC 1 Development Boundaries

KP 11 Environment in Salcombe

Status of emerging JLP policies for decision makers

The Plymouth & South West Devon Joint Local Plan has undergone a main modifications consultation (22 Oct – 03 Dec 2018) as part of the examination in public to determine the soundness of the plan. The joint councils are waiting to hear from the Planning Inspectorate (PINS) regarding the next steps. Until PINS provide an update, the JLP councils are unable to commit to a timetable for adoption.

The National Planning Policy Framework provides guidance on the weight that can be given to policies in emerging local plans in paragraph 48:

48. Local planning authorities may give weight to relevant policies in emerging plans according to:
- the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);
 - the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
 - the degree of consistency of the relevant policies in the emerging plan to this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given)

The JLP is nearing the conclusion of the examination process, and can be considered to be at an advanced stage of preparation.

Whilst technically all objections are unresolved until the Inspectors issue their Final Report, some policies which did not receive objections at the Reg 19 stage could be given very significant weight. The nature and scope of objections made regarding each policy have been taken into account when determining the weight to be apportioned to each emerging policy.

The Council consider that all emerging policies are compliant with the NPPF. It should be noted that the JLP is being examined against the provisions of the 2012 NPPF, and therefore for the purposes of paragraph 48 of the NPPF policies should also be assessed for their conformity against the 2012 NPPF.

In considering the merits of this proposal, case officer recommendations are informed by the weight that can be attributed to emerging JLP policies and adopted development plan policies, as well as the degree of conformity with the 2019 NPPF.

PLYMOUTH AND SOUTH WEST DEVON JOINT LOCAL PLAN :- PUBLICATION (as considered by the Full Councils end Feb/Early March 2017)

SPT1 Delivering sustainable development

SPT2 Sustainable linked neighbourhoods and sustainable rural communities

SPT3 Provision for new homes

TTV1 Prioritising growth through a hierarchy of sustainable settlements

TTV2 Delivering sustainable development in the Thriving Towns and Villages Policy Area

DEV1 Protecting amenity and the environment

DEV8 Meeting local housing need in the Thriving Towns and Villages Policy Area

DEV9 Accessible housing

DEV10 Delivering high quality housing

DEV15 Supporting the rural economy

DEV20 Place shaping and the quality of the built environment

DEV21 Conserving the historic environment

DEV24 Landscape character

DEV27 Nationally protected landscapes

DEV28 Protecting and enhancing biodiversity and geological conservation

DEV30 Trees, woodlands and hedgerows

DEV32 Meeting the community infrastructure needs of new homes

Neighbourhood Plan

Following the Regulation 16 statutory consultation of the latest Plan organised by SHDC, the independent examination of the Salcombe Plan is now underway. A decision in the near future is expected regarding issues such as the validity of the Plan in the context of national neighbourhood Planning legislation.

The policies proposed in the Neighbourhood Plan reflect the general thrust of advice contained within the NPPF and existing and emerging local policies assessed above in this committee report. The proposed development, being located within the existing development boundary, does not conflict with any of the draft policies of the Salcombe Neighbourhood Plan and is in accordance with Policy SALCH2 (Market Housing) which supports market housing in the Parish within allocated sites of the SHDC Joint Local Development Plan and on infill sites within the existing development boundary.

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.

List of conditions in full:

1. The development to which this permission relates must be begun not later than the expiration of three years beginning with the date on which this permission is granted.

Reason: To comply with Section 91 of the Town and Country Planning Act, 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development hereby approved shall in all respects accord strictly with drawing number(s) L-000A (Location Plan), PL-004 (Proposed Red Line Site Boundary), S-001 (Existing Site Plan), PL-001A (Proposed Site Plan), PL-002 (Proposed Site Plan - Visibility and Turning Diagram), PL-101 (Proposed Floor Plans - Entrance Level), PL-102 (Proposed Floor Plans - Upper Level), PL-103 (Proposed Floor Plans - Lower Level), PL-201 (South Elevation), PL-202 (South Sectional Elevation), PL-203 (West Elevation - Unit 1), PL - 204 (East Elevation - Unit 1), PL - 205 (West Elevation - Unit 2), PL - 206 (East Elevation - Unit 2), PL - 207 (North Elevation), PL - 208 (Context Elevations - South & North), PL - 301 (Proposed Section A-A), PL-302 (Proposed Section B-B), PL-303, (Proposed Section C-C) received by the Local Planning Authority on 4/10/2018, and 17/12/2018.

Reason: To ensure that the proposed development is carried out in accordance with the drawings forming part of the application to which this approval relates.

3. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, an investigation and risk assessment and, where necessary, a remediation strategy and verification plan detailing how this unsuspected contamination shall be dealt with.

Following completion of measures identified in the approved remediation strategy and verification plan and prior to occupation of any part of the permitted development, a verification report demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the local planning authority.

Reason: No site investigation can completely characterise a site. This condition is required to ensure that any unexpected contamination that is uncovered during remediation or other site works is dealt with appropriately.

4. The recommendations, mitigation and enhancement measures of the Ecological Report, by Butler Ecology on 29/8/2018, shall be fully implemented prior to the commencement of the use hereby approved and adhered to at all times. In the event that it is not possible to do so all work shall

immediately cease and not recommence until such time as an alternative strategy has been agreed in writing with the local planning authority.

Reason: To safeguard the interests of protected species

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

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

6. Prior to their installation details / samples of facing materials, and of roofing materials to be used in the construction of the proposed development shall be submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out in accordance with those samples as approved.

Reason: In the interests of visual amenity.

7. The drainage scheme shall be installed in strict accordance with the approved plans (Drawing No: J- 12594 – 3001 – Revision A), maintained and retained in accordance with the agreed details for the life of the development.

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

8. Details of the proposed boundary treatment shall be submitted to and agreed in writing by the Local Planning Authority prior to their installation and shall be implemented prior to first occupation/use.

Reason: In the interest of visual amenity in order to protect and enhance the amenities of the site and locality.

INFORMATIVES

1. This authority has a pro-active approach to the delivery of development. Early pre-application engagement is always encouraged. In accordance with Article 35(2) of the Town and Country Planning Development Management Procedure (England) Order 2015 (as amended) in determining this application, the Local Planning Authority has endeavoured to work proactively and positively with the applicant, in line with National Planning Policy Framework, to ensure that all relevant planning considerations have been appropriately addressed.

2. The responsibility for ensuring compliance with the terms of the approval rests with the person(s) responsible for carrying out the development. The Local Planning Authority uses various means to monitor implementation to ensure that the scheme is built or carried out in strict accordance with the terms of the permission. Failure to adhere to the approved details can render the development unauthorised and vulnerable to enforcement action.

Agenda Item 6e

PLANNING APPLICATION REPORT

Case Officer: Adam Williams

Parish: Salcombe **Ward:** Salcombe and Thurlestone

Application No: 3838/18/FUL

Agent/Applicant:

Mr Stephen Guard - Stephen Guard Architects
2 Efford Corner
East Allington
Totnes
TQ9 7RA

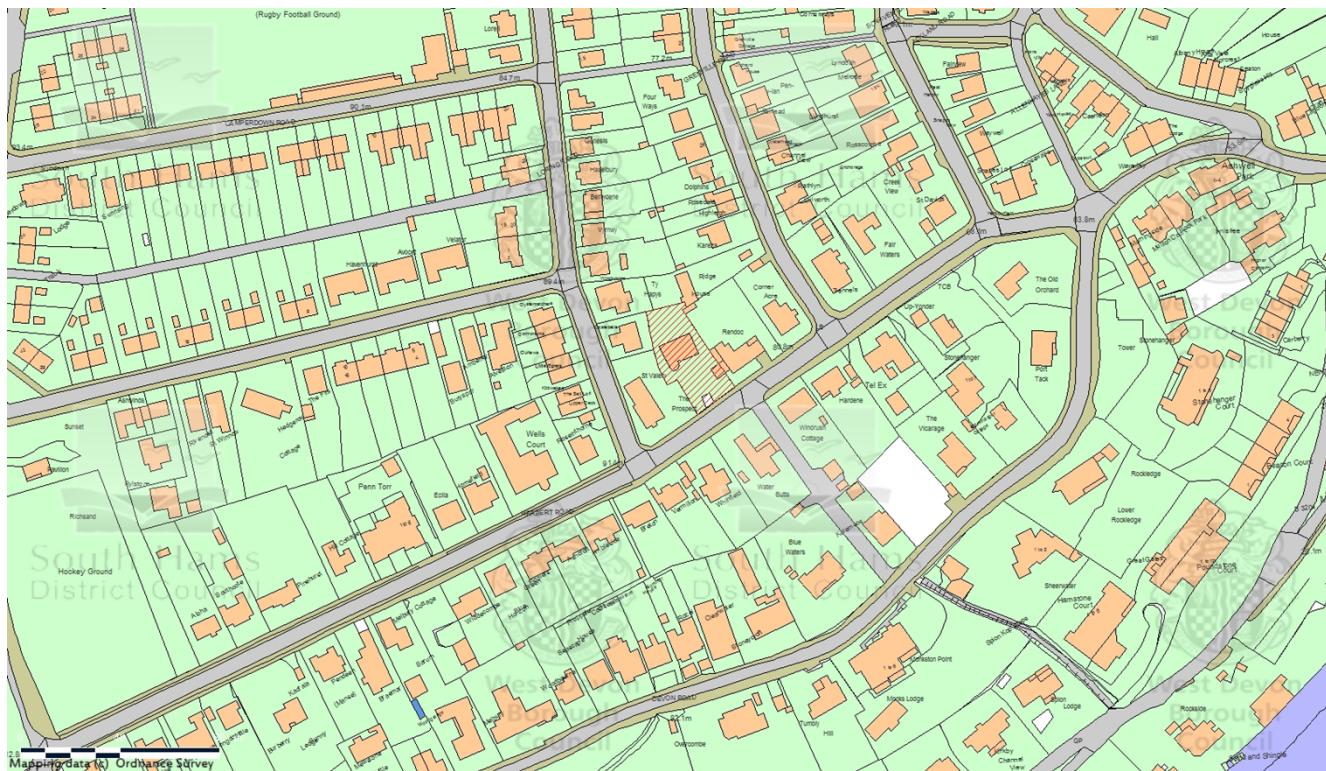
Applicant:

Mr Cameron Sims-Stirling
11A Round Berry Drive
Salcombe
TQ8 8LY

Site Address: St Valery, Herbert Road, Salcombe, TQ8 8HW

Development: Extension and alterations to existing dwelling to create two separate dwellings

Reason item is being put before Committee: Applicant is an SHDC employee



Recommendation: Conditional Approval

1. Time Limit
2. Accord with plans
3. Surface water drainage scheme
4. Removal of PD rights (A, B, C and E)
5. Access altered, laid and surfaced prior to occupation
6. Obscure glazing NE & SW elevations
7. Construction Management Plan

Key issues for consideration:

The principle of a replacement residential development in this location, the design and appearance of the proposed dwellings, the impact upon the amenities of neighbouring property, Adequacy of proposed access and parking arrangements

Site Description:

St Valery is a two storey 4 bedroom dwelling located within Salcombe. The dwelling benefits from off street parking and a detached garage, St Valery is set back from the road.

The site slopes downwards from west to east with a fall of approx. 2m

Herbert Road has a quiet, suburban, edge of town character, comprising mainly detached dwellings with front and rear gardens in generous size plots following similar front building lines.

The site is located within the South Devon Area of Outstanding Natural Beauty



The Proposal:

The proposal seeks to extend the existing dwelling to the east and west, initially it was proposed to build up the garage and to link to the new east side extension. These alterations would then allow the creation of two dwellings.

After amendments, the garage link and the building above it was lost and instead, beyond the east, west and rear extension, a front extension and front dormer is proposed.

The majority of the existing dwelling will form one dwelling. The existing living room, utility room, bedroom 4 and bathroom of the existing dwelling will be given over to the second dwelling as well as the space created through its eastern extension and front and rear extensions

The existing access will also be moved further west to accommodate vehicle turning for exit and entry as well as provide parking spaces.

Consultations:

- County Highways Authority - standing advice
- Town/Parish Council - Objection. Objection as the proposal was overbearing and could potentially provide a loss of light amenity, certainly the evening light being situated so close to the boundary. It was also against the emerging Neighbourhood Plan policy SALCENV7 in relation to development and was therefore not permitted due to the subdivision of the plot and increase of volume in excess of permitted development. It would also provide a potential for overlooking of Rendoc so would need obscured glass.

Further objection following plan revisions - Objection as the proposal was overbearing and could potentially provide a loss of light amenity, certainly the evening light, being situated so close to the boundary. It was also against the emerging Salcombe Neighbourhood Plan policy SALC ENV7 in relation to infill development and was therefore not permitted due to the subdivision of the plot and the increase in volume was in excess of permitted development. It would also provide a potential for overlooking of Rendoc so that windows on that side, if permitted, would require obscured glass.

- Drainage – Following the submission of an ‘in principle’ scheme (i.e connection to mains) the following comments were provided Based on the information provided we would support the current proposal. Sufficient information has been provided to demonstrate a workable scheme, the final design will need to be agreed with the LPA. Therefore if permission is granted please include the following conditions to finalise the drainage design.

Observations and comments

This is a small scale minor development for the extension and alterations to an existing dwelling to create two separate dwellings. A development of this scale requires a workable drainage scheme that prioritises the use of infiltration drainage in accordance with best practice SuDS design, (CIRIA C753).

SuDS should be designed to reduce or manage the surface water as close to source as possible. The drainage hierarchy should be followed with the top of the list as first choice. Evidence will be required to show each option has been explored and discounted.

1. By infiltration, soakaway.

2. Discharge to a water course, attenuation maybe required.

3. Discharge to the public sewer, attenuation will be required and permission from SWW.

Full details of the foul drainage have been submitted and includes written consent from SWW. Sufficient surface drainage details have been provided to confirm an ‘in principle’ scheme can be accommodated on site. Testing and calculations have not been provided to support the scheme so this information will be required by condition. (Surface water drainage condition)

Representations:

9 Letters of representation were received

7 in objection which raised the following material planning considerations

- Overdevelopment
- Loss of parking
- Impact to the appearance of Herbert Road
- Impacts to Rendoc, including overbearing, loss of privacy
- Increase in density
- Amenity impacts to 'The Prospect'

2 in support which raise the following points

- Minimal impact on skyline or appearance of the property
- Utilise existing building without its demolition

Following revisions to the plans, 1 objection and 1 letter of support were received. Those writing in objection raised the following material planning considerations

- Welcomed the reduction in height but mains objection in relation to the subdivision of the plot which is contrary to Policy SALC ENV 7.
- Requested that the roof projection be single storey flat sedum to reduce overbearingess to 'The Prospect'

Those writing in support raised the following material planning considerations

- Sensible development of the plot
- Provide accommodation for local working families
- Accords with JLP strategic objective 8

Relevant Planning History

None

ANALYSIS

Principle of Development/Sustainability:

The dwelling is located within an established residential area within Salcombe town, and is considered to be a sustainable location with access to facilities. Core Strategy Policy CS1, Location of Development, is, in principle, supportive of development within Local Centres such as Salcombe.

South Hams District Council is also in a position where a 5 year housing land supply can be demonstrated meaning, Footnote 7 of paragraph 11d of the NPPF explains that policies which are most important for determining the application are considered out-of-date where the local planning authority cannot demonstrate a five year supply of deliverable housing sites (with the appropriate buffer as set out in paragraph 73 of the NPPF). As South Hams LPA can now demonstrate a 5 year land supply the tilted balance in favour of sustainable development (as set out in paragraph 11d of the revised NPPF) is not triggered for the purpose of deciding this application. The application therefore falls to other framework policies as well as local adopted and emerging policies

The Salcombe Neighbourhood Plan has recently been through it Regulation 16 consultation, Policy SALC Env 7 seek to control the sub-division of plots which has taken place throughout Salcombe in recent years. It states that the *Sub-division of any existing plot anywhere within the settlement boundary illustrated in Figure 1B will not be supported if the volume of the new or modified building exceeds the total volume of the original building plus the maximum additional volume that could be generated using the maximum limits imposed for extensions under permitted development.*

Parts of the proposals are in technical conflict with this policy as some of the alterations applied for would not be considered permitted development, such as the side extensions. However, although at an advanced stage, the NDP has yet to be considered as part of its Basic Conditions test or submitted for examination and its policies are not yet afford significant enough weight to override adopted policies and the proposals therefore turn to considerations of design, appearance, density and amenity as the principle is acceptable.

Design/Landscape:

Core Strategy policies CS7 Design and CS9 Landscape and Historic Environment are relevant together with Policies DP1, High Quality Design, and DP2, Landscape Character, of the Development Policies DPD. Although located within an established residential area, the site is also within the South Devon Area of Outstanding Natural Beauty (AONB).

In relation to design the relevant section of Policy CS7 Design states:-

1. Development proposals must include and promote good design which respects local distinctiveness, respects the character of the site and its surroundings in order to protect and enhance the built and natural environments, creates safer places and deters crime.

Policy DP1, High Quality Design of the Development Policies DPD makes a similar point. It states:-

1. All development will display high quality design which, in particular, respects and responds to the South Hams character in terms of its settlements and landscape. New development should:

a. be based on a good understanding of the context of the site, and contribute positively to its setting by enhancing the local character, taking account of the layout, scale, appearance, existing materials and built and natural features of the surrounding area;

The relevant section of Policy CS9, Landscape and Historic Environment, states:-

1. In designated Areas of Outstanding Natural Beauty their conservation and enhancement will be given great weight.

...and the relevant part Policy DP2, Landscape Character states:-

1. Development proposals will need to demonstrate how they conserve and / or enhance the South Hams landscape character, including coastal areas, estuaries, river valleys, undulating uplands and other landscapes, by:

*a. reflecting the needs and issues set out in identified landscape character areas;
b. ensuring its location, siting, layout, scale and design conserves and/or enhances what is special and locally distinctive about the landscape character (including its historic, biodiversity and cultural character);*

Emerging Plymouth and South West Devon Joint Local Plan (JLP) policies DEV10 and DEV20 are also relevant

Emerging JLP Policy DEV10: Delivering high quality housing

Housing development should be of a high quality in terms of its design and resilience, and provide adequate space to achieve good living standards. The following provisions will apply:

1. Housing developments should be designed to be integrated with the adjacent developments and not appear to be an unrelated addition to the rest of the town, village and neighbourhood. This is to be achieved in the quality of the building design, materials and layout. The development should provide good pedestrian, cycling and public transport connectivity to existing developed areas, open spaces and local services such as schools and shops, as well as visually relating well to adjacent greenspaces to prevent hard urban edges.

2. Development proposals should look for opportunities to design out crime and the fear of crime in the layout of the development.

3. Affordable housing should be indistinguishable from other homes on the site, reflecting the type of housing on the development as a whole.

4. Residential annexes will be supported where they are within the same curtilage and ownership as

the principal dwelling. Annexes should be clearly ancillary to the principal dwelling via a functional link, with no separate demarcation or boundary.

5. New dwellings (including conversions of existing properties into flats) should be of sufficient size and layout to provide good quality accommodation to meet the needs of their occupants, with developers required to meet Nationally Described Space Standards. Sufficient external amenity Space or private gardens should also be provided.

6. To protect the quality of the urban environment and prevent 'town cramming', development of garden space within Plymouth and the towns will only be permitted where it does not adversely affect the character and amenities of the area, and where the proposal can demonstrate that it contributes to the creation of sustainable linked neighbourhoods.

Emerging Joint Local Plan Policy DEV20: Place shaping and the quality of the built environment Development proposals will be required to meet good standards of design, contributing positively to both townscape and landscape, and protect and improve the quality of the built environment through:

1. Creating a positive legacy of decisions by ensuring that the lifetime of buildings, the quality of design, the resilience of the materials and opportunities to achieve a sustainable resource efficient design have been considered. Larger scale development should seek to address Building for Life criteria or a similar design framework.

2. Having proper regard to the pattern of local development and the wider development context and surroundings in terms of style, local distinctiveness, siting, layout, orientation, visual impact, views, scale, massing, height, density, materials, detailing, historic value and character, and the demands for movement to and from nearby locations.

3. Achieving a good quality sense of place and character through good utilisation of existing assets such as quality buildings, heritage assets, trees and landscape features and attention to the design details of the scheme. Masterplanning approaches will be strongly encouraged for major schemes.

4. Delivering building design that is distinctive to the place where it is located.

5. Delivering landscape design that is appropriate to the location of the development, with full consideration given to its future management and maintenance and the need for landscape measures that are resilient.

6. Ensuring that the layout and details of new development adequately contribute towards high standards of community safety and reduce opportunities for crime and fear of crime.

7. Rectifying and repairing damaged environments and townscapes.

The NPPF also addressed designs in particular within the following paragraphs:

Para124: The creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.

Para 127: Planning policies and decisions should ensure that developments:

- a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;*
- b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;*
- c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);*
- d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;*
- e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks;.....*

In terms of the two dwellings, the total footprint, available space internally and externally is considered to be compliant with Policy DEV10 in that there is considered to be sufficient size and layout to provide good quality accommodation to meet the needs of its occupants.

Herbert Road is has a low density suburban character and the presence of front gardens forward of dwellings is an important aspect of this character, the alterations proposed for the main bulk of St Valery are considered sympathetic in that they retain existing features and continue the form of the existing dwelling. However, as originally submitted, the development of the garage, including its link to the main dwelling was considered to be unduly prominent and will create a large bulk of development well beyond the existing building line. Overall, it was considered that the intensification of the use of the site, the loss much of the space within the site and the introduction of what would appear to be a very large front extension and extensive hard surfacing was considered to be wholly out of character with this quiet, low density suburban area and lead to a development out of character with the host dwelling

After raising these issues with the architect, alterations were submitted to lose the front link and rather extend the northern elevation to provide a front single storey extension, sever the link to the existing garage as well as providing a front facing dormer with a pitched roof. Whist from a design stand point, mirroring the left hand side front extension would have resulted in a more symmetrical design, the breaking up of front facing element would lead to a lesser impact to neighbouring amenity, the pitched roofing of the front extension and dormer continues design elements found on the building already and overall the alterations are considered to read more sympathetically and result in a more balanced design.

In terms of impact upon the AONB, the property is located in an urban area of Salcombe so the impact of its redevelopment upon the character of the AONB will be very limited, if at all noticeable.

Neighbour Amenity:

Policy DP3 of the Local Development Framework Policies DPD and DEV1 of the emerging JLP is relevant. DP3 states that development will be permitted provided it does not have an unacceptable impact on the living conditions of occupiers of nearby properties. DEV1 states that '*new development provides for satisfactory daylight, sunlight, outlook, privacy and the protection from noise disturbance for both new and existing homes. Unacceptable impacts will be judged against the level of amenity generally in the locality.*'

St Valery is adjoined by two dwellings at each side, 'Rednoc' to the north east and 'The Prospect' and Costabelle to the South West and west. Due to the slope of Herbert road each property is set below the other, with 'The Propsect' raised above St Valery, the site occupied by St Valery is raised slightly above Rednoc. However, St Valery does not appear overly dominant against Rednoc by virtue of its part two storey, part 1.5 storey design

In terms of impacts to 'The Prospect' and Costabelle these dwellings are set upon higher ground, aside from a two and single storey extension to the south west, much of the alterations are contained to the North East side of St Valery. 'The Prospect' and 'Costabelle' occupy a higher position as such the extension to the western side is not considered to have an impact upon the amenities of the occupiers of 'The Prospect' in terms of loss of privacy or creation of overbearingness to these dwellings by virtue of the separation distance and topography differences.

In terms of impacts to 'Rendoc' and that the extensions to the existing dwelling follows the same ridge and eaves lines this dwelling. Rendoc is set further forward of St Valery. The extension to the side of St Valery will result in building closer to the boundary between St Valery and the amenity space of Rendoc, this isn't an issue in of itself, rather a judgement in terms of overbearingness is necessary.

The extension to the north east side of St Valery will continue the form of the existing side profile, that being 1.5 stories. The side extension will project 2.47 meters, it will be 6.5 meters at its highest point and 2.71 meters high at its lowest point. A distance of 0.38m between the boundary and the 1.5

storey extension is the closest point of distance between these points, as existing the distance between the side elevation and the boundary is 2.54m.

Although the proposals will encroach closer to the boundary of Rendoc, the form of the two storey element will follow the existing profile, the new first floor dormer will sit subordinately within the roof slope and amounts to a limited impact resulting from the extension of an existing built form. A limited level of overbearingness will be created and perhaps a minor level of light loss during winter evenings but not to a significant enough degree so as to warrant a refusal on amenity grounds given the large amenity space associated with Rendoc (measured as approximately 536sqm from the submitted site location plan).

Although the rear single storey element will extend closer to the boundary of Rendoc, it maintains a 2m separation and isn't and above with what could be achieved with permitted development rights. The single storey front extension will be created, but this will follow part of the built area occupied by Rendoc and is therefore considered to have limited amenity impacts.

Overall, in considering the form and size of the extension, the size of the amenity space of Rendoc and existing site characteristics, it is considered that the proposals will not result in significant impact the neighbouring amenity. The proposals do feature new windows at first floor which will face out onto Rednoc and its amenity space, this window is proposed to be conditioned to ensure it is obscured glazed in the interest of privacy.

Given the residential nature of the area and the level of works proposed, it is considered that the submission and approval of a construction management plan is reasonable and necessary in order to protect neighbouring amenity through the construction.

Ecology

The submitted ecology report found no evidence of the presence of protected species.

Highways/Access:

It was initially proposed to utilise the existing access and provide off street parking from Herbert Road, however some concern was raised by officers as the prior arrangement was considered to lead to car reversing out onto the highway. The revisions to the proposals included moving the site entrance to the west which provided the benefit of creating more space in the site for turning. This change is considered to overcome the original concerns pertaining to turning within the site.

4 parking spaces are provided for off street and is proportionate to number of dwellings and bedrooms proposed.

Overall the proposals are not considered to demonstrably harm the safety of highway users and are therefore considered acceptable.

Planning Balance

The proposals will result in a sympathetic sub division of this plot which utilises much of the existing structure. Although there will be very limited harm to amenity by virtue of an encroachment of the building toward the boundary, the nature of the extension and the context of the relationship between the buildings and the size of amenity areas as existing allows officers to conclude the impacts are not outweighed by the benefits of the proposals, which in this case are considered to be the contribution to the choice of homes in Salcombe and provide investment in construction and related employment for its duration. The dwellings would also be located with access to a range of services and can therefore be considered as sustainable development. The presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making. Indeed, the policies that are most important for determining the application relating to character and appearance and residential amenity are not inconsistent with the Revised Framework. However, in assessing the proposals against these policies, and the policies in the

Revised Framework taken as a whole, officers consider that the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits.

This application has been considered in accordance with Section 38 of the Planning & Compulsory Purchase Act 2004

Planning Policy

Section 70 of the 1990 Town and Country Planning Act requires that regard be had to the development plan, any local finance and any other material considerations. Section 38(6) of the 2004 Planning and Compensation Act requires that applications are to be determined in accordance with the development plan unless material considerations indicate otherwise.

The relevant development plan policies are set out below:

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South Hams Local Plan (please delete as necessary)

SHDC 1 Development Boundaries

Emerging Joint Local Plan

The Plymouth & South West Devon Joint Local Plan has undergone a main modifications consultation (22 Oct – 03 Dec 2018) as part of the examination in public to determine the soundness of the plan. The joint councils are waiting to hear from the Planning Inspectorate (PINS) regarding the next steps. Until PINS provide an update, the JLP councils are unable to commit to a timetable for adoption.

The National Planning Policy Framework provides guidance on the weight that can be given to policies in emerging local plans in paragraph 48:

48. Local planning authorities may give weight to relevant policies in emerging plans according to:

- a) the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);
- b) the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
- c) the degree of consistency of the relevant policies in the emerging plan to this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given)

The JLP is nearing the conclusion of the examination process, and can be considered to be at an advanced stage of preparation.

Whilst technically all objections are unresolved until the Inspectors issue their Final Report, some policies which did not receive objections at the Reg 19 stage could be given very significant weight. The nature and scope of objections made regarding each policy have been taken into account when determining the weight to be apportioned to each emerging policy.

The Council consider that all emerging policies are compliant with the NPPF. It should be noted that the JLP is being examined against the provisions of the 2012 NPPF, and therefore for the purposes of paragraph 48 of the NPPF policies should also be assessed for their conformity against the 2012 NPPF.

In considering the merits of this proposal, case officer recommendations are informed by the weight that can be attributed to emerging JLP policies and adopted development plan policies, as well as the degree of conformity with the 2019 NPPF.

PLYMOUTH AND SOUTH WEST DEVON JOINT LOCAL PLAN :- PUBLICATION

(as considered by the Full Councils end Feb/Early March 2017)

DEV1 Protecting amenity and the environment

DEV2 Air, water, soil, noise and land

DEV20 Place shaping and the quality of the built environment

DEV24 Landscape character

DEV27 Nationally protected landscapes

DEV28 Protecting and enhancing biodiversity and geological conservation

Neighbourhood Plan

Following the Regulation 16 statutory consultation of the latest Plan organised by SHDC, the independent examination of the Salcombe Plan is now concluded. A decision in the near future is expected regarding issues such as the validity of the Plan in the context of national neighbourhood Planning legislation.

The policies proposed in the Neighbourhood Plan reflect the general thrust of advice contained within the NPPF and existing and emerging local policies assessed above in this committee report. The proposed development, being located within the existing development boundary, allows for sub divisions of plots to occur, whilst the proposals are in technical conflict with Policy SALC Env7 the NDP is not yet at an advanced enough stage to attribute significant weight

Considerations under Human Rights Act 1998 and Equalities Act 2010

The provisions of the Human Rights Act 1998 and Equalities Act 2010 have been taken into account in reaching the recommendation contained in this report.

Proposed Conditions:

The South Hams District Council hereby GRANT permission to carry out the development described above subject to the following condition(s):

1. The development to which this permission relates must be begun not later than the expiration of three years beginning with the date on which this permission is granted.

Reason: To comply with Section 91 of the Town and Country Planning Act, 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development hereby approved shall in all respects accord strictly with drawing number(s) Block Plan Site Location Plan, SG18-20/09A, SG18-20/08A, SG18-20/07A, SG18-20/06A, SG18-20/05A, received by the Local Planning Authority on 27/11/2018 and SG18-20/11 F, SG18- 20/12 D,

SG18-20/13 B, SG18-20/14 B, SG18-20/15 A, SG18-20/04 J, SG18 -20/20 F, SG18-20 20/02 A received by the Local Planning Authority on 30/01/2019

Reason: To ensure that the proposed development is carried out in accordance with the drawings forming part of the application to which this approval relates.

3. Notwithstanding the submitted details, prior to the installation of any part of the surface water management scheme or before development continues above slab level, whichever is the sooner, full details of the most sustainable drainage option shall be submitted to and approved in writing by the Local Planning Authority (LPA). Design steps as below:

- a. Soakaway testing to DG 365 to confirm the use of soakaways or to support an alternative option. Three full tests must be carried out and the depth must be representative of the proposed soakaway. Test results and the infiltration rate to be included in the report.
- b. If infiltration is suitable then the soakaway should be designed for a 1:100 year return period plus an allowance for Climate change (currently 40%). c. If infiltration is not suitable then an offsite discharge can be considered. Attenuation should be designed for a 1:100 year return period plus an allowance for Climate change (currently 40%).
- d. The offsite discharge rate shall be agreed between the applicant and LPA. Full details of the flow control device will be required.
- e. A scaled plan showing full drainage scheme, including design dimensions and invert/cover levels of the soakaways/attenuation features, within the private ownership.
- f. The drainage scheme shall be installed in strict accordance with the approved plans, maintained and retained in accordance with the agreed details for the life of the development.

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

4. Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) (Amendment) (No. 2) Order, 2015 (and any Order revoking and re enacting this Order), no development of the types described in the following Classes of Schedule 2 shall be undertaken without the express consent in writing of the Local Planning Authority other than those expressly authorised by this permission:

- (a) Part 1, Class A (extensions and alterations)
- (b) Part 1, Classes B and C (roof addition or alteration)
- (d) Part 1, Class E (a) swimming pools and buildings incidental to the enjoyment of the dwellinghouse and;

Reason: To enable the Local Planning Authority to exercise control over development which could materially harm the character and visual amenities of the development and locality.

5. The dwellings hereby approved shall not be occupied until the parking, servicing, garaging areas, and new access relating to it as shown on the submitted drawing SG18-20/04 have been properly consolidated, surfaced, laid out and constructed. The parking, servicing and garaging areas shall be kept permanently available for the parking and manoeuvring of motor vehicles in connection with the development hereby permitted.

Reason: To ensure that adequate and satisfactory provision is made for the garaging and parking of vehicles clear of all carriageways in the interests of road safety and amenity.

6. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting this Order) the windows hereby approved on the first floor North East facing elevation of the building (as shown on drawing number SG18-20/12 shall be glazed in obscure glass, be fixed closed, and thereafter so maintained.

Reason: To protect the amenity and privacy of residents of adjoining property.

7. Prior to commencement of any part of the site the Planning Authority shall have received and approved a Construction Management Plan (CMP) including:

- (a) the timetable of the works;
- (b) daily hours of construction;
- (c) any road closure;
- (d) confirmation that the public footpath adjacent to the site will not be blocked or restricted from use by the construction works, if obstruction is envisaged, its duration
- (e) hours during which delivery and construction traffic will travel to and from the site, with such vehicular movements being restricted to between 08:00 and 18.00 Mondays to Fridays inc.; 09.00 to 13.00 Saturdays, and no such vehicular movements taking place on Sundays and Bank/Public Holidays unless agreed by the planning Authority in advance;
- (f) the number and sizes of vehicles visiting the site in connection with the development and the frequency of their visits;
- (g) the compound/location where all building materials, finished or unfinished products, parts, crates, packing materials and waste will be stored during the demolition and construction phases;
- (h) areas on-site where delivery vehicles and construction traffic will load or unload building materials, finished or unfinished products, parts, crates, packing materials and waste with confirmation that no construction traffic or delivery vehicles will park on the County highway for loading or unloading purposes, unless prior written agreement has been given by the Local Planning Authority;
- (i) hours during which no construction traffic will be present at the site;
- (j) details of proposals to promote car sharing amongst construction staff in order to limit construction staff vehicles parking off-site obligations
- (m) Photographic evidence of the condition of adjacent public highway prior to commencement of any work, and any damage incurred to the highway as a result of construction vehicles to be made good within 3 months of completion of build);
- (n) complaint handling procedure including dedicated site manager contact name, telephone number and email address to be displayed on the site boundary visible from Herbert Road.

Reason: In the interests of public and neighbouring amenity and highway safety.

***South Hams District Council* Agenda Item 7
DEVELOPMENT MANAGEMENT COMMITTEE 13-Mar-19
Appeals Update from 1-Feb-19 to 1-Mar-19**

Ward Allington and Strete

APPLICATION NUMBER : **2827/18/FUL** APP/K1128/W/19/3222440
APPELLANT NAME: Mr J Beer
PROPOSAL : Demolition of mono-pitched store and conversion of main livestock building to 5 bedroom detached dwelling with guest suite, integrated garage and parking/turning area
LOCATION : Scarswell, Slapton, TQ7 2RD
APPEAL STATUS : Appeal Lodged
APPEAL START DATE: 26-February-2019

APPEAL DECISION:

APPEAL DECISION DATE:

Ward Dartmouth and East Dart

APPLICATION NUMBER : **2056/18/FUL** APP/K1128/W/19/3220205
APPELLANT NAME: Venn Homes Ltd
PROPOSAL : Construction of new single-storey, one bedroom dwelling and associated external works (resubmission of 4370/17/FUL)
LOCATION : Land adjacent to 12 Newcomen Road, Dartmouth, TQ6 9BN
APPEAL STATUS : Appeal Lodged
APPEAL START DATE: 26-February-2019

APPEAL DECISION:

APPEAL DECISION DATE:

Ward Newton and Yealmpton

APPLICATION NUMBER : **0778/18/FUL** APP/K1128/W/18/3212025
APPELLANT NAME: Mr P Fleming
PROPOSAL : Erection of self build dwelling (resubmission of 2477/17/FUL)
LOCATION : 8 Perches Close, Newton Ferrers, PL8 1HZ
APPEAL STATUS : Appeal Lodged
APPEAL START DATE: 20-November-2018
APPEAL DECISION: Upheld (Conditional approval)
APPEAL DECISION DATE: 27-February-2019

APPLICATION NUMBER : **1501/18/OPA** APP/K1128/W/18/3213896
APPELLANT NAME: Mr & Mrs Kendrick
PROPOSAL : Outline application with all matters reserved for the erection of one dwelling
LOCATION : Houndall Barn, Sparkwell, PL7 5DG
APPEAL STATUS : Appeal Lodged
APPEAL START DATE: 23-November-2018
APPEAL DECISION: Dismissed (Refusal)
APPEAL DECISION DATE: 05-February-2019

APPLICATION NUMBER : **3125/17/FUL** APP/K1128/W/18/3214032
APPELLANT NAME: Mr & Mrs A Williams
PROPOSAL : Construction of new dwelling with associated vehicular access and landscaping
LOCATION : Land At Sx 551 482 Barnicott, Bridgend Hill, Newton Ferrers
APPEAL STATUS : Appeal Lodged
APPEAL START DATE: 23-November-2018
APPEAL DECISION: Dismissed (Refusal)
APPEAL DECISION DATE: 08-February-2019

Ward Salcombe and Thurlestone

APPLICATION NUMBER : **2289/17/VAR** APP/K1128/W/18/3210630
APPELLANT NAME: Mrs N Murray
PROPOSAL : Variation of condition number 2 following grant of planning permission 41/0429/14/F
LOCATION : Moult Hill Barn, Salcombe, TQ8 8LF
APPEAL STATUS : Appeal Lodged

APPEAL START DATE: 20-November-2018
APPEAL DECISION: Upheld (Conditional approval)
APPEAL DECISION DATE: 27-February-2019

APPLICATION NUMBER : **3231/18/HHO** APP/K1128/D/19/3223450
APPELLANT NAME: Mr J Crossley
PROPOSAL : Householder application for alteration and extension to dwelling (Re-submission of 1538/18/HHO)
LOCATION : 9 Croft Road, Salcombe, TQ8 8DZ
APPEAL STATUS : Appeal Lodged
APPEAL START DATE: 01-March-2019
APPEAL DECISION:
APPEAL DECISION DATE: