

# South Hams Development Management Committee



|  |   |         |         |        |        |      |        |          |      |          |      |
|--|---|---------|---------|--------|--------|------|--------|----------|------|----------|------|
| <b>Title:</b>  | <b>Agenda</b>   |         |         |        |        |      |        |          |      |          |      |
| <b>Date:</b>   | <b>Wednesday, 20th January, 2016</b>  |         |         |        |        |      |        |          |      |          |      |
| <b>Time:</b>   | <b>10.30 am</b>   |         |         |        |        |      |        |          |      |          |      |
| <b>Venue:</b>  | <b>Council Chamber - Follaton House</b>   |         |         |        |        |      |        |          |      |          |      |
| <b>Full Members:</b>   | <p style="text-align: center;"><b>Chairman</b> Steer</p> <p style="text-align: center;"><b>Vice Chairman</b> Foss</p> <p><i>Members:</i></p> <table style="margin-left: auto; margin-right: auto;"> <tr> <td>Bramble</td> <td>Hodgson</td> </tr> <tr> <td>Brazil</td> <td>Holway</td> </tr> <tr> <td>Cane</td> <td>Pearce</td> </tr> <tr> <td>Cuthbert</td> <td>Rowe</td> </tr> <tr> <td>Hitchins</td> <td>Vint</td> </tr> </table> | Bramble | Hodgson | Brazil | Holway | Cane | Pearce | Cuthbert | Rowe | Hitchins | Vint |
| Bramble  | Hodgson   |         |         |        |        |      |        |          |      |          |      |
| Brazil   | Holway  |         |         |        |        |      |        |          |      |          |      |
| Cane   | Pearce  |         |         |        |        |      |        |          |      |          |      |
| Cuthbert   | Rowe  |         |         |        |        |      |        |          |      |          |      |
| Hitchins   | Vint  |         |         |        |        |      |        |          |      |          |      |
| <b>Substitutes:</b>  | Named substitutes are not appointed   |         |         |        |        |      |        |          |      |          |      |
| <b>Interests – Declaration and Restriction on Participation:</b> | 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.                               |         |         |        |        |      |        |          |      |          |      |
| <b>Committee administrator:</b>                                  | Kathy Trant Senior Case Manager 01803 861185  |         |         |        |        |      |        |          |      |          |      |

**1. Minutes**

**1 - 14**

to approve as a correct record and authorise the Chairman to sign the minutes of the meetings of the Committee held on **16 December 2015**

**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**

**15 - 16**

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

**(a) PLANNING APPLICATIONS**

**17 - 26**

**27/1859/15/F**

Erection of 77 dwellings, including all associated public space, landscaping and all other associated external works. Proposed Development site at sx 6203 5630, Woodland Road, Ivybridge

For Letters of Representation and further supplementary information select the following link:

<http://www.southhams.gov.uk/planningdetails?RefType=APPPlanCase&KeyText=152311>

**(Upon the conclusion of the above agenda item, the meeting will be adjourned and re-convened at 2.00pm)**

**(b) PLANNING APPLICATIONS**

**27 - 86**

**37/1831/15/F**

Provision of new dwelling Development Site At SX 552 481,  
Barnicott, Bridgend Hill, Newton Ferrers

For Letters of Representation and further supplementary information  
select the following link:

<http://www.southhams.gov.uk/planningdetails?RefType=APPPlanCase&KeyText=151212>

**55/2213/15/VAR**

Variation of conditions 3 (approved plans), 9 (Landscaping)  
and 11 (Boundary Enclosure)  
of planning consent 55/2164/12/RM to allow re-siting and  
screening of air source heat pump and revisions to  
boundary treatment 8 Whimbrels Edge, Thurlestone,  
Kingsbridge,  
TQ7 3BR

For Letters of Representation and further supplementary information  
select the following link:

<http://apps.southhams.gov.uk/planningsearch/default.aspx?shortid=55%2f2213%2f15%2fVAR>

**2621/15/FUL**

Erection of 1no.dwelling on land adjacent to Weir Nook Land  
adjacent to Weir Nook,  
Weirfields, Totnes

For Letters of Representation and further supplementary information  
select the following link:

<http://www.southhams.gov.uk/planningdetails?RefType=APPPlanCase&KeyText=150061>

**20/2136/15/F**

Householder application for proposed re-location of external  
garden steps linking lower  
patio with upper terrace and lawn 1 Longpark Cottages,  
East Portlemouth, TQ8 8PA

For Letters of Representation and further supplementary information  
select the following link:

<http://apps.southhams.gov.uk/planningsearch/default.aspx?shortid=20%2f2136%2f15%2fF>

**35/1782/15/LB**

Listed building consent for alterations and extension  
Croppins Coombe, Modbury,  
Ivybridge, PL21 0TU

For Letters of Representation and further supplementary information  
select the following link:

<http://apps.southhams.gov.uk/planningsearch/default.aspx?shortid=35%2f1782%2f15%2fLB>

**35/2366/15/F**

Alterations and extensions to existing house and domestic  
curtilage Croppins Coombe,  
Modbury, Ivybridge, PL21 0TU

For Letters of Representation and further supplementary information  
select the following link:

<http://apps.southhams.gov.uk/planningsearch/default.aspx?shortid=35%2f2366%2f15%2fF>

**53/2412/15/F**

Demolition of existing house, provision of new house,  
improvements to access, parking and  
Landscape Seagulls, Hallsands, Kingsbridge, TQ7 2EX

For Letters of Representation and further supplementary information  
select the following link:

<http://apps.southhams.gov.uk/planningsearch/default.aspx?shortid=53%2f2412%2f15%2fF>

**2695/15/LBC**

Listed building consent for replacement of 1no.existing  
window and remedial works to exterior render, beneath  
replacement window following tidal erosion 5 Clifton Place,  
Salcombe, Devon

For Letters of Representation and further supplementary information  
select the following link:

<http://www.southhams.gov.uk/planningdetails?RefType=APPPlanCase&KeyText=150135>

**7. Planning Appeals Update**

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**MINUTES OF THE MEETING OF THE DEVELOPMENT MANAGEMENT COMMITTEE HELD AT FOLLATON HOUSE, TOTNES, ON WEDNESDAY, 16 DECEMBER 2015**

**Members in attendance**

|                               |                           |
|-------------------------------|---------------------------|
| Cllr I Bramble                | Cllr J M Hodgson          |
| Cllr J Brazil                 | Cllr T R Holway           |
| Cllr P K Cuthbert             | Cllr J A Pearce           |
| Cllr R J Foss (Vice Chairman) | Cllr R Rowe               |
| Cllr P W Hitchens             | Cllr R C Steer (Chairman) |
|                               | Cllr R J Vint             |

**Apologies**

Cllr B F Cane

**Other Members in attendance**

Cllrs Baldry, Brown, Gilbert, Tucker, Ward and Wingate

**Officers in attendance and participating**

| Item No:         | Application No: |   |
|------------------|-----------------|---|
| All agenda items |                 | COP Lead Development Management, Planning Officers, Solicitor and Senior Case Manager |
|                  | 44/0800/15/F    | DCC Drainage Officer  |
|                  |                 |   |

**DM.44/15      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:

Cllrs Hodgson and Vint both declared a personal interest in application **56/2221/15/O**: Outline application with all matters reserved for 8 no. three bedroomed houses with 8 no. parking spaces – Cocos Nursery, Ashburton Road, Totnes by virtue of being members of the Totnes Neighbourhood Plan Steering Group and they remained in the meeting and took part in the debate and vote thereon;

Cllrs Hodgson and Vint also both declared a personal interest in application **56/1085/15/F**: Demolition of existing single storey offices/workshops (B1/D1). Erection of 5 No. two storey workplace units with associated off-street parking and bin stores (B1) – 11-20 Burke Road, Totnes, by virtue of being members of Totnes Town Council and Cllr Hodgson, in her position as Mayor, had previously given support to the scheme, and they remained in the meeting and took part in the debate and vote thereon;

Cllr Hodgson declared a personal interest in applications **37/1426/15/F**: Temporary (30 years) change of use to agriculture and solar photovoltaic farm with associated static arrays of photovoltaic panels (proposed output 5mW, site area 11.9 hectares) together with associated structures – Proposed Solar PV array at SX 553 496, Newton Downs Farm, Newton Ferrers and **37/2271/15/F**: Proposed temporary access from field onto Parsonage Road – Field at SX 553 488, Newton Downs Farm, Newton Ferrers by virtue of being a customer of the applicant. She remained in the meeting and took part in the debate and vote thereon;

Cllrs Bramble and Foss both declared a personal interest in application **28/1046/15/F**: Creation of new station and engine shed with track – Proposed new station, engine she and track at SX 7363 4388, embankment Road, Kingsbridge by virtue of knowing the applicant. They both remained in the meeting and took part in the debate and vote thereon;

Cllr Holway declared a personal interest in application **37/1426/15/F**: Temporary (30 years) change of use to agriculture and solar photovoltaic farm with associated static arrays of photovoltaic panels (proposed output 5mW, site area 11.9 hectares) together with associated structures – Proposed Solar PV array at SX 553 496, Newton Downs Farm, Newton Ferrers, and application **37/2271/15/F**: Proposed temporary access from field onto Parsonage Road field at SX 553 488, Newton Downs Farm, Newton Ferrers by virtue of being acquainted with the landowners father through motorsport. He remained in the meeting for the duration of both items and took part in each debate and vote thereon.

DM.45/15 **URGENT BUSINESS**

The Chairman advised that, in the New Year, the Committee would receive a report that presented a review of the Planning Scheme of Delegation. A small informal group of Members had been asked to work with officers on this review before it was presented to Committee for its consideration.

DM.46/15 **MINUTES**

The minutes of the meeting of the Committee held on 18 November 2015 were confirmed as a correct record and signed by the Chairman.

DM.47/15 **PUBLIC PARTICIPATION**

The Chairman announced that a list of members of the public who had registered their wish to speak at the meeting had been circulated.



**DM.48/15 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:

**44/0800/15/F SX8088 4535, Lower Coltscombe, Slapton  
Parish: Slapton**

**Development of retreat for people with physical disabilities with 6no. guest pods, guest common area, owners accommodation and fitness centre (resubmission of 44/0979/14/F)**

Speakers included: Objector – Mr Justin Haque; Supporter – Mr Paddy Costeloe; Slapton Parish Council representative – Cllr Graham Burton; Ward Member – Cllr Foss

Officer's Update:

- Reference to 'fitness centre' in description should be deleted.
- Additional condition proposed – Prior to the occupation/use of any new building on the site the existing agricultural building on the southern part of the site shall be removed and the area restored and landscaped in accordance with details to be agreed.
- Subsequent to the committee site visit 2 residents have submitted further LOR's concerned that Members did not visit Watergate Cottage to observe the water course that flows under the house and did not consider impacts on the amenity of this property. In addition Members did not visit the route of the proposed 'wheelchair route' to the Ley which is subject to flooding and has a challenging terrain.
- 2 Photos of views from Watergate Cottage to the site were shown.

**Recommendation: Conditional Approval**

**Committee Decision: Conditional Approval**

Conditions:

1. Time
2. Accords with plans
3. Owners' accommodation not to be occupied until 3 pods and communal guest facilities are completed and available for use and is only to be occupied by a person(s) who are full time workers at the site or last occupied as such, their family and dependents.
4. Pods – Holiday and respite use only unless otherwise agreed in writing
5. Communal guest facilities to be retained as such and for no other use
6. The new access bridge to be designed in accordance with the submitted FRA and details agreed with LPA

7. The new access road to be fully implemented before the development is brought into use.
8. No use of existing access during construction unless agreed with the LPA.
9. Details of bollards or other means of enclosure at the existing site entrance to be agreed with LPA allowing only emergency vehicular access at existing site entrance. Agreed scheme to be implemented before any building is brought into use.
10. The development will be served by an appropriate means of foul drainage, details to be agreed and implemented
11. Prior to commencement – detailed drainage assessment to be agreed and implemented
12. Appropriate licensing from Natural England prior to vegetation clearance or a statement that a licence is not required.
13. Prior to commencement a Landscape and Ecological Management Plan to be approved
14. Details of path lighting and other exterior lighting to be agreed and to accord with the submitted Habitat Survey
15. Details of automatic window shutters to be agreed and implemented
16. Construction Management Plan to be agreed prior to commencement of development.
17. Submission of a detailed landscape scheme that fully integrates with the agreed Woodland Management plans and access track - to be submitted pre-commencement
18. Submission of an Arboricultural Methodology Statement which addresses all construction close to trees and including the access track, bridge and pods.
19. Tree Protection Plan and protection - implemented prior to any development.
20. Detailed specification of internal layouts and specification of fixtures and fittings to ensure buildings are fully accessible to persons with disability, to be agreed and to be retained as such.
21. Details of boundary treatments to be agreed and implemented
22. Materials to be agreed
23. Hard surfacing materials to be agreed
24. Removal of PD rights – Part 1 and 2 of GPDO
25. Pods – Holiday and respite use only unless otherwise agreed in writing
26. Details of solar panels to be agreed and implemented.
27. Parking layout to be agreed and implemented
28. Details of refuse bins/waste storage to be agreed
29. Prior to occupation of any building on the site a Green Travel plan shall be submitted to and agreed in writing by the LPA to demonstrate how reliance on the private car will be minimised
30. Prior to the commencement of construction of any building within the site details of sustainable construction methods, to included high levels of floor and wall insulation comparable to BREAMS standards, shall be submitted to and approved in writing by the LPA

**37/1426/15/F      Proposed Solar PV array at SX 553 496, Newton Downs Farm, Newton Ferrers Parish: Newton and Noss**

Temporary (30 years) change of use to agriculture and solar photovoltaic farm with associated static arrays of photovoltaic panels (proposed output 5mW, site area 11.9 hectares) together with associated structures

Speakers included: Supporter – Mr Hugo House; Parish Council Representative – Cllr Alison Ansell; Ward Member – Cllr Baldry

Officer's Update: N/A

**Recommendation: Refusal**

During the debate on this item, the Ward Member in attendance reinforced that the main objection to this application was that the site was within the AONB, but the Parish Council was in support of the proposal. He asked that the Committee support the application. A number of Members spoke in support of the application as it had been sensitively sited.

**Committee Decision: That authority to grant conditional approval be delegated to the Lead Specialist (Development Management) in consultation with the Chairman of Development Management Committee, subject to conditions and the signing of a Section 106 Agreement**

Reasons for Approval:

Members considered that exceptional circumstances and public benefit were so sufficient in this application to warrant conditional approval in the context of paragraph 116 of the NPPF.

Specifically, exceptional circumstances were that a s106 Agreement would be signed to ensure that the local community, represented by the Yealm Community Energy Group, would have a period of six months from the date of completion of the development to purchase the installation. This measure gave a reasonable opportunity for the community to take ownership of the installation and was, therefore, considered to carry significant weight in favour of the development in the context of the provisions of paragraph 97 of the National Planning Policy Framework. In addition, biodiversity benefits would accrue given the context of the ending of countryside stewardship payments.

The s106 would also require the creation and use of a turning circle for HGVs on Parsonage Road.

Members also noted that if the community was not able to complete the purchase within the specified time period, then an annual payment of £10,000 would be made to the community. Whilst noting this offer, Members did acknowledge that this was not a material consideration.

Conditions:

1. 3 year time limit to commence construction;
2. In accordance with plans;
3. GPDO Removal (fences, CCTV and ancillary structures);
4. Restriction on working and construction hours;
5. Construction Traffic Management Plan prior to construction commencing;
6. Landscape and Ecological Management Plan prior to construction commencing;
7. Prior written approval for lighting;
8. Notification that site is operational;
9. Cessation within 30 months;
10. Archaeological investigation; and
11. Unexpected contamination.

**37/2271/15/F**                      **Field at SX 553 488, Newton Downs Farm,  
Newton Ferrers  
Parish: Newton and Noss**

Proposed temporary access from field onto Parsonage Road

Officer's Update: Following the granting of planning permission for application 1426/15/F, the Officer recommendation was amended to be one of approval subject to conditions.

**Recommendation: Refusal – Amended to Conditional Approval**

**Committee Decision: Conditional Approval**

Conditions:

1. Commence within 3 years of permission;
2. Restoration in the planting season following commencement of development;
3. Landscape and ecological management plan (including preparation, maintenance, re-instatement, planting and aftercare) prior to commencement

**05/1325/15/F**                      **Development site at SX 672 471, The Old  
Vineyard, Easton, Kingsbridge  
Parish: Bigbury**

Demolition of existing commercial building and replacement with two bedroom bungalow

**Recommendation: Refusal**

The Case Officer confirmed that there were no further updates since the site inspection that had taken place on 7 December 2015. Members stated that they were unable to support the application without a legal tie to ensure it remained an affordable property.

Other Members felt that the site would be improved by the proposal. The Ward Member stated that the proposal offered a major improvement to what was currently on site and the proposal was not obtrusive.

**Committee Decision: Conditional Approval**

Reasons for Approval:

The site was in a sustainable location, the proposal would replace an unsightly building and it bordered existing properties.

Conditions:

1. Time limit
2. Accord with plans
3. Environmental health
4. Drainage
5. Removal of permitted development
6. Landscaping
7. Ecology

**28/1046/15/F**      **Proposed new station, engine shed and track  
at SX 7363 4388, Embankment Road,  
Kingsbridge  
Parish: Kingsbridge**

Creation of new station and engine shed with track

Speakers included: Objector – Mr Leslie Green; Supporter – Mr Steve Mammatt; Ward Members – Cllr Gilbert and Cllr Wingate

Officer's Update: N/A

**Recommendation: Conditional Approval**

**Committee Decision: Conditional Approval**

Conditions:

1. Time
2. Accord with Plans
3. Tree Protection Scheme prior to commencement
4. Landscape Scheme prior to commencement
5. Surface water soakaway details prior to commencement
6. Sample of finish materials prior to commencement of station / engine shed
7. Cross-Section of track and bedding prior to commencement

**01/2131/15/F**      **Proposed development site at 2 Dunstone Cottages, Ashprington Parish: Ashprington**

Proposed new dwelling in garden

Speakers included: Objector – Mr Groome; Supporter – Mr Marston; Ward Member – Cllr Tucker (statement presented on his behalf)

Officer's Update: N/A

**Recommendation: Refusal**

During discussion, Members noted that whilst there was a Highways Authority objection, it would always be the case in small villages that the roads were such that care must always be taken and speeds adjusted accordingly. It was felt that one additional property was not sufficient to impact on the safety levels or volume of traffic on the Highway.

**Committee Decision: Conditional Approval**

Reasons: The increase in volume of traffic was not felt so sufficient to make it a reason for refusal.

Conditions:

1. Time limit
2. Accord with plans
3. Materials samples
4. Re-use of stone
5. Foul drainage
6. Surface water drainage
7. Construction management plan
8. Tree protection measures
9. Unsuspected contamination
10. Parking to be kept available in perpetuity
11. PD rights removed for windows in south elevation

**53/2267/15/F**      **The Cove Guest House, Torcross, Kingsbridge Parish: Stokenham**

Erection of replacement single dwelling

Speakers included: Objector – Ms Clare Pawley; Parish Council Representative – Cllr Paula Doust; Ward Member – Cllr Brazil

**Recommendation: Conditional Approval**

**Committee Decision: Conditional Approval**

## Conditions:

1. Time limit
2. Accord with plans
3. Development in accordance with geo-technical report
4. Schedule of materials and finishes
5. Natural local stone
6. Details of non-reflective glazing
7. Removal of permitted development rights
8. Details of hard and soft landscaping scheme
9. Reptile mitigation strategy
10. Garage to be retained for vehicle storage
11. Unsuspected contamination
12. Construction Management Plan to include detail to show how vehicular access to Downsteps will be maintained at all times
13. Privacy screen on north end of balcony
14. Balustrading to the north side of the roof terrace to be obscure

56/2221/15/O

**Cocos Nursery, Ashburton Road,  
Totnes  
Parish: Totnes**

Outline application with all matters reserved for 8no. three bedroomed houses with 8no. parking spaces

Speakers included: Objector – Ms Kate Wilson; Supporter – Ms Chloe Nicholson; Ward Member – Cllr Vint

**Recommendation: To delegate approval to the Community of Practice Lead (Development Management) subject to the completion of the necessary Section 106 legal agreement in respect of affordable housing and Open Space, Sport and Recreation contributions.**

During discussion, some Members felt that a site visit would be of benefit to understand the impact of the proposal in the wider setting of the T2 allocated site. A proposal for a site inspection was seconded but on being put to the vote was declared lost.

**Committee Decision: That authority to grant conditional approval be delegated to the Community of Practice Lead (Development Management) in consultation with the Chairman of Development Management Committee, subject to conditions and the signing of a Section 106 Agreement**

## Conditions:

1. Time limit for commencement
2. In accordance with plans
3. Materials
4. GPDO restrictions
5. Parking and access to be provided before occupation.

6. Construction Management Plan
7. Universal contamination condition
8. Submission of Reserved Matters

**37/2181/15/VAR**

**Briar Hill Farm, Court Road,  
Newton Ferrers  
Parish: Newton and Noss**

Removal of condition 6 of planning consent 37/0518/15/F (to allow owner's accommodation to be standalone property and not tied to the site)

Speakers included: Supporter – Mr Scott McCreedy; Parish Council Representative – Cllr Alan Cooper; Ward Member – Cllr Baldry (statement presented on his behalf)

Officer's Update: N/A

**Recommendation: Conditional Approval**

**Committee Decision: Conditional Approval**

Conditions:

1. Time limit for commencement
2. In accordance with plans
3. Materials
4. Permitted development restrictions
5. Holiday use conditions
6. Percolation tests
7. Permitted development restrictions
8. North facing first floor windows on owners' dwelling to be obscure glazed
9. No further windows to be installed

**58/2174/15/VAR**

**Trehear, Traine Road, Wembury  
Parish: Wembury**

Variation of condition 2 (approved plans) of planning consent 58/1431/14/F for amendments to external appearance of main dwelling

Speakers included: Objector – Mr Brian Hall; Ward Member – Cllr Brown

**Recommendation: Conditional Approval**

**Committee Decision: Conditional Approval**



Conditions:

1. Accord with plans
2. Conditions requiring development to accord with details approved under 58/3165/14/DIS (Drainage, materials, natural stone and landscaping)
3. Removal of PD rights (extensions/outbuildings)
4. Retention of garaging for parking
5. No additional windows in the 1st floor southwest elevation of the dwelling

**56/1085/15/F**

**11-20 Burke road, Totnes  
Parish: Totnes**

Demolition of existing single storey offices/workshops (B1/D1).  
Erection of 5No 2 storey workplace units with associated off-street parking and bin stores (B1)

Officer's Update: N/A

**Recommendation: Conditional Approval**

**Committee Decision: Conditional Approval**

Conditions:

1. Time
2. Accord with plans
3. Retention of proposed parking in perpetuity
4. Construction Environment Management Plan prior to commencement
5. Removal of Permitted Development Rights (B8 storage and distribution)
6. 'Unit 1' for D1 homeless shelter as conforming to current land use
7. No demotion of current homeless shelter prior to March 2016

**DM.49/15 PLANNING APPEALS UPDATE**

Members noted the presented list of appeals.

(Meeting commenced at 10.00am and concluded at 4:50 pm)

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Chairman

## Voting Analysis for Planning Applications – DM Committee 16 December 2015

| Application No: | Site Address  | Vote                 | Councillors who Voted Yes  | Councillors who Voted No                                   | Councillors who Voted Abstain  | Absent        |
|-----------------|---|----------------------|--|--|--|---------------|
| 44/0800/15/F    | SX8088,4535, Lower Coltscombe, Slapton                                | Refusal              | Cllrs Rowe, Pearce, Foss, Hodgson (4)  | Cllrs Holway, Hitchins, Cuthbert, Bramble, Steer, Vint (6) | Cllr Brazil (by virtue of missing the beginning of the presentation) (1) | Cllr Cane (1) |
| 44/0800/15/F    | SX8088,4535, Lower Coltscombe, Slapton                                | Conditional Approval | Cllrs Holway, Hitchins, Cuthbert, Bramble, Steer, Vint (6)                                     | Cllrs Rowe, Pearce, Foss, Hodgson (4)                      | Cllr Brazil (by virtue of missing the beginning of the presentation) (1) | Cllr Cane (1) |
| 37/1426/15/F    | SX 553 496, Newton Downs Farm, Newton Ferrers                         | Conditional Approval | Cllrs Holway, Hitchins, Bramble, Vint, Hodgson, Brazil, Steer (7)                              | Cllrs Pearce, Cuthbert, Foss (3)                           | Cllr Rowe (1)  | Cllr Cane (1) |
| 37/2271/15/F    | Field at SX 553 488, Newton Downs Farm, Newton Ferrers                | Conditional Approval | Cllrs Holway, Bramble, Pearce, Cane, Hitchins, Cuthbert, Hodgson, Vint, Rowe, Steer, Foss (11) | (0)  | (0)  | Cllr Cane (1) |
| 05/1325/15/F    | Development Site at SX 672 471, The Old Vineyard, Easton, Kingsbridge | Conditional Approval | Cllrs Hodgson, Vint, Bramble, Hitchins, Holway (5)   | Cllrs Pearce, Cuthbert, Brazil (3)                         | Cllrs Steer, Rowe, Foss (3)  | Cllr Cane (1) |
| 28/1046/15/F    | SX 7363 4388, Embankment Road, Kingsbridge                            | Conditional Approval | Cllrs Holway, Bramble, Pearce, Cane, Hitchins, Cuthbert, Hodgson, Vint, Rowe, Steer, Foss (11) | (0)  | (0)  | Cllr Cane (1) |
| 01/2131/15/F    | Proposed Development site at 2 Dunstone Cottages, Ashprington         | Conditional Approval | Cllrs Holway, Hitchins, Rowe, Hodgson, Foss (5)  | Cllrs Pearce, Cuthbert, Brazil (3)                         | Cllrs Bramble, Vint, Steer (3)   | Cllr Cane (1) |

|                |   |                      |  |  |                 |               |
|----------------|---|----------------------|--|--|-----------------|---------------|
| 53/2267/15/F   | The Cove Guest House, Torcross              | Refusal              | Cllrs Brazil, Hodgson, Vint (3)  | Cllrs Steer, Foss, Rowe, Pearce, Cuthbert, Hitchins, Holway, Bramble (8) | (0)             | Cllr Cane (1) |
| 53/2267/15/F   | The Cove Guest House, Torcross              | Conditional Approval | Cllrs Steer, Foss, Rowe, Pearce, Cuthbert, Hitchins, Holway, Bramble (8)                       | Cllrs Brazil, Hodgson, Vint (3)  | (0)             | Cllr Cane (1) |
| 56/2221/15/O   | Cocos Nursery, Ashburton Road, Totnes       | Site Inspection      | Cllrs Brazil, Hodgson, Vint (3)  | Cllrs Steer, Foss, Rowe, Pearce, Cuthbert, Hitchins, Holway, Bramble (8) | (0)             | Cllr Cane (1) |
| 56/2221/15/O   | Cocos Nursery, Ashburton Road, Totnes       | Conditional Approval | Cllrs Steer, Foss, Rowe, Pearce, Cuthbert, Hitchins, Holway, Bramble (8)                       | Cllrs Hodgson, Vint (2)  | Cllr Brazil (1) | Cllr Cane (1) |
| 57/2181/15/VAR | Briar Hill Farm, Court Road, Newton Ferrers | Conditional Approval | Cllrs Holway, Bramble, Pearce, Cane, Hitchins, Cuthbert, Hodgson, Vint, Rowe, Steer, Foss (11) | (0)  | (0)             | Cllr Cane (1) |
| 58/2174/15/VAR | Trehear, Traine Road, Wembury               | Conditional Approval | Cllrs Holway, Bramble, Pearce, Cane, Hitchins, Cuthbert, Hodgson, Vint, Rowe, Steer, Foss (11) | (0)  | (0)             | Cllr Cane (1) |
| 56/1085/15/F   | 11-20 Burke Road, Totnes                    | Conditional Approval | Cllrs Holway, Bramble, Pearce, Cane, Hitchins, Cuthbert, Hodgson, Vint, Rowe, Steer, Foss (11) | (0)  | (0)             | Cllr Cane (1) |





**South Hams  
District Council**

## **Public Participation at Development Management Committee**

### **What is the Development Management Committee?**

The Development Management Committee is served by 25 District Councillors who make decisions on all applications and enforcement matters affecting the South Hams, which are published in the agenda for that meeting.

### **What is the Public Participation Scheme?**

The scheme encourages interested parties to come together to express their views on planning matters, by providing you with the opportunity to speak directly to the Councillors at their Development Management Committee Meetings. One objector and one supporter may speak directly to the Committee on a planning application listed on the agenda (published 5 working days before the meeting).

### **How do I register my wish to speak at a Development Management Committee meeting?**

You must telephone, email or send a fax to Member Support Services (contact details below), indicating your request to speak, the planning application number and whether you are objecting to, or supporting the application. (You must provide your name and address).

Any such requests must be received by 12 Noon on the Monday before the Development Management Committee meeting held on the Wednesday of the same week (12 Noon on the preceding Friday if the Monday is a Bank Holiday). If there is more than one objector or supporter, you will be asked to agree amongst yourselves a spokesperson.

If you email your request to speak, you will be sent an acknowledgment that your name has been placed on the list for the next Committee. Member Support Services Tel: **01803 861234** Email: [member.support@southhams.gov.uk](mailto:member.support@southhams.gov.uk)

### **For how long may I speak?**

### **For how long may I speak?**

One objector of the planning application and one supporter may each speak for a maximum of 3 minutes. The order in which the planning applications are considered will follow the running order of planning applications listed in the published agenda for the meeting.

### **Major Applications**

One objector of the planning application and one supporter may each speak for a maximum of 5 minutes

### **Joint Planning and Listed Building/Conservation Area Consent applications**

objector of the planning application and one supporter may each speak for a maximum of 3 minutes. Only one set of 3 minutes, not 3 minutes for the Planning application and 3 minutes for the Listed Building/Conservation Area consent application.

### **Who speaks first on the planning application at the Committee meeting?**

For each planning application, the order of speakers will be:

1. Planning Officer presenting report containing officer recommendation
2. Objector
3. Supporter
4. Discussion by Councillors serving on the Committee (leading to their decision over the planning application).

(There is no further opportunity to make representations at the meeting)

### **What may I speak about?**

You can speak (in the form of making a statement only) on any of the planning applications listed on the agenda for that meeting although you must ensure that, whenever possible, your statement refers only to planning related issues (detailed below) as these are the only issues which the Committee can consider.

Members of the public will not be permitted to address questions to the Councillors serving on the Committee or the Planning Officers present. Members of the public will not be subjected to cross questioning. However, if necessary, the Chairman might ask you to clarify a point of fact in very exceptional circumstances.

### **What is a planning objection?**

When considering whether to object, you should be aware that councils can only determine applications on the basis of their planning merits. Therefore you should ensure that the statement relates only to such matters as the proposal:

- being contrary to local or structure plan policies or Government advice
- allowing overlooking from windows, thereby resulting in a loss of privacy
- having a poor design and appearance or being out of keeping with the character of an old building, or having an overbearing impact on adjoining property
- resulting in the loss of important trees
- having an adverse effect on traffic, road, access visibility and parking
- resulting in noise and disturbance affecting local people
- Ensure that the statement is suitable to be considered ie, that it is not derogatory to this Council or relates to matters which this Council could consider confidential.
- Matters which cannot be regarded as planning considerations
- Loss of personal view from the particular property
- Loss of property value
- That the development differs from what the developer told you personally he was intending
- Disputes over land ownership
- Doubt over the integrity of the applicant
- Objections to the principle of development where an outline planning permission exists

### **Whom do I contact for advice on what issues are considered to be planning matters?**

You may be able to find the information you are looking for in a series of information leaflets, copies of which are available in Planning Reception or on this website please click [here](#)

If you still have queries, please contact Planning Reception who may be able to help or pass your enquiry to the appropriate Case Officer.

Tel: **01803 861234**

E-mail: [development.management@southhams.gov.uk](mailto:development.management@southhams.gov.uk)

Other information:-

Copies of the agenda are available to members of the public a week before the meeting (ie, the preceding Wednesday). Copies are placed in the Council's Main Reception area at Follaton House and at its leisure centres, they are also available at public libraries within the District

## PLANNING APPLICATION REPORT

**Case Officer:** Thomas Jones

**Parish:** Ivybridge

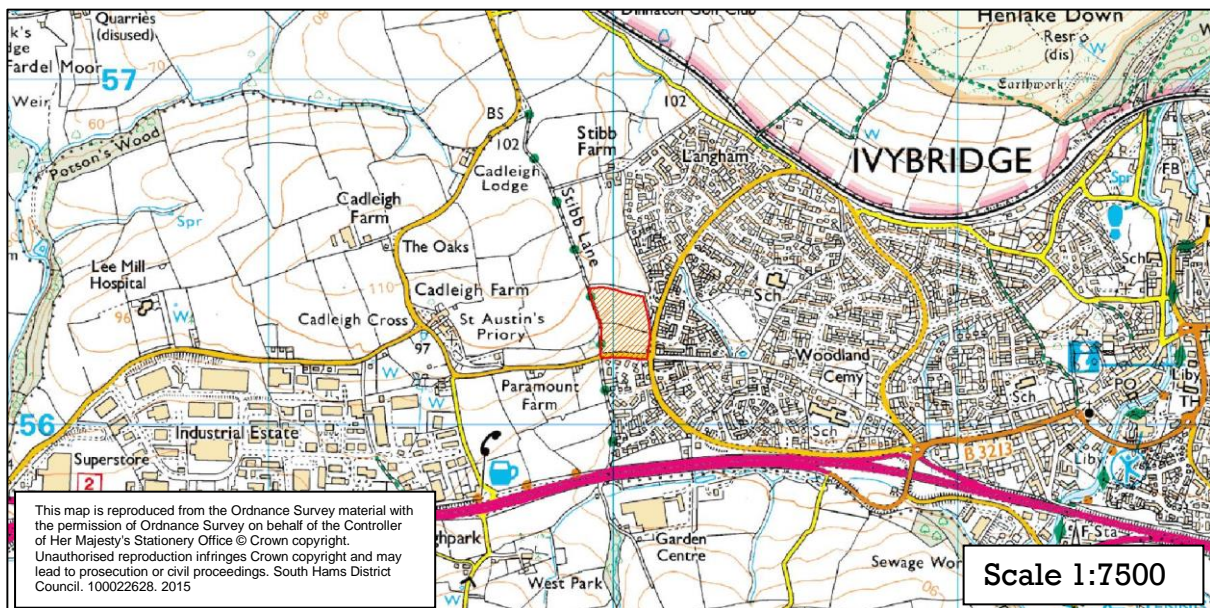
**Application No:** 27/1859/15/F

**Agent/Applicant:**

Persimmon Homes - South West  
Mr A West  
Mallard Road  
Sowton Trading Estate  
Exeter  
EX2 7LD

**Site Address:** Proposed Development Site At Sx 6203 5630, Woodland Road, Ivybridge, Devon

**Reason being presented to Committee:** Given the substantial number of objections from local residents the Ward Member has requested that the application is considered by Committee.



**Recommendation:** That Development Management Committee delegates the authority to approve subject to the conditions listed below; the prior satisfactory completion of a Section 106 Agreement; confirmation from the Lead Local Flood Authority (Devon County Council) that the proposed drainage scheme will effectively deal with the surface water; and confirmation that the Highways Authority have no objections to the proposed access and parking arrangements.

### **Conditions**

1. Commencement within 3 years;
2. Accord with Plans, Drawings and FRA;
3. Unsuspected Contamination;
4. On-site / off-site highway works in accordance with plans / drawings;
5. Construction Management Plan;
6. Surface water drainage layout and details to be approved prior to commencement of development and completed prior to occupation;
7. Adherence to the Arboricultural Impact Assessment, Tree Protection Plan and Arboricultural Methodology Statements;
8. Lighting Strategy to be submitted and approved prior to the commencement of development and adhered to;
9. Archaeological investigation and reporting;
10. Security Plan;
11. Parking plan;
12. Landscape and Ecological Management Plan to be submitted and approved prior to commencement of development and adhered to; and
13. Adherence to measures within Preliminary Ecological Appraisal, and Bat Activity Survey Report.

### **S106 Clauses**

- 30% AH, 50% Social Rented / 50% Shared ownership;
- £210,683.55 for the necessary additional capacity at Ivybridge Community College;
- £94,058 for improvements to play facilities at Woodlands Park, Ivybridge;
- £155,890 should be sought for improvements to sports facilities at Filham Park, Ivybridge;
- Provision of an on-site 100m<sup>2</sup> LAP, including appropriate buffers;
- Public access and on-going management and maintenance of the on-site public open space, including the LAP, in perpetuity;
- £2,547.54 to off-set recreational impacts on SACs; and
- restrictive covenants with regards to hedgerows.

### **Key issues for consideration**

The site is agricultural land outside the development boundary of Ivybridge. The principle of development is, therefore, contrary to Policy CS1 of the Core Strategy DPD.

The Council is not, however, able to demonstrate a five year housing land supply and the planning application must be considered in the context of paragraph 14 of the National Planning Policy Framework (NPPF). Given the location and sensitivities of the site the key tests in this respect are considered to be:



- access to services and facilities;
- Affordable Housing, in the context of viability testing;
- landscape;
- drainage; and
- highway safety.

## **Financial Implications**

It is estimated that this development has the potential to attract New Homes Bonus, payable for a period of 6 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.

## **Site Description**

The application site measures 2.63ha and comprises two agricultural fields located immediately adjacent to the development boundary at the west of Ivybridge. The highest point of the site is 99.5m AOD, in the north-west, falling to 67.7m AOD in the south, with an average gradient of 1 in 8.

The site is open countryside and within the Ivybridge Critical Drainage Area. It is Grade 3 Agricultural farmland. There are, otherwise, no statutory designations that directly affect the site.

The fields are bounded by mature hedgerows with occasional mature trees and farm gates. The main entrance is found to the south of the site from Woodland Road.

A public footpath (Stibb Lane) runs to the west of the site, beyond a substantial screen of hedgerow and trees.

The site lies within Flood Zone 1, indicating that is not likely to be the subject of flooding. On site, however, infiltration rates are not sufficiently rapid to manage surface run off, which runs into Woodland Road, to the east, before discharging into the unnamed stream some 200m to the east of the site.

A sewer main runs to the south of the site in Woodland Road. There are no records of sewer flooding, but residents have reported that this has recently occurred.

As a south facing site the opportunity exists to maximise solar gain.

## **The Proposal**

The planning application proposes 77 houses with open space, landscaping and flood attenuation.

The mix of properties is 34 two bedroom houses, 38 three bedroom houses and 5 four bed houses. It is noted that planning permission has recently been granted for 98 residential properties in the centre of the Town at Stowford Mill, including 15 one bedroom apartments. It is considered, therefore, that the proposed mix of development is appropriate in the context of Policy DP11 of the Development Plan.

30% of the properties would be Affordable Housing (AH) with 50% of these being Social Rented. All contributions that have been requested would also be provided. This and AH would be secured through a s106 Legal Agreement, which is summarised above.

Provision would be made for parking 152 cars on site. It is proposed to relocate the nearest bus stop to improve access to buses and to provide a safe point of crossing to link the site to the local footpath and cycle path network.

Properties are proposed to be finished in brick and / or render with tile roofs.

The application is supported by the following documents:

- plans and drawings;
- Design and Access Statement;
- Ecological Assessment;
- Historic Environment Assessment;
- Statement of Community Involvement;
- Landscape and Visual Impact Assessment;
- bat and owl Survey;
- contaminated land assessment;
- arboricultural report
- tree plan;
- transport assessment; and
- travel plan

## Consultations

**Natural England**, in their letter dated 7<sup>th</sup> September 2015, makes no objection and offers standard advice.

The **Environment Agency**, in their email dated 4<sup>th</sup> September 2015, makes no objection.

**Historic England** has made no comment.

**Highways England**, in their letter dated 14<sup>th</sup> September 2015, makes no objection.

**DCC Highway Authority**, in their email dated 15<sup>th</sup> September 2015, makes an initial objection that would be resolved through the provision of further evidence with respect to proposed safety measures relating to the crossing of Cornwood Road.

**Environmental Health**, in their email dated 22<sup>nd</sup> September 2015, makes an objection subject to conditions.

The **Landscape Specialist** raises no objection.

**Strategic Planning** states no over-riding policy objections to the development of the site. Subject to the detailed planning considerations being satisfied and there being no substantive planning reasons why the development should not go ahead, SP recommends that the application is approved.

**Devon County Council Children's Services**, in their letter dated 26<sup>th</sup> August 2015, indicates that a contribution would be necessary to meet the need for additional facilities at Ivybridge Community College.

**The Local Lead Flood Authority** (DCC Flood Risk Management, Environment Group), in their email dated 27<sup>th</sup> October 2015, raises concern with respect to the effectiveness of the proposed surface water management.

**Devon County Council Historic Environment Team**, in their letter dated 2<sup>nd</sup> September 2015, raises objection due to inadequate information with respect to archaeology.

**Ivybridge Town Council**, in their letter dated 18<sup>th</sup> September 2015, objects on the basis of the development being unnecessary given that allocations have been identified in the Development Plan to meet the need for housing in Ivybridge, that development would increase flood risk on Woodland Road and Cornwood Road; highway safety concerns; that no social infrastructure is proposed; that 50% of the properties should be Affordable Housing; that the amount of housing represents over development; and an adverse impact in the landscape.

**South West Water** (SWW), in their email dated 3<sup>rd</sup> September 2015, raises no objection.

The **Police Architectural Liaison Officer**, in their email dated 14<sup>th</sup> September 2015, raises concerns with respect to security.

**Dartmoor National Park Authority**, in their email dated 8<sup>th</sup> September, offers a formal response of no comment.

## **Representations**

In excess of 100 letters of objection and one of support have been received.

The concerns raised by third parties can be read in full on the Council's website and are summarised as below, in so far as they relate to planning matters.

- loss of green space;
- insufficient education provision;
- insufficient amenities / services / shops in Ivybridge;
- highway safety;
- highway congestion;
- surface water run off causes flooding;
- adverse impact on landscape;
- adverse impact on biodiversity;
- housing needs met through Development Plan Allocations in Ivybridge and Sherford;
- Affordable Housing is not integrated;
- loss of farmland; and
- overlooking existing residential development.

Additional comments, but not specifically objections have been made in representations:

- enhance cycling;
- increase trees as part of drainage strategy

The single expression of support identifies the importance of providing new properties in Ivybridge to meet the needs of an ever growing population.

### **Relevant Planning History**

None.

### **Analysis**

#### **Principle of Development / Sustainability**

The site is not allocated for development in the Council's adopted Local Development Framework Site Allocation Development Plan Documents 2011 (SA DPD). It is located adjacent to but outside the Ivybridge development boundary as defined in the South Hams Local Plan (1996).

The context for any recommendation relating to the principle of whether this application should be approved for development needs to take account of not only the local Development Plan, but also the National Planning Policy Framework (NPPF). The government requirement is clear that in order to boost significantly the supply of housing local planning authorities should maintain 'a supply of specific deliverable sites sufficient to provide five years' worth of housing against their housing requirements.'

The Council is not able to demonstrate a five year housing land supply. In the context of paragraph 14 of the National Planning Policy Framework (NPPF), planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole.

When preparing the SA DPDs this site was one of many in and around Ivybridge considered as potential development sites as part of the Sustainability Threshold Assessment (STA). This assessment concluded by giving the land north of Woodland Road (the application site) an overall middle/neutral sustainability rating of yellow. This conclusion indicated that the site had possible sustainability issues. Further assessment would be required to clarify this initial summary. This has now been undertaken as part of this application process. The site was not allocated for development in the Ivybridge SA DPD, but this should not be regarded as indicating that it is an unsustainable site in principle.

In this respect the site is considered to be in a sustainable location, in that services and facilities can be easily accessed by walking, cycling and public transport.

The key sensitivities are identified as surface water run-off / Ivybridge Critical Drainage Area and landscape, including potential impact on Dartmoor National Park. The numerous mature trees and the existence of habitat suitable for protected species, specifically the boundary hedgerow, also represent parameters within which proposed development must be framed.

The decision relating to the principle and suitability of development needs to be made in the context of the three dimensions of sustainability as set out in the NPPF: economic, social and environmental. A consideration of the proposals for each of these categories in the context of the Development Plan and general requirements of the NPPF follows.

### The Economic Dimension

The provision of housing, including Affordable Housing (AH), is a significant benefit in terms of the provision of employment in the short term and the provision of accommodation for workers in the long term. New residents would also spend money in the local economy, supporting the retention and improvement of local services and facilities.

The application has been brought forward to meet some of the requirement for a five year housing land supply, it is important to secure the delivery of Affordable Housing early in the construction timetable and that all development commences in a timely manner.

### Social Dimension

The provision of housing, including Affordable Housing (AH), is a significant benefit. For a non-allocated greenfield site the level of Affordable Housing would normally be 50%. The applicant has submitted, however, a viability assessment that has been independently reviewed and this confirms that the proposed (increased) offer of 30% AH with a split of 50% Social Rented and 50% Shared equity, represents a good level given the costs associated with development.

The applicant has also confirmed that the requirement will be met in full for a payment to meet the capacity needs that arise as a consequence of development at Ivybridge Community College.

The layout of the development is considered to provide a good level of open space that is easily accessible to all residents.

The Police liaison Officer has identified a number of concerns. Whilst these concerns are well founded, the layout has been designed to limit landscape and visual impact and this has resulted in much of the open space running alongside the public footpath. The design responds to security concerns to an extent by ensuring a reasonable degree of overlooking of public spaces. It is considered, however, that further security measures, such as lockable gates between houses, are necessary and that if planning permission is granted then a condition would be to require a security plan.

### The Environmental Dimension

The fields currently make a contribution to the rural setting of the fringe of Ivybridge and form part of a green space between Ivybridge and development further west. The site is prominent in views from higher ground to the south of the A38 and from higher ground within the northern part of the developed area of Ivybridge. Views are available from Dartmoor National Park.

The layout of development minimises landscape and visual impact by placing open space to the west and north-west, along the footpath and by making a feature of the mature tree that sits in the centre of the site. It is also notable that the proposed development would not infringe on the skyline. The Dartmoor National Park Authority has confirmed that they do not consider that the development would have a significant adverse impact on the National Park.

The site is not at risk of flood itself, but given poor percolation run off can contribute to flooding of lower land to the south and south east. Local residents have advised that flood occurs on occasion. The applicant has submitted a flood risk assessment and drainage plan that demonstrates betterment, such that by holding run off in a surface water storage feature would reduce the risk of flood off site. The Local Lead Flood Agency has, however, questioned some elements of the FRA including checking stability of the proposed pond; checking buoyancy of the proposed attenuation tank during high groundwater levels; clarifying the overflow arrangement from the below ground structure to the above ground structure; the provision of benefit with regard to water quality from the site; and confirmation with respect to the soakaway testing rates. At the time of issuing this Report the LLFA is not available to confirm whether these matters have been addressed. An update will be given at the Committee Meeting.

The Council's Biodiversity, Open Space / Recreation and Geen Infrastructure specialists raise no objection to the proposed development subject to a number of measures. Over-arching would be a pre-construction agreement of a Landscape and Ecological Management Plan that would implement the findings of the Ecological Assessment and include protection of hedgerows and trees. The latter would need to be secured within a s106 Agreement. A financial contribution would be necessary to address recreational impact on Special Areas of Conservation.

The specialists also recommend the pre-commencement submission and agreement of details of the public open spaces including play area and surface water storage basin. This would cover on-going management and maintenance. In this respect the s106 should seek to secure payments for improvements to play facilities at Woodlands Park and sports facilities at Filham Park, Ivybridge, the provision of an on-site 100m<sup>2</sup> LAP, including appropriate buffers, and public access and on-going management and maintenance of the on-site public open space, including the LAP, in perpetuity.

### Sustainability balance

The site is considered to enjoy good access by walking, cycling and public transport to a range of facilities and services. With no significant adverse impacts identified the weight of the provision of housing, including 30% Affordable Housing is significantly in favour of the development.

The layout and overall density is considered to be sensitive to the location and makes the most of the existing strong hedge and trees at the boundaries and to limit any adverse impact on landscape and biodiversity.

### Other material considerations

It is considered that the layout of the site responds well to its setting, as described above. The objective of retaining open space in the most sensitive parts of the site (the west and north-west) and to ensure betterment with respect to surface water run-off, has resulted in a low density development in comparison to the area of the whole site. Some of the properties are typically small and the desirability of this in the context of Policies DP4 and DP11 is questionable. The key tests of the NPPF, however, require a balanced approach. In the case of this application the high quality of the landscape treatment / quantity of public open space, the delivery of 30% Affordable Housing (please see later in the Report for further

consideration of this matter) and meeting all request for contributions are considered to be significantly beneficial. The government has also moved towards a regime whereby Local Planning Authorities must rely on National Standards and Building Regulations rather than require higher standards of design. Whilst high quality in all design matters continues to be an objective of the Planning Authority, it is considered that an appropriate quality will be delivered by compliance with non-planning statutory standards; and that given the other benefits of the development, this is not a reason to refuse planning permission in this instance.

Parking spaces and arrangements are generally sufficient and appropriate, although some scenarios appear to be likely to cause difficulties for residents and others may detract from the quality / functionality of the open space. Again, this is not considered to be a reason for refusal, but it is recommended that if permission were granted that the submission of and adherence to a revised parking plan is a condition.

Concern has been expressed by the Police Liaison Officer with respect to security, but in the balance it is considered that maintaining a landscape led layout with additional security measures makes the development acceptable in this respect.

Parking provision for some of the properties appears to be inconvenient and some visitor spaces would have an adverse impact on the landscape plan and the applicant has been asked to reconsider the arrangement.

Representations have questioned the impact on neighbour amenity. In this respect it is considered that appropriate distances exist between existing properties and the proposed new properties and that there are no views from existing properties that would be dominated by the new development such that it would render them unpleasant places to live. It is recognised that disruption would occur during the construction phase, but that this would be short term and could be controlled to an appropriate level through condition.

Representations have also questioned whether adequate provision is proposed with respect to open space and recreation / sport provision. With a good proportion of open space on site and specific contributions to be made to off-site recreation provision, it is considered that these matters are addressed.

Devon County Council Highway Authority makes an initial objection that would be resolved through the provision of further evidence with respect to proposed safety measures relating to the crossing of Cornwood Road. The measures would then be secured by condition or s106 agreement to ensure appropriate design in terms of highway / pedestrian safety.

The site is Grade 3 Agricultural Land, the loss of which cannot be mitigated or compensated. As a relatively abundant resource, this is not considered to be a matter that would outweigh the benefits of delivering housing to meet a five year housing land supply.

Devon County Council Historic Environment Team has confirmed that a pre-commencement Written Scheme of Investigation would be an acceptable condition.

## **Conclusion**

It is recognised that granting planning permission would result in a level of housing development in excess of what has been proposed in the Development Plan. With all

contribution requests to be met there are, however, no adverse impacts with respect to infrastructure and other provisions. Notably neither Devon County Council as Highway Authority nor Highways England have raised any objection with respect to highway capacity.

With no significant adverse impacts identified the weight of the provision of housing, including 30% Affordable Housing, is significantly in favour of the development.

Conditions and s106 requirements have been identified at the beginning of this Report and these are considered to be necessary to ensure that the development would meet policy tests with respect to sustainable development. Of particular importance re measures to secure a landscape plan a surface water management plan.

On balance it is recommend that the planning application is approved.

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**

### ***South Hams LDF Core Strategy***

CS1 Location of Development  
CS6 Affordable Housing  
CS7 Design  
CS8 Infrastructure  
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  
DP8 Open space and recreation  
DP15 Development in the Countryside

## **NPPF**

Paragraph 14.

## **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.



## PLANNING APPLICATION REPORT

**Case Officer:** Mr Matthew Jones

**Parish:** Newton and Noss

**Application No:** 37/1831/15/F

**Agent/Applicant:**

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

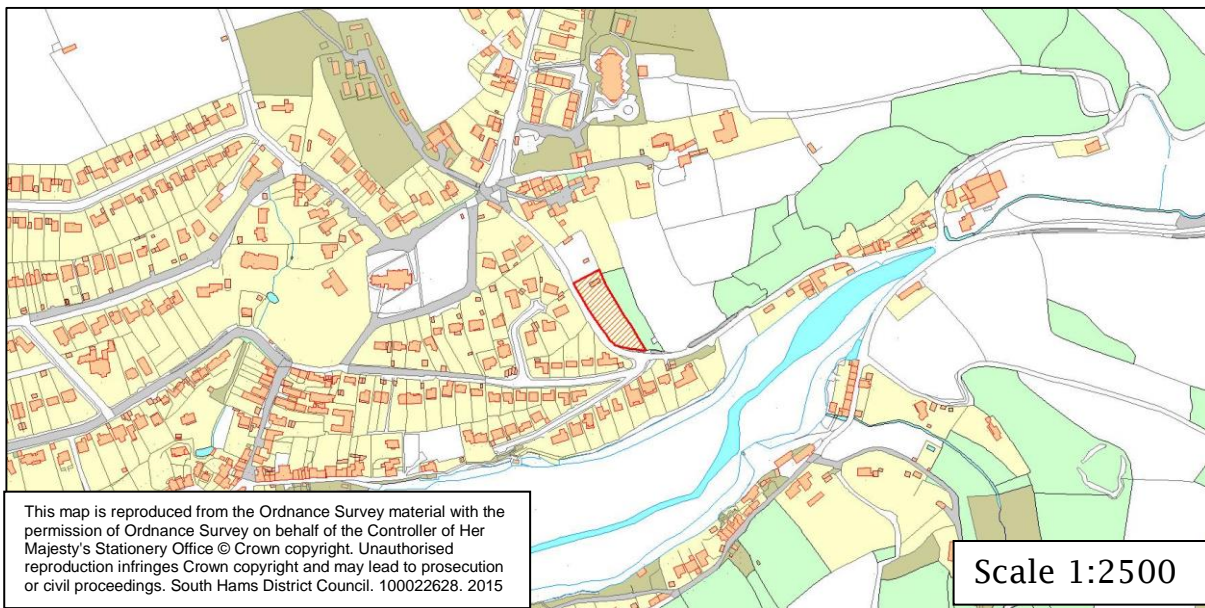
**Applicant:**

Mr & Mrs A Williams  
Barnicott  
Bridgend Hill  
Newton Ferrers  
PL8 1BA

**Site Address:** Development site at SX 552 481, Barnicott, Bridgend Hill, Newton Ferrers

**Development:** Provision of new dwelling

**Reason item is being put before Committee:** Cllr Blackler has requested that the application be considered at Development Management Committee as he believes the site is suitable for residential development and will contribute to housing stock within the district



## **Recommendation: Refusal**

### **Reasons for refusal**

1. The proposed development represents the erosion of rural character, the visually harmful incursion of the built environment into the countryside and the coalescence of two distinct and separate urban environments within the South Devon Area of Outstanding Natural Beauty. The new access would be damaging to the character and appearance of Bridgend Hill. The proposal is therefore in conflict with saved policy SHDC1 of the South Hams Local Plan, policies DP2 and DP15 of the Development Polices DPD, polices CS1 and CS9 of the Core Strategy DPD and paragraphs 7, 14, 17, 55, 61, 109 and 115 of the National Planning Policy Framework
2. The proposed development is likely to generate an increase in pedestrian traffic on a single track highway lacking adequate footways and street lighting with consequent additional danger to all users of the road contrary to paragraph 32 of the National Planning Policy Framework.

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

The main issues are the principle of residential development outside of a Development Boundary as a departure from the Development Plan, the impact on the setting of heritage assets, the character of the area and AONB landscape, drainage, ecology, access, parking and any impact on the amenity of neighbouring properties.

### **Site Description:**

The application site is a parcel of land immediately adjacent to the settlement of Newton Ferrers. The field maintains a default land use as agricultural, although the upper part of the original field has been changed to residential and converted into a tennis court serving the adjacent property.

The application site is outside of the Newton Ferrers Development Boundary and is within the South Devon Area of Outstanding Natural Beauty. The paddock has an historical association with the grade II listed dwelling Barnicott, which is approximately 80m to the north.

### **The Proposal:**

Planning permission is sought for the provision of a new dwelling and associated works. A new access is proposed at the western boundary of the site, onto the highway at Bridgend Hill.

The new dwelling takes a Modernist approach to design with a simple appearance and use of materials, over two storeys with a parapet hiding a flat roof. The aspect is towards the river with high levels of glass in the south elevation. A detached garage is to the rear, north of the dwelling, adjacent to the turning area.

### **Consultations:**

- County Highways Authority

Refer to standing advice

- Environmental Health Section

Suggest unsuspected contamination condition

- SHDC Ecologist

No objection subject to condition ensuring adherence to ecological mitigation

- Newton and Noss Parish Council

Objection – In summary not appropriate development outside of Development Boundary within AONB, removal of parcel of sunken Devon Lane not appropriate, additional danger to users of the highway, will encourage further development of the site

### **Representations:**

10 Letters of objection have been received, 4 letters of support and 1 letter of comment at the time of writing this report. Concerns raised are summarised as follows:

- The site is within the undeveloped AONB
- It is outside the envelope of the village
- Bridgend Hill is an important route and the development will exacerbate traffic problems
- Will destroy historic feature of Devon Bank
- The access will be unsafe
- Development will set a precedent for further development of the valley
- The modern design is inappropriate for the area
- Planting at the boundaries could not be relied upon
- The scheme should not harm the amenity of adjacent properties
- The proposal will harm the setting of the grade II listed Barnicott

Comments made in support of the application are summarised as:

- The splay will provide a passing place and should be extended
- Planting will aid assimilation of the development
- The tennis court allows buffering between the proposed dwelling and Barnicott
- There is a lack of views into the site
- The design is high quality and an improvement for the village
- The site could accommodate more than one dwelling
- The modern design is not inappropriate in an area with various architectural styles

### **Relevant Planning History**

## Other sites

07/3037/14/F - Outline application for erection of 2 x residential dwellings - Proposed development site at SX 545 523, Hilltop Cottages, Brixton, Plymouth PL8 2AY - Refused and appeal dismissed (APP/K1128/W/15/3007538)

41/2361/14/F - Erection of single dwelling with associated landscaping and access - The Ridings, Bennett Road, Salcombe, TQ8 8JJ - Refused and appeal upheld (APP/K1128/W/15/3035888)

## This site

37/1182/88/1 – Development of land for Residential Purposes – Refused and subsequent appeal dismissed

Quotes from Inspector's report:

*'I consider that the road forms a clear separation between the eastern edge of Newton Ferrers and the open pastoral hillside beyond. This well-formed natural limit to the built-up part of the village has been recognised by the Council in their definition of the Development Boundary contained in the local plan. I viewed the appeal site from a number of vantage points, including Stoke Road on the south side of Newton Creek. As a result there is no doubt in my mind that the proposed development of this site, which has commanding views across the valley, would be an unacceptable intrusion into the open countryside. Such is the prominence of the site that, in my judgment, even the most careful attention to matters of detail would fail to overcome that objection.*

*'In my judgment, whatever improvement it may bring to local traffic flow, the road widening would inevitably change Bridgend Hill from a sunken Devon lane to a commonplace urban road. To my mind this would be undesirable as it would mean the loss of an important element in the traditional character of the village. This additional factor serves only to reinforce me in my opinion that the project would be seriously detrimental to the declared objectives of preserving and enhancing this area of outstanding natural beauty. Furthermore, I consider that if I were to allow this appeal it would be likely to lead to applications for similar undesirable development on other land nearby which it would be difficult for the local planning authority to refuse without appearing inconsistent.*

37/0861/93/3 - Change of use to residential garden – Refused and subsequent appeal dismissed

Quotes from Inspector's report:

*In my view the boundary between the village development area and the open countryside of the AONB should be regarded as permanent, robust and defensible, demonstrating a perceptible difference between the two areas. To my mind the visual character of a well maintained domestic garden would reflect the built up part of the village rather than the surrounding open parts of the AONB. In this case the degree of incongruous incursion would be plainly seen from the rising ground on the opposite side of the creek, from which Barnicott with its outbuildings and the garden nearest them appear at the top of the slope as part of the coherent built-up area of the village. I consider they are distinct from the appeal site, with Bridgend Hill forming a clear-cut break between the developed area and the tracts of open land which include the appeal site. In sum, I am of the view that... ..there would be a change in the character of the site which would detract from the AONB.*

37/2684/13/PREMIN - Pre-application enquiry for proposed erection of two, two storey dwellings and new access – No officer support forthcoming

*Landscape Character – the site proposal sits on at the junction between two character types and units. It is within LCT 2C (River Valley and Coombe) and LDU 864 extending down to the south; to the immediate north is LCT 1B (Open Coastal Plateau) and LDU 317. 2C is characterised by its balance between woodland and settled slopes, with the site forming part of more open, unimproved pasture.*

*Dwellings are seen as low key on the lower slopes. The overall condition is considered to be very good. LDU 317 to the north is again in excellent condition forming high, open plateau farmland. Whilst it is noted that the proposal is on the edge of the existing settlement, the agricultural edge is important to the integrity of the village and the over rural character. The proposal would erode this edge and would visually extend the village boundary. This is within a sensitive location within the AONB*

- *Visual Impact – it was acknowledged that the key impacts would be to the immediate boundary, and glimpsed views from Noss Mayo*
- *Existing vegetation – boundary hedgerows are limited in nature and are primarily made up of elm species which are susceptible to disease and loss. Sections of this would need to be removed for the access too*
- *Ecology – subject to detailed surveys*

*Concern is raised about:*

- *The principal of development in a very sensitive location*
- *Limited effect of vegetative boundaries given species mix and impact of removing section for access*
- *Extension of the village boundary effecting the landscape character*

## **Analysis**

### **The Current Policy Context**

The site is outside of the development boundary. As such, there is an 'in principle' policy objection to this development under policies SHDC1, CS1 and DP15.

The inference within the submission is that this site is appropriate for development as the Council is currently unable to demonstrate a five year supply of land for housing and that subsequently the NPPF renders these policies out of date. However, recent appeal decisions have clarified the continued compliance of these policies with regard to the Framework:

Regarding CS1, the Inspector for a recent appeal elsewhere in the district stated that '*...in the light of the judgement in Cheshire East Council v SSCLG and Richborough Estates Partnership<sup>1</sup> I consider South Hams LDF policy CS1 - which restricts development outside named settlement boundaries - not to be a policy which makes provision for housing; while it might have an indirect effect of restricting housing development, it is not a relevant policy for the supply of housing so Framework 49 and 14 are not engaged.*' (Appeal Ref: APP/K1128/W/15/3007538, Land adjacent 11 Hilltop Cottages, Brixton, Plymouth PL8 2AY)

For Saved Policy SHDC1, an Inspector has recently stated within his report that policy SHDC1 is *'aimed at the protection of the character of the area and... ..not for the supply of housing and therefore... ..not caught by paragraph 49 of the Framework. (SHDC1 is) somewhat older than the Framework but the general intention with regard to the protection of character and good design (is) consistent with the principles set out at paragraph 17 and... ..therefore consistent with the Framework.* (Appeal ref: APP/K1128/W/15/3035888 The Ridings, Bennett Road, Salcombe, Devon TQ8 8JJ)

Notwithstanding the continued compliance of these policies, the Council acknowledges that it does not currently benefit from a five year land supply for housing. As such, officers consider all proposals for new residential development with due regard for the social, economic and environmental principles of sustainable development enshrined within the National Planning Policy Framework.

In instances where a development proposal has been considered to represent sustainable development, it has been recommended for approval. This proposal is not concluded to be sustainable development.

### **Social and Economic Benefits**

The proposal will provide a small and temporary economic benefit during the construction phase and a social benefit through provision of a single, executive size dwelling. One dwelling does not make significant inroads into resolving current housing shortages and, overall, the social and economic benefits of the scheme are considered to be very limited.

### **Character and Visual Impact**

Paragraph 14 of the Framework, through footnote 9, clearly indicates that the *'presumption in favour of sustainable development'* must be assessed with specific regard to policies governing development within AONBs.

Paragraph 115 states that *'great weight should be given to conserving landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to landscape and scenic beauty.*

The AONB is not limited to only environmental benefits, and, through tourism and national designation, contributes environmentally, socially and economically to the communities of South Devon.

### **The Wider Context**

The drowned river valley at Yealm Creek is an extremely sensitive and celebrated part of the South Devon Area of Outstanding Natural Beauty. Appreciation of its scenic beauty and natural character led to significant development pressure throughout the C20 which has, overall, been to its detriment. Particularly in Newton Ferrers, there is a dense grain of residential development at its core.

However, the settlements of Newton Ferrers and Noss Mayo have not come to totally dominate the valley, and maintain a clear and distinct separation. This separation, and the retained rural character of the valley, is secured through the existence of swathes of greenfield land which provide important green buffers between the villages.

The continued protection of these areas is essential in order to afford the AONB the highest status of protection, to prevent coalescence of the distinct settlements of Newton and Noss and to prevent urban sprawl around the entirety of the valley. The urbanisation of the valley and further physical connection of the settlements would have harmful implications with regard to the quality of the AONB environment, the economic benefit it provides, and would also represent considerable social harm as local distinctness would be lost.

The Development Boundary runs down Bridgend Hill. Bridgend Hill was a good choice as a location for the Development Boundary as it clearly demarcates the boundary of the village, with houses to the west and countryside to the east. It marks the point where character changes between urban and rural. From wider views the application site contributes to local character and the AONB through its verdant appearance and through the absence of any residential development; it reads as a parcel of countryside outside of any recognised settlement.

The submitted LVIA illustrates that the proposed dwelling will be seen from the wider area, particularly when viewed from the south and areas across the Creek. Although the dense boundary vegetation will screen the visual impact to an extent, the dwelling will still be viewable from a number of locations and will therefore represent a visually harmful incursion into the countryside.

There is a reliance within the LVIA on existing boundary vegetation to prevent what is acknowledged to be a 'Major-Moderate' visual impact. Importantly, the Council's specialist landscape officer has questioned the integrity and therefore reliance of existing boundary treatments to provide screening. The boundary vegetation is elm, and due to DED, its future cannot be guaranteed.

Substitute vegetation which could provide commensurate levels of screening is considered to be unobtainable, at least during reasonable timeframes and, following removal of the elm, the site would be bare and extremely exposed for a significant amount of time.

The excessive level of glazing within the Creekside elevation will also lead to further light pollution within the valley.

### **The immediate context of the site**

When one travels around the valley from Noss Mayo to Newton Ferrers they leave the village at the south and enter the more rural and industrial area around Bridgend. In order to access Newton Ferrers from Bridgend one then must travel up Bridgend Hill which terminates within the village. Large expanses of Bridgend Hill are very narrow in character, and take the form of traditional sunken Devon Lane, with dense green vegetation hugging the highway, creating an enclosed rural feel.

The proposed access and associated visibility splay represents an engineered and out of character intervention into this narrow sunken lane, which is an important local feature. It will therefore erode the character of the streetscape which currently provides rural separation between distinctive settlements.

## **Design and the setting of the Listed Building**

Officers have raised fundamental concerns about the principle of the residential development of the site, regardless of the specific design approach. There is excessive glazing to the Creekside elevation but, as there is an eclectic mix of styles and architectural quality within the area, the Modernist design approach is not considered to be inappropriate within this context.

The distance, lack of a discernible interrelationship, and existence of the tennis court between the two sites, leads officers to conclude that the proposed dwelling would have no harmful impact on the setting of the grade II Barnicott.

## **Access and parking**

The site layout provides onsite turning, allowing vehicles to enter and leave the site in a forward gear. The specialist highways officer has stated that 25m visibility northwards and 17m southwards would ensure access safety, and the submitted plans indicate that this is achieved.

## **Other safety issues**

Residents towards the lower end of Bridgend Hill, around Yealm View Road, can utilise footpaths and the Public Right of Way adjacent to the creek to walk to Riverside Road East, and therefore have a safe walking environment to the services provided within the centre of the village. Residents at the top of Bridgend Hill have a much more open and short walk to the footpaths at the top of the hill and do not need to travel down Bridgend Hill to access services. The road is used, however, by families with young children who walk the shortest route towards the school which is at the top of the hill.

The lane immediately adjoining the site is very narrow, is steep, claustrophobic and bereft of footpaths. It provides the main vehicular connection between the two villages of Newton Ferrers and Noss Mayo and can be extremely busy, especially during the summer months and during commuting periods. It presents an inhospitable environment for pedestrians and introducing pedestrian access and the need for pedestrian travel within this area is considered to be unsafe.

Paragraph 32 of the NPPF requires the decision maker to take account of whether '*safe and suitable access to the site can be achieved for all people*'. Pedestrian access within this location is considered to be unsafe with subsequent and severe increased danger to all road users.

Although comments made about the potential benefits of the splay as a passing place are noted, the splay itself would be on private land, not part of the highway, and therefore it cannot be considered as a part of the highway which could generate any benefit through public use.

## **Continued Relevance of the 1989 and 1993 appeal dismissal**

Residential development of this land was refused and the subsequent appeals dismissed in 1989 and in 1993. Within the appeals, the Inspector identified the importance of the field in retaining rural character, the visual harm associated with its urbanisation and the harm to character inherent with creation of a new vehicular access within the sunken lane.



Officers acknowledge the age of the 1989 and 1993 appeal dismissals, the intervening changes to the implementation of the planning system and the changing national priorities, such as the need for a five year land supply for housing. However, strict protection of the South Devon AONB has remained a constant objective of the planning system since 1989 and officers consider the Inspector's comments to still retain great weight in consideration of this current planning application.

Overall, both the Local Planning Authority and Planning Inspectorate, in 1989, 1993, 2013 and now in 2015 have identified the importance of the site and the role it plays within the AONB. The NPPF, within paragraph 14 footnote 9, makes it very clear that, regardless of housing land supply, conservation of the AONB must be given the highest status of protection, and, as such, officers would argue that protection of the AONB is an even higher priority than it was in 1989.

## **Conclusion**

The site is outside of the development boundary. As such, there is an 'in principle' policy objection to this development under polices SHDC1, CS1 and DP15. Recent appeal decisions have clarified the continued compliance of these polices with regard to the Framework:

Regardless of any debate on the continued relevance of these policies, officers have also considered the application on its individual merits with regard to the NPPF definition of sustainable development. This proposal is not considered to be sustainable.

The building of a single, executive style, residential unit will derive some short term economic benefit to the area and very limited long term social benefit through the provision of a single dwelling.

However these limited benefits are not considered to outweigh the significant identified social, environmental and economic harm to the character of the area and the character of the wider South Devon Area of Outstanding Natural Beauty.

For the reasons outlined above this application is not considered to accord with national or local planning policy and is consequently recommended for refusal.

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

## **Planning Policy**

### **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  
DP5 Conservation and Wildlife  
DP6 Historic Environment  
DP7 Transport, Access & Parking  
DP15 Development in the Countryside

## **South Hams Local Plan**

SHDC 1 Development Boundaries

### **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.

## PLANNING APPLICATION REPORT

**Case Officer:** Wendy Ormsby

**Parish:** Thurlestone

**Application No:** 55/2213/15/VAR

**Applicant:**

Mr N Readfern  
3 Penhaven  
Middle Leigh  
Newton Ferrers  
Plymouth  
PL8 1DS

**Site Address:** 8 Whimbrels Edge, Thurlestone, Kingsbridge, TQ7 3BR

**Development:** Variation of conditions 3 (approved plans), 9 (Landscaping) and 11 (Boundary Enclosure) of planning consent 55/2164/12/RM to allow re-siting and screening of air source heat pump and revisions to boundary treatment

**Reason item is being put before Committee:** The Ward Member considers this application is outside the property's curtilage and, as a result, may have an adverse impact on neighbour amenity.



**Recommendation:** Conditional Approval

### **Conditions**

Accords with plans

External materials and finishes to be retained as approved

Implementation and maintenance of landscaping scheme

PD removed

Boundary treatment to be constructed in accordance with approved details

Parking areas within boundary wall to be retained in perpetuity

Privacy screen to be retained

No access to sedum roof

Wicker screen to be retained in accordance with approved details unless otherwise agreed.

Planting forward of and within 1m either side of the ASHP shall not be pruned to a height below 1.5m, should planting die or become diseased replanting shall occur in accordance with details to be agreed.

### **Informatives**

Conditions within OA/WX/119 still in force

Details agreed pursuant to 55/2164/12/RM remain relevant except where plans have been substituted.

### **Site Description:**

The site is the plot of a single, 2 storey dwelling recently constructed at the end of Whimbrels Edge, a cul-de-sac in Thurlestone.

The site is located within the South Devon AONB

### **The Proposal:**

The property, 8 Whimbrels Edge gained reserved matters approval in 2012 and is the last dwelling to be constructed at this end of the cul-de-sac. The approved plans included a shared access drive curving in front of the plot, providing access to No 8 and No 7. The plans showed an open frontage to No 8 and an Air Source Heat Pump (ASHP) was shown located adjacent to the northern boundary, forward of the dwelling but within approx. 3m of the dwelling.

This application is part retrospective. A stone faced boundary wall with gate has now been constructed across the front of the property separating the perceived residential curtilage of the dwelling from the land outside of the front wall. Within the land forward/outside of the wall a parking space has been created and the Air Source Heat Pump (ASHP) has been sited here, opposite the exit from No 7. A block wall, approx. 1m high has been constructed to support the ASHP on its northern side.

A wicker screen has been sited on the south side of the ASHP and planting has been put in with the intent of screening the development.

This application seeks to authorise these amendments by submitting an alternative landscaping scheme and alternative boundary treatment scheme to the approved reserved matters application.

### **Consultations:**

- County Highways Authority - no comment
- Environmental Health Section - noise assessment undertaken on site - no objection subject to condition requiring block wall to be increased in height.

- Parish Council – objects for reasons including the following:
  - Contrary to Policy DP3 and NPPF
  - Adverse noise impact on neighbours
  - Could be better located elsewhere within the dwellings curtilage

### **Representations:**

Four letters of objection raising concerns including the following:

- ASHP is outside the domestic curtilage
- Adverse noise impact
- Contrary to Policy DP3 and NPPF
- Location further from the house and screen planting mean the ASHP will be less efficient and therefore it is not sustainable development.
- Noise information is ambiguous.
- Could be better sited elsewhere
- Unsightly
- Precedent for ASHPs outside of a curtilage
- New parking space does not allow sufficient space for screen planting
- Location is contrary to Building Regs

### **Relevant Planning History**

WX/1193 – Outline planning permission granted in 1960 and extended to cover the whole of the Mead development in February 2005.

55/0624/02/RM – Approval of site layout, drainage and strategic landscaping

55/2660/07/RM – Amendments to reserved matters application 55/0624/02/RM

55/2164/12/RM - RM pursuant to outline application for erection of dwelling

### **ANALYSIS**

#### **Design/Landscape:**

The proposed alterations to the boundary treatment involving the construction of a stone faced wall with gate and creation of an additional parking space forward of the boundary wall is acceptable in design terms.

The key area for detailed consideration is the re-sited ASHP. Objections have been received on the grounds that this is unsightly.

When originally put in situ, the ASHP and supporting block wall were visually prominent and incongruous in the street scene. Subsequently a wicker screen has been placed on the southern side of the ASHP where it fronts plots 6 and 7 and screen planting has been planted. Concerns were raised that the proximity of the adjacent parking space would make planting impossible for the full length of the wicker screen, but planting has now taken place. The combination of the wicker screen and planting has softened the appearance of the development and as the planting matures the visual impact will reduce further.

The approved plans have already accepted the location of the ASHP forward of the dwelling, but closer to it; as the frontage of the dwelling was to be open this approved location of the ASHP would also have been visible from the public domain, although less prominent it would not have a wicker screen, only planting.

On balance the impact of the relocated ASHP together with the screening is considered to be acceptable.

**Neighbour Amenity:**

Concerns have been raised with regard to noise impact and consequent adverse impact on neighbour amenity. The Council's Environmental Health Officer has visited the site and measured the sound levels during operation. The noise levels are within acceptable limits.

Impact on neighbour amenity is considered to be acceptable.

**Highways/Access:**

No highway issue arise.

**Other Matters:**

Comments have been received stating that the location of the ASHP outside of the residential curtilage is contrary to Building Regulations. The grant of planning permission does not override Building Control Regulations therefore if it is not compliant then Building Control can take action accordingly.

It is stated that the ASHP is less efficient due to the length of pipes now needed and impact of screen planting and as such the development is not sustainable. These concerns are not substantiated and are disputed by the applicant. The relative impact on sustainability would not be sufficient to be a material planning consideration.

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

**Planning Policy**

*NPPF*

*South Hams LDF Core Strategy*

CS7 Design

*Development Policies DPD*

DP1 High Quality Design

DP3 Residential Amenity

**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.

# PLANNING APPLICATION REPORT

**Case Officer:** Wendy Ormsby

**Parish:** Totnes

**Application No:** 2621/15/FUL

**Agent/Applicant:**

LED Architects  
Riverside, Discovery House  
Steamer Quay Road  
Totnes  
Devon  
TQ9 5AL

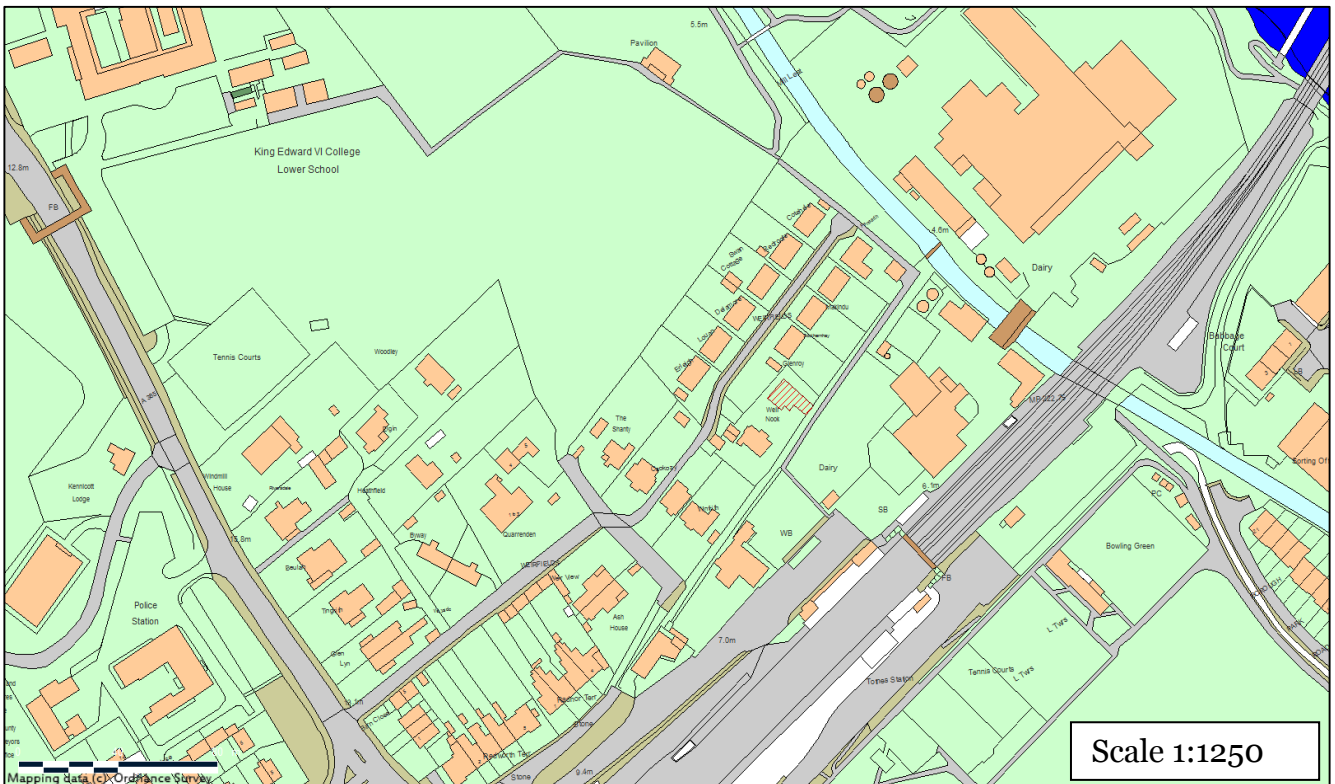
**Applicant:**

Mrs A Richards  
Weir Nook House  
Totnes  
TQ9 5JS

**Site Address:** Land adjacent to Weir Nook, Weirfields, Totnes

**Development:** Erection of 1no. dwelling on land adjacent to Weir Nook

**Reason item is being put before Committee:** Ward Member is concerned about the proximity of the dwelling to the neighbour and the overbearing impact caused by the height of the building



**Recommendation:** Conditional Approval

**Conditions**

Time  
Accords with plans  
Material samples to be agreed  
Parking to be provided and maintained  
Removal of PD  
Single storey roof not to be used as a balcony/amenity area  
High level window in first floor south west elevation  
Unsuspected contamination

**Site Description:**

The site is currently part of the garden of a property known as Weir Nook and which lies north east of the existing house. This part of the garden is separated from the road by a hedge and an open area of grass land which is not in the applicant's ownership.

The site is located on Weir Fields, a narrow residential cul de sac formed of modest bungalows, with the exception of Weir Nook which is a 1.5 storey house.

The site adjoins the plot of a neighbouring bungalow to the north, the boundary defined by a timber fence and the Dairy Crest site at Totnes station to the west, the boundary defined by hedging/trees and a drop in ground levels. The Dairy Crest site contains 2 listed buildings.

The site lies within the Totnes Development Boundary.

**The Proposal:**

It is proposed to build a 1.5 storey, 3 bedroom house within the garden of Weir Nook on the land to the north east of the existing dwelling. This will leave a modest but adequate sized garden area for Weir Nook to the south west.

Access will be created adjacent to the existing access to Weir Nook and off street parking for two cars will be provided, leaving parking for 2 cars for Weir Nook.

The proposed dwelling will be located towards the northern corner of the site, but set approx. 2.4m from the north east boundary and approx. 1m from the north-west boundary. The main aspect is orientated towards the south east and south west. The main element of the building will be 1.5 storey with a single storey, flat, sedum roof, element extending along the north east boundary.

Two dormer type roof projections are proposed in the south east facing roof slope. Roof lights are proposed in the north west facing roof slope. No first floor windows are proposed in the north east gable end, a high level window is proposed in the south west gable that faces Weir Nook.

Sustainable construction methods and materials are proposed that are set out in section 5.5 of the supporting Design and Access Statement.

**Consultations:**

- County Highways Authority - standing advice
- Environmental Health Section - unsuspected contamination condition recommended.



- Town/Parish Council - No objections – Cllrs feel this updated application has covered all previous concerns

### **Representations:**

Three letters of objection on grounds including the following:

- Out of character with the area
- A bungalow may be acceptable but not a house
- Overlooking from first floor windows, contrary to Policy DP3 and Policy CS7.
- Shadow diagrams do not show impact in winter when the sun is lower; there would be a considerable loss of light. Diagrams do not follow BRE good practice guidelines.
- Infringes Human Rights in particular Article 1 and 8
- Impact of gable could be reduced by changing to a hipped roof. Gable is dominant and over bearing.
- The application goes against the planning conditions placed on previous applications requiring the development of a bungalow

### **Relevant Planning History**

56/0068/08/O: Construction of a single storey dwelling (Conditional Approval – 10.03.2008);

56/0006/11/O: Replace extant outline planning consent 56/0068/08/O for construction of single storey dwelling (Conditional Approval – 10.02.2011)

56/1978/14/O: Outline application for erection of 1 no. dwelling (Conditional Approval 23.9.14)

56/1079/15/RM: Approval of reserved matters following outline approval 56/1978/14/O for erection of 1 No dwelling: (Registered)

### **ANALYSIS**

#### **Principle of Development/Sustainability:**

The site lies within the Totnes Development Boundary, in close proximity to the town centre and train station where the principal of residential development is acceptable subject to all other material planning considerations.

Planning permission has previously been granted for a single storey dwelling on the site and there is an extant outline consent for a single storey dwelling.

The principal of residential development on the site is therefore accepted and it is the detail of the proposal that is for further consideration.

#### **Design and Amenity**

Previous outline approvals for a single storey dwelling with south east facing dormer illustrated a building footprint located more centrally within the site, adjacent to the north-west boundary. Planning conditions attached to previous permissions have stated that the development shall take the form of a dormer style bungalow provided that no dormer window is constructed on the north east elevation, north- west elevation and south west elevation of the development. The reason given is to ensure that the development does not adversely affect the amenities of occupants of existing dwellings in the locality and to minimise the visual intrusion of the development in the locality.

Following the latest grant of outline planning permission in 2014 a reserved matters application was submitted in 2015. This application sought consent for a two storey house of a similar footprint to the current proposal, located between 1m – 2m from the north east boundary and incorporating a roof terrace over the single storey element adjacent the north-east boundary. The ridge height of the proposed dwelling was 7.4m. The single storey projection included additional height to incorporate a safety wall to the side of the terrace but was low enough for overlooking to occur from the terrace.

A number of objections were received to this application including an objection from the Town Council. Officers considered that the proposal was unacceptable having regard to its overbearing impact on the neighbour located to the north east, resulting loss of light to this property and overlooking that would arise from the proposed roof terrace. The scale of the house was also out of character with the area.

In response to this feedback the application was amended in an attempt to address these concerns but Officers considered that despite the alterations the proposal did not fall within the definition of a dormer style bungalow (single storey dwelling with room(s) in the roof space) and therefore could not be considered as a reserved matters application pursuant to the 2014 outline planning permission.

A revised, full planning application has now been submitted which is the subject of this application.

The footprint of the proposed building remains similar but has been moved away from the north east boundary so it now sits 2.4m-2.7m away from the boundary. The ridge height of the building has been reduced by 1.07m so that it is now lower than the adjoining property Weir Nook and 1.33m taller than the neighbouring bungalow. The roof terrace has been omitted to eliminate this potential for overlooking.

Whilst not a bungalow the proposed dwelling is now a 1.5 storey dwelling with reduced ceiling heights in the upper bedrooms.

In design terms the scale and massing of the building is now considered to be acceptable within the street scene. The contemporary design incorporating a pallet of traditional materials such as slate, lime render and timber cladding is considered to be acceptable and will sit comfortably within the street scene.

The proposed sustainable construction methods are a positive feature of the development and are in accordance with policy DP4 of the South Hams LDF.

### **Neighbour Amenity:**

The key issue is the impact on the amenity of neighbouring properties, in particular the bungalow located to the north of the site. The occupiers of this property have objected to the application for reasons listed earlier in this report.

Concerns have been raised regarding overlooking. The only potential for overlooking to the adjoining bungalow is from the south east facing dormer windows. Due to the siting of the house and the angle of vision from these windows it would only be possible to see into the far end of the neighbour's garden; the majority of the garden will remain private. The extant planning permission allows for the siting of dormer(s) in the south east elevation. The extent of overlooking to the neighbouring garden would not have a significant impact on residential amenity.

The rooflights in the north-west elevation which serve bathrooms and one bedroom will look towards the frontages of the properties on the opposite side of the road, set approx. 25m away. This relationship is common in urban areas and is considered to be acceptable.

Concern has also been raised with regard to loss of light to the adjoining bungalow. Whilst there may be some loss of afternoon/evening sunlight into part of the neighbours garden during winter months the impact will not lead to an unacceptable loss of residential amenity; the property will continue to receive a good amount of natural light.

Officers have visited the neighbouring property and considered the potential impact of the proposed development. The distance between the two dwellings and the orientation of the proposed dwelling is such that the new dwelling would not have an unduly overbearing impact on the neighbouring property.

The proposed development is considered to have an acceptable impact on residential amenity in accordance with Policy DP3 of the South Hams LDF

#### **Highways/Access:**

Access and parking arrangements are acceptable.

#### **Heritage:**

The development will have no adverse impact on the setting of the nearby listed buildings at the Dairy Crest site, having no significant impact on their architectural or historic interest.

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

#### **Planning Policy**

##### ***National Planning Policy Framework***

##### ***South Hams LDF Core Strategy***

CS1 Location of Development  
CS7 Design  
CS9 Landscape and Historic Environment

##### ***Development Policies DPD***

DP1 High Quality Design  
DP3 Residential Amenity  
DP4 Sustainable Construction  
DP6 Historic Environment  
DP7 Transport, Access & Parking

#### **Considerations under Human Rights Act 1998 and Equalities Act 2010**

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

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# PLANNING APPLICATION REPORT

**Case Officer:** Wendy Ormsby

**Parish:** East Portlemouth

**Application No:** 20/2136/15/F

**Agent/Applicant:**

Richard Atkinson Architects  
5 Acre Place  
Plymouth  
PL1 4QP

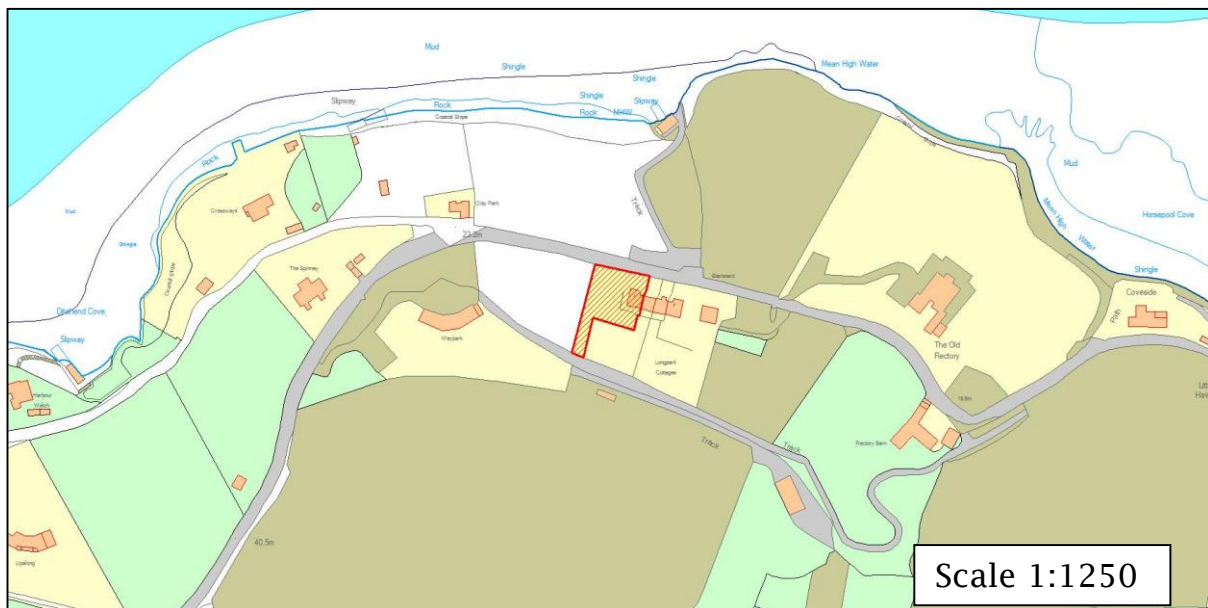
**Applicant:**

Mr P Fleming  
1 Longpark Cottages  
East Portlemouth  
TQ8 8PA

**Site Address:** 1 Longpark Cottages, East Portlemouth, Devon, TQ8 8PA

**Development:** Householder application for proposed re-location of external garden steps linking lower patio with upper terrace and lawn

**Reason item is being put before Committee:** At the request of the Ward Member, who is concerned about the unauthorised patio and loss of privacy



**Recommendation:** Conditional Approval

### **Conditions**

Time

Accords with plans

Stairs to be relocated and screen fence erected within 3 months of date of approval.

Details of trellis to be approved prior to installation

Screen fence to be retained in perpetuity

### **Site Description:**

The site is to the rear of the existing property (1 Longpark Cottage), an end of terrace property which has recently been extended and refurbished.

The site is in the South Devon Area of Outstanding Natural Beauty (AONB) and is also in open countryside.

### **The Proposal**

The rear garden of the property slopes steeply upwards. The garden has recently been terraced providing a level patio at the upper level, steps have been built to access the patio which are close to the eastern boundary with the adjoined neighbour, No2 Longpark Cottages. The steps and patio with associated retaining wall were built without the benefit of planning permission, which they require to be lawful.

An application was submitted to regularise elements of these works but was refused on the following grounds

*'The retention of development would result in an unacceptable loss of privacy to adjacent property known as '2 Longpark Cottages' by virtue of overlooking, particularly to the immediate private external amenity space and first floor bedroom at '2 Longpark Cottages' significantly worsening the living conditions of the occupants of that property. The introduction of additional development to mitigate the loss of privacy would result in an unacceptable level of over bearing and loss of amenity. The existing and proposed development would therefore be contrary to policy DP3 of the South Hams LDF Development Policies DPD and the National Planning Policy Framework (paragraph 17).'*

This application seeks to overcome the reasons for refusal by relocating the steps away from the common boundary and by providing a screen fence at the front of the raised terrace to reduce overlooking to the neighbour.

### **Consultations:**

- County Highways Authority – no comment
- Environmental Health Section - no comment
- Town/Parish Council – objects for reasons including the following:
  - Patio does not benefit from planning permission
  - Loss of privacy
  - Blocks Egress from adjoining properties
  - Adverse impact on amenity

## **Representations:**

One letter of objection from the adjoining neighbour for reasons including the following:

The steps will be dominant and overbearing

The steps protrude into the rear access to their property

Loss of privacy

Trellis will prevent egress from adjoining properties as they will no longer be able to reach over to open the bolt

Patio requires planning permission

Patio is eye level with first floor bedroom window resulting in loss of privacy

Adverse impact on amenity

Proposed screen is not high enough to afford privacy

## **Relevant Planning History**

20/1625/15/F – Retrospective application for works including stone steps and timber fence/gate/trellis in rear garden. - Refused

## **ANALYSIS**

### **Principle of Development/Sustainability:**

The principle of ancillary development within an established residential curtilage is acceptable subject to all other material planning considerations.

### **Design/Landscape:**

The site is not visible from the wider landscape. The design and materials proposed in the development are acceptable and are in keeping with the contemporary redevelopment.

### **Neighbour Amenity:**

The principle reasons for refusing the previous application relate to loss of privacy/overlooking and the overbearing nature of the trellis.

The steps to access the patio are proposed to be moved further away from the common boundary, the nearest point on the steps would be 6.5m from the boundary rather than 2m as at present. The height and orientation of the steps remains unchanged.

It is proposed to install a 1.3m high, angled, slatted fence along the front of part of the patio. This has been designed to restrict views across to the neighbouring property from people seated on the patio. This will not change the degree of overlooking when people are standing.

The trellis remains as part of the proposal, intended to reduce overlooking into the rear garden.

As proposed overlooking into the garden and ground floor windows at the adjoining property is very limited. When standing on the patio there will still be overlooking of one bedroom window but, when seated, which it is reasonable to assume will be the primary use of the terrace, overlooking will be limited.

It is not unreasonable for the applicants to wish to create a useable area within their back garden, which necessitates the formation of some form of terrace. Within a row of attached cottages, sharing communal rear access, complete privacy is also unreasonable to expect.

The trellis as shown on the approved plans as a tight weave could result in an undue loss of light and could appear overbearing, however if this were amended to a wider trellis framework the impact would be reduced while still affording some added privacy.

On balance and subject to a condition to agree the detail of the trellis, it is considered that the proposed amendments to the scheme overcome the previous reasons for refusal and as such it is recommended that planning permission be granted.

#### **Highways/Access:**

Objections have been raised with regard to an alleged right of way through the application site to the rear of the adjoining cottages. This has been blocked by the new gate on the boundary which has no means of being opened from the neighbour's side. Currently this is achieved by climbing up and leaning over the gate to open the bolt. The proposed trellis would prevent this.

The potential blocking of a private right of way is not a material planning consideration. Fire access can be achieved from the front of the properties; many terraced properties have no rear access.

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

#### **Planning Policy**

*NPPF*

#### ***South Hams LDF Core Strategy***

CS1 Location of Development

CS7 Design

CS9 Landscape and Historic Environment

#### ***Development Policies DPD***

DP1 High Quality Design

DP2 Landscape Character

DP3 Residential Amenity

DP7 Transport, Access & Parking

#### **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.



## PLANNING APPLICATION REPORT

**Case Officer:** Mr Graham Lawrence

**Parish:** Modbury

**Application No:** 35/1782/15/LB

**Agent/Applicant:**

Mrs P Wilcox  
Pam Wilcox Planning Consultancy  
Kerries Keep  
Kerries Lane  
South Brent  
TQ10 9DE

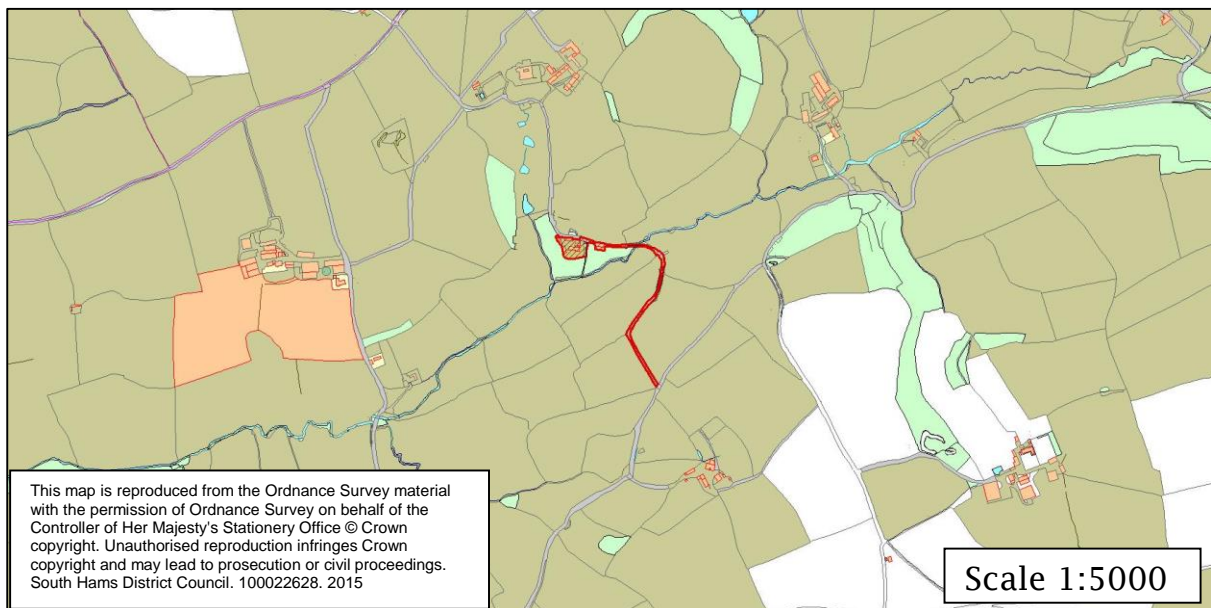
**Applicant:**

Mr S Fenwick  
Shilstone  
Modbury  
PL21 0TW

**Site Address:** Croppins Coombe, Modbury, Ivybridge, PL21 0TU

**Development:** Listed building consent for alterations and extension

**Reason item is being put before Committee:** At the request of the Ward Councillor



## **Recommendation: Refusal**

### **Reasons for refusal:**

1. There is insufficient detail provided to fully understand the effect of the proposed works on the special interest and historic fabric of the listed building and as such it does not meet the requirement of NPPF para 128.
2. The total demolition of the 19<sup>th</sup> century element of the listed building has not been justified and is contrary to para 132 of the NPPF.
3. The scale and form of the proposed development would completely dominate the listed building. It represents substantial harm to the character and special interest of the listed building and is, therefore, contrary to para 133 of the NPPF and Policy DP6.
4. The large flat roof of the proposed development with its associated services, ducts and dome type rooflight would be an incongruous form of development in this locality.

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

- Effect on the character and special interest of the listed building (grade II)
- Scale of proposed development in relation to the listed building

**Site Description:** The property is a modest listed building in a tranquil rural location north east of Modbury. The application site is in a small valley adjacent to a public bridleway which runs along the access lane from the south and proceeds northwards past Shilstone House. The substantial listed property of Shilstone House (presently in the same ownership) sits in an historic garden landscape in an elevated location above the application site.

**The Proposal:** Listed building consent for alterations and extension.

The alterations involve comprehensive re-modelling of the older part of the listed building and total demolition of the 19<sup>th</sup> century part. The extension is much larger than the actual listed building itself.

### **Consultations:**

- County Highways Authority – No comment received
- Environmental Health Section - See planning application
- Parish Council – No objection
- Historic England – Comments in full for clarity.

*‘Thank you for your letter of 14 September 2015 notifying us of the application for listed building consent relating to the above site. We do not wish to comment in detail, but offer the following general observations.*

### **Historic England Advice**

*This application proposes demolition of part of a recently listed grade II farmhouse, and its redevelopment with a considerably larger footprint, whilst still attached to the earliest part of the listed building, which will be fully repaired. The new building is designed in the spirit of an early eighteenth century high status dwelling, and it is intended that the property will become equivalent to a 'dower house' to Shilstone House, the primary building of the estate in which Croppins Combe is located.*

*The core issue for Historic England is the demolition of a substantial part of a listed building. There is no detailed assessment of significance that we could find in the supporting information, but considerable weight is placed by the applicant on the list description for the house, which goes into some detail regarding the chronology of the building and the significance of its different elements. Clearly, its western range represents the survival of a high quality late medieval hall house, of which the sophisticated roof structure is the principal feature.*

*The eastern range is more problematic to interpret, due to evident alterations and a lack of surviving historic features, although its staircase is mentioned as one such feature from which a nineteenth century date is extrapolated. At the time of listing, consideration was given to excluding the later eastern range from the listing, but it was decided to include it because of the way in which it illustrates the fluctuating fortunes of a formerly important historic house, and its contribution to an understanding of the evolution of the building. That conclusion suggests that, whilst this range may not be of intrinsic architectural interest, it does make a contribution to understanding the property's history, and some harm to its interpretation might therefore be caused by its loss.*

*Should your Authority concur with that view, then it is likely that the harm will be less than substantial and paragraphs, 132 and 134 of the NPPF will apply, as well as any relevant policies the Council may have for alterations to listed buildings and this level of development in the countryside. The justification put forward by the applicant for the loss is the retention of the farmstead in one unified use, the sensitive repair of the most important part of the listed building, the removal of unsightly structures from the site, and the outstanding quality of both design and execution of the new build and its associated landscaping. The drawings suggest a high quality of design, which the applicant has proved he is capable of delivering in the well-regarded restoration of Shilstone House. There is a considerable precedent for historic houses where an earlier house has been partially rebuilt and extended with the addition of a high quality classically-designed dwelling. This pattern of development is not unusual in the South Hams, an area notable for its early-mid eighteenth century small country houses, some of which were rebuildings of, or extensions to, much earlier dwellings, although these often display a more even balance between the older and newer elements of the building.*

*With the benefit of knowledge of the site, your Authority will be able to assess the weight that should be given to those factors when balanced against the loss of the later part of the listed building. Paragraph 129 of the NPPF is also applicable in that it requires local planning authorities to assess the particular significance of a heritage asset and take that into account when "considering the impact of a proposal on a heritage asset, to avoid or minimise conflict between the heritage asset's conservation and any aspect of the proposal". This paragraph is relevant to assessing whether the partial loss of the listed building is required to achieve the quality of design that is proposed. The potential for archaeological evidence of an earlier building surviving in the eastern range also needs to be considered, both at application stage and post decision, should consent be granted, in terms of archaeological investigation and recording.*

*Other matters that are relevant to the planning rather than listed building application (and therefore not matters for Historic England, but with some relevance to wider heritage impact) include the relationship and hierarchy between this building and the*

*setting of Shilstone, the primary house of the estate (with which it will be intervisible), and the relationship of the new extension to the surrounding landscape. Your Authority's detailed site knowledge will assist in an assessment of those issues.*

### **Recommendation**

*We urge you to address the above issues, and recommend that this application be determined in accordance with national and local policy guidance, and on the basis of your expert conservation advice. It is not necessary for us to be consulted again. If you feel you need further advice, please let us know why.*

*Please re-consult us if there are material changes to the proposals beyond those necessary to address the issues we have raised. We will then consider whether such changes might lead us to object. If they do, and if your authority is minded to grant consent, you should notify the Secretary of State of this application in accordance with the above Direction.'*

- Natural England – No comment

### **Representations:**

Two representations have been received, one is a positive endorsement of the architect from a previous client. The abilities of the architect are well understood and accepted. The other comment, (from one of the applications supporters within the submitted documentation), was submitted via the applicant and appears to consist of personal comment between friends. This comment was not made directly to the local planning authority by any of the normal means but the contents have been noted and taken into account.

### **Relevant Planning History**

35/2366/15/F – Alterations and extensions

35/0349/15/F – Householder application for alterations and extensions (withdrawn)

35/0304/15/F - Retrospective repair, partial reconstruction and use for storing agricultural machinery use on adjacent farmland and incidental residential use

35/1900/14/F - Change of use of farm buildings to housekeepers cottage and library/store, ancillary to the use of the existing house

### **ANALYSIS**

#### Background – Pre-application consultation:-

The proposed development was discussed with officers during pre-application meetings on site initially in 2014 and again in early 2015. There were two main outcomes of the discussions. Firstly Croppins Coombe was put forward for spot listing by officers, which it was in due course. Secondly, fundamental concerns were expressed regarding the scale of development and the extent of alterations / demolitions proposed. Officer opinion was clearly stated that support could not be given for the development as proposed.

The application was subsequently submitted without significant amendment or further discussion.

## Principle of Development:

The most relevant policy in terms of the listed building is DP6 Historic Environment, which states:-

1. *Development will preserve or enhance the quality of the historic environment. The design, siting, bulk, height, materials, colours and visual emphasis of proposed new development should take into account local context and in particular the character and appearance of the historic building and its environment.*
2. *Proposals will be permitted for alterations to, extensions to, or partial demolition of a Listed Building, provided they do not adversely affect:*
  - a. *its special architectural or historic interest, either internally or externally, of the building; and*
  - b. *the character and appearance of its setting.*

The proposal clearly fails to meet the aims of this policy. The scale of the extension is such that it will become the dominant building on site and the listed building will be relegated to being a minor component of little significance. This fact, combined with the total demolition of the 19<sup>th</sup> century phase, means that the impact on the listed building is judged to be 'substantial' in NPPF terms and para 133 must be applied, not just para 134.

The NPPF offers clear advice on heritage matters. Para 132 states:- 'As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification. Substantial harm to or loss of a grade II listed building, park or garden should be exceptional.'

Para 133 continues:- 'Where a proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss.....'

Para 134 says:- '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 securing its optimum viable use.'

(emphasis added)

Even applying para 134, the harm is not outweighed by public benefit so refusal of the application is a logical conclusion. Croppins Coombe has an optimum viable use as a dwelling and with sympathetic repair will provide a comfortable home. Some form of extension which meets with local and national policy and guidance is very likely to be acceptable, but not an addition of the scale proposed.

The list description identifies the reasons for designation which can be summarised as follows:- *'Architectural interest: for the surviving core of a C16 open-hall house, with its well-constructed arch-braced collar trusses, the smoke-blackening a vivid reminder of past heating technology; the C17 development is evident in the fabric, including surviving fireplaces and beams; Historical: as a relatively rare survival of this date and type, which despite later changes remains legible; the quality of the roof indicates a dwelling of some status, diminished in later years.'*

The full list description is attached as Appendix 1 for reference.

The local context is of a modest, but historically significant late medieval farmhouse, which sits in a valley location. This siting is in itself a component of special interest as it reflects the overriding importance of proximity to water for the inhabitants and their livestock. The valley location presented shelter from the worst weather and offered easy access to the best grazing. It is necessary to compare this character with that of the later and grander Shilstone House for Croppins Coombe forms part of the setting of that building also. The location of Shilstone reflects a different set of priorities and the fact it is elevated, both physically and architecturally, illustrates wealth that allowed its builders to overcome basic necessity and pragmatism. It is a statement which stands out in the locality as the dominant residence and there is a clearly established relative hierarchy between the two.

The Planning Statement says that the development *'will be the secondary house on the estate, the 'dower house' level in the architectural hierarchy.'* There is, however, no intention or pathway presented for this relationship to be retained in perpetuity so it must be assessed in the same manner as any development proposal. A 'dower house' is in itself a building constructed to meet a specific purpose – that of accommodating a widow when an estate passes on to a male heir. To use this as justification for this development is to confuse history and it introduces a false premise.

Paragraphs 55 and 140 of the NPPF are called upon in the Planning Statement to support the proposed development so it is worthwhile exploring these in more detail:- Para 55 is intended to offer an opportunity for new build in the countryside, contrary to policy, where there are overriding reasons including design quality where the exceptional quality or innovative nature of the design of the dwelling justifies approval. It states that:-

*'Such a design should:*

- be truly outstanding or innovative, helping to raise standards of design more generally in rural areas;*
- reflect the highest standards in architecture;*
- significantly enhance its immediate setting; and*
- be sensitive to the defining characteristics of the local area.'*

Para 55 is not relevant as this is not a new build development. The design merits are discussed below.

Para 140 relates to 'enabling development'. Croppins Coombe is a very desirable property in a special location which is ripe for repair and use as a dwelling – there is no 'enabling development' needed and it is not clear how the proposed development will actually enable any positive benefits for the listed building.

The application does not address the guidance in NPPF paras 132 and 133; it therefore falls short of the information required by para 128.

## Design:

The proposed development is the work of an architect of some repute and it is clear that his work at Shilstone is well admired and has gained national recognition. The plaudits accompanying the application are testimony to his abilities.

The main questions that arise in consideration of the design are firstly the scale, secondly the design language and thirdly the design of the roofscape.

- The applicant has already gained permission for conversion of the associated barns at Croppins Coombe to be converted to ancillary accommodation and uses associated with the dwelling. The current proposal further enlarges the footprint of the dwelling by approximately 400%. The proposal is of a scale so large that it goes beyond the historic curtilage of the existing dwelling and also provides a basement pool that will necessitate major excavation, most likely into bedrock. There is no practical reason offered for this scale of development proposed, or structural investigation as to the practicalities of excavating in close proximity to a listed building.
- The design approach is to effectively graft a substantial dwelling in a pastiche Georgian style with a square plan form onto a late medieval building of typically linear form. The result is that the listed building will effectively become a subservient wing to the very large modern dwelling. It is suggested that this is something that has happened historically elsewhere and so should be acceptable here. This means the application seeks to create a sort of false history on this site which is of no genuine relevance to this particular place. Historic England commented that, *'this pattern of development is not unusual in the South Hams, an area notable for its early-mid eighteenth century small country houses, some of which were rebuildings of, or extensions to, much earlier dwellings, although these often display a more even balance between the older and newer elements of the building.'* (emphasis added)
- Whilst the elevations and plan form of the design language is solidly grounded in the classical architectural traditions favoured in Georgian houses, the roof is very utilitarian. There are several service vents and a plain modern dome light which sits over a more traditional period style lantern internally. The flat roof and its service fittings will be very visible from the surrounding landscape and in public views from the bridleway.

## Landscape design:

There is no meaningful landscape design component to the proposed development and it presents very little garden space for a building of this scale. In terms of wider landscape it changes the appearance of the site in relation to Shilstone.

## Setting of Shilstone House:

Setting is defined in the English Heritage *Conservation Principles* as, *'the surroundings in which a place is experienced, its local context, embracing present and past relationships to the adjacent landscape'*. The fact that there is a distinct established hierarchy between Shilstone and Croppins Coombe is dismissed as irrelevant by the application. If the development is approved the estate will in future have a twin pair of major houses at its heart which is a fundamental change of character. The fact that

the pair could readily be separated at any time, with associated dislocation of land ownership would further harm the setting of Shilstone.

The applicant, agent and architect were invited by officers to enter into negotiation on the design issues, but this invitation was rejected.

The merits of the proposed development have been discussed widely within the officer team and the unanimous conclusion has been that it cannot be supported for the reasons set out above.

Neighbour Amenity: No issues.

Highways/Access/PROW: No highway issues raised. The proposed development will be a prominent feature in views along the bridleway.

***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 66 (1) of the Planning (Listed Buildings and Conservation Areas) Act, 1990 requires that special regard be paid by the local planning authority to the desirability of preserving listed buildings or their setting.

#### ***South Hams LDF Core Strategy***

CS7 Design

CS9 Landscape and Historic Environment

#### ***Development Policies DPD***

DP1 High Quality Design

DP6 Historic Environment

### **NPPF**

128, 129, 131, 132, 133,134

### **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.



## Appendix 1 – List description

### Summary of Building

Croppins Combe, a farmhouse, originally an open-hall house, retaining C16 roof trusses, developed in the C17 and subsequently. The C19 eastern range is of lesser interest.

### Reasons for Designation

Croppins Combe, a farmhouse, originally an open-hall house, retaining C16 roof trusses, developed in the C17 and subsequently, with a C19 eastern range of lesser interest, is listed at Grade II for the following principal reasons:

\* Architectural interest: for the surviving core of a C16 open-hall house, with its well-constructed arch-braced collar trusses, the smoke-blackening a vivid reminder of past heating technology; the C17 development is evident in the fabric, including surviving fireplaces and beams; \* Historical: as a relatively rare survival of this date and type, which despite later changes remains legible; the quality of the roof indicates a dwelling of some status, diminished in later years.

### History

In 1490 Richard Croppyng was recorded as having ‘messuages, lands and tenements’ in Modbury; name of Croppingscombe is recorded in a deed of 1500.

The site of the current house, known as Croppins Combe, is on sheltered ground approximately 350m to the south of Shilstone House (listed at Grade II as Shilston Barton), though there is no documented historical connection between the two properties. The bridleway which now runs to the north of the farmstead formerly passed through the yard, as is shown on the tithe map of 1841. Shilston Brook flows to the south of the site. The small quarry to the north of the site appears to have been dug first at some time between 1841 and the survey made for the Ordnance Survey map of 1887; the stone was probably used for building works in the later C19. The farm was occupied by the Rogers family from at least 1881, until 1965. Thereafter another family rented the farm until 2013. It is currently vacant (2015).

The house has a C16 core, in the western range of the house, which appears to have contained an open hall. The usual pattern for a house of this type and date would suggest that there was an inner room to the west of the hall, with a cross-passage to the east, and a service room beyond that. From the evidence of the building, it appears that the western room was substantially rebuilt, probably in the C17, at which time the chimneys at either end of the western range were installed, and the roof trusses probably replaced over the western portion of the range. The cross passage, and the ‘lower’ end of the house would, on this model, have occupied the area now occupied by the eastern range, with a reminder of the cross-passage in the opposing doors at the west end of that wing. No certain date for the ceiling-in of the hall can be proposed at present, but it seems likely that this took place in the C17, with the other works to the western range.

The tithe map of 1841 shows the house occupying much the same footprint as it does today, though it is thought that the eastern range of the house has been

largely re-built since that time, making some use of the original fabric, and of re-used material from this site and elsewhere. The tithe map marks an agricultural building (possibly formerly in domestic use) attached to the south side of the building, removed by the time of the 1887 OS map; this suggests there could not have been openings on the south side of the building used as they are today, though it is possible that, with the principal entrance to the house being on the north, farmyard side, there was a rear entrance connecting with the additional structure.

Both ranges of the house show evidence of alteration during the C20, including the replacement of the majority of the windows.

The farmhouse stands on the south side of a small yard, formed by a group of agricultural buildings in a loose courtyard plan. There have been buildings occupying roughly the sites of the four extant buildings since at least the time of the 1841 tithe map, and it is thought that all four are probably at least in part the same structures, though with some major enlargement and rebuilding. The tithe map also shows a building to the east of the farmhouse, now lost.

#### Details

Farmhouse, with a C16 core to the western range, which is where the special interest is concentrated. The eastern range dates, largely or wholly, from the C19, and is of lesser interest.

**MATERIALS:** the walls are of local slatestone or 'shilstone' rubble, with some granite dressings, the south elevations being rendered. The pitched roofs are slated, with clay ridge tiles. The western stack is of stone; the two stacks to the east range are of brick. There are three sash windows, probably of pre-1850 date, but possibly re-used; the remainder are C20 replacements.

**PLAN:** the footprint of the house is linear, on a west/east axis. The older part of the house forms a rectangle to the west, the later eastern range having a square footprint, projecting slightly to the south.

**EXTERIOR:** the entrance to the west range is through a doorway to the west end of the south elevation. This opening shows signs of recent alteration and now contains glazed plastic doors. The fenestration in this part of the building is irregular. On the ground floor, to the east of the door, is a window with unhorned eight-over-eight sashes; internal evidence shows that there was formerly a window beside it to the east. Above, another window with eight-over-eight sash frames. Above the door, a little to the west, a square window with a late-C20 frame. The tops of the upper windows are level with the eaves. In the western gable elevation, with two rows of pigeon-holes, the stone stack rises from the centre, not showing evidence of rebuilding; there is an area of rebuilding at the south end of the elevation, at the junction with the wall joining the house with the cob barn. The north elevation of the west range shows evidence of much change and patching, with some legible areas. At the centre is a pale scar left by a lean-to shed, recently (2015) removed. Towards the east is a tall opening, now blocked, with a wooden lintel, possibly a window or possibly a door originally reached by a stair; there are sections of high-quality stonework to either side, suggesting this may be an early opening. Further

west, a blocked window opening, also with a wooden lintel. Above the eastern opening is an area of cob, probably indicating that the walls originally had cob tops, for bedding-in the roof trusses. To the east of this, at a high level, traces of another window.

The east range is of two bays and, also of two storeys, is taller than the west range. The junction between west and east ranges appears continuous on the north elevation, although the east range is accessed at a lower level, due to the falling ground. The openings on this elevation of the east range have flat arches formed of granite voussoirs, probably re-used, the windows having concrete cills, and there are large granite quoins to the north-east corner. The doorway contains a C19 planked door. The ground-floor window has a C20 frame, as does the eastern first-floor window; the western first-floor window has six-over-six sash frames. The eastern elevation is blind. Rising from the gable is the late-C19 or early-C20 red-brick stack, probably rebuilt, with a stepped detail to the apex; the stack to the western gable of this range is of the same design. On the south elevation, the entrance is to the west; the door appears to be a re-used internal door, having flush panels on the exterior, and moulded panels to the interior. The window openings have concrete cills, and contain late-C20 frames.

INTERIOR: the western room of the western range has a C17 fireplace in the centre of the western wall, with a granite lintel beneath a massive timber bressumer. The ceiling of this room has been covered. In the north wall, a cupboard has been formed within the embrasure of the blocked window. The eastern room of the western range, named as the Parlour, has a central transverse chamfered beam, stopped at the south end in a manner which suggests a C16 date, but apparently cut before the stops, perhaps indicating a shortening for re-use; the north end of this beam has been cut to accommodate the C19 stair, which winds from the north-east corner of the room, rising straight westwards, accessed by a planked door. At the junction with the kitchen is another beam, partly obscured by the wall, and severed and supported at the south end, probably for the creation of the window. In the south-east corner, set into the south wall, the remains of a cloam oven, identifying the position of the original fireplace. Adjacent, in the east wall, a later fireplace, thought to be C17, with a mid-C19 granite firesurround with chamfered edges. The extant window has C19 shutters; the blocked window is evident to the east. Fixed to the wall below the western window, a plain timber bench on curved brackets; the bench is continued round the corner on the dividing wall in later and rougher construction, with plain horizontal panelling behind. On the first floor, the stairwell is protected by a plain C19 balustrade and handrail. Above, in the north wall, a cupboard is formed from a blocked window. The eastern section of the range has been partitioned to create a corridor to the north, and bedroom; the partition extends along the north/south wall below, providing a division between the two upper rooms. Above the eastern section, two arch-braced collar roof trusses, apparently of C16 date, survive. The pegged structure, with morticed and tenoned collars, and two rows of threaded purlins, has some blackening, consistent with the effect of smoke from a fire in a hall, formerly open from ground to roof level. Most of the purlins have been cut, but in places they extend some way beyond the trusses.

On the surviving evidence, it seems possible that there were originally more than two open trusses to this part of the roof, but it is likely that the surviving structure represents the size of the original hall. The three trusses in the western part of the range, thought to be later, are of much less refined construction, being composed of roughly hewn timbers forming A-frames with the collars lapped and pegged to the principal rafters. Both sections of roof have a layer of packing on the outside of the trusses, for reducing the pitch of the roof slopes to take slates rather than thatch. A ceiling installed immediately below the roof trusses is now (2015) in a state of dilapidation; part of the bottoms of both sets of trusses can be seen embedded in the north wall. There are chimney openings in both rooms; that in the eastern room appears to be C19, and that in the western room C20.

The eastern range is entered by opposing doors at the western end of the range, with a passage between, occupied by a straight stair with a cupboard beneath. The stair, which follows an early-C19 model, may have remained in place after the post-1841 rebuilding, or may have been re-used from elsewhere. The stair has an open string with moulded treads; the ramped handrail is supported by stick balusters and moulded newel posts, with paired newels at the landing, where the balustrade returns to enclose the stairwell. The passage is floored with stone flags. In the north-east part of the range is the pantry, with a fireplace in the east wall, its chamfered granite surround similar to that in the eastern room of the west range. To the south, the sitting room has C19 window shutters and panelling, and a mid-C20 fire surround. Upstairs, there is a small bathroom to the north-west, and bedrooms to north and south; there are no visible historic features within these rooms, other than the fireplace in the south bedroom, from which the chimneypiece and grate have been removed. Above the rooms, the scissor-trussed roof is visible, apparently of late-C19 construction, though possibly dating from the early C20.

## PLANNING APPLICATION REPORT

**Case Officer:** Mr Graham Lawrence

**Parish:** Modbury

**Application No:** 35/2366/15/F

**Agent/Applicant:**

Mrs P Wilcox  
Pam Wilcox Planning Consultancy  
Kerries Keep  
Kerries Lane  
South Brent  
TQ10 9DE

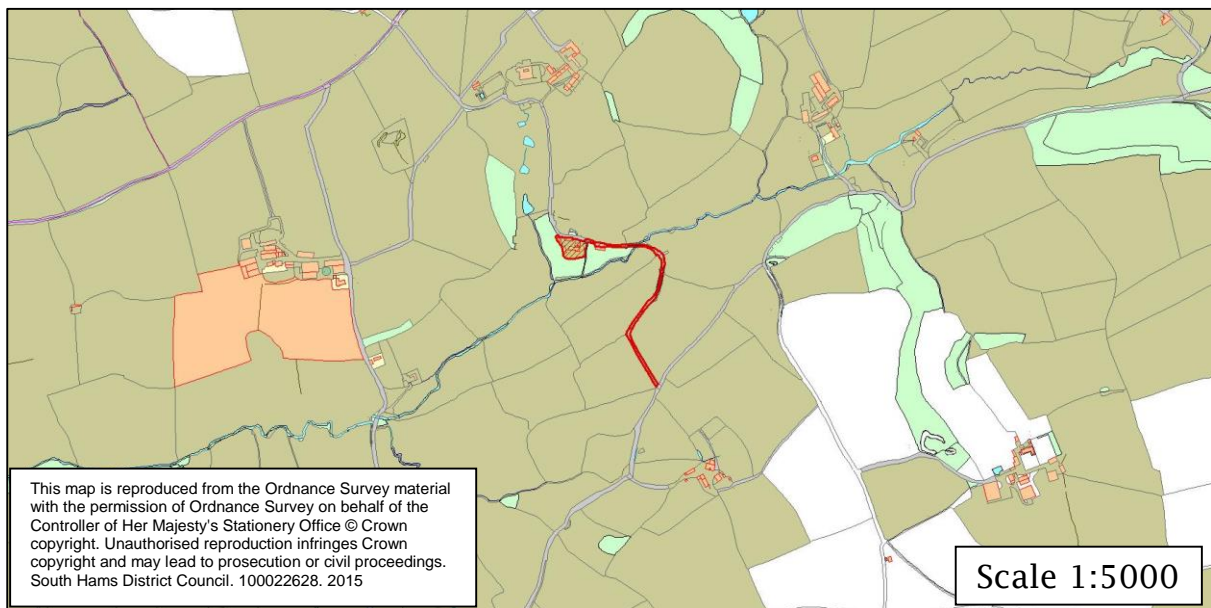
**Applicant:**

Mr S Fenwick  
Shilstone  
Modbury  
PL21 0TW

**Site Address:** Croppins Coombe, Modbury, Ivybridge, PL21 0TU

**Development:** Alterations and extensions to existing house and domestic curtilage

**Reason item is being put before Committee:** At the request of the Ward Councillor



## **Recommendation: Refusal**

### **Reasons for refusal:**

1. The scale of the extension proposed represents overdevelopment of the site which is located in open countryside. As such it is in conflict with policies DP15 and DP17.
2. The scale and form of the proposed development would completely dominate the listed building. It represents substantial harm to the character and special interest of the listed building and is, therefore, contrary to paras 132, 133 of the NPPF and policy DP6.
3. The development will adversely affect the historic setting of Shilstone House.

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

- Scale of development / extension in the countryside contrary to policy
- Effect of works on the character and special interest of the listed building
- Scale of proposed development in relation to the listed building
- Effect on the setting of Shilstone House

**Site Description:** The property is a modest listed building in a tranquil rural location north east of Modbury. The application site is in a small valley adjacent to a public bridleway which runs along the access lane from the south and proceeds northwards past Shilstone House. The substantial listed property of Shilstone House (presently in the same ownership) sits in an historic garden landscape in an elevated location above the application site.

**The Proposal:** Alterations and extensions to existing house and domestic curtilage

### **Consultations:**

- County Highways Authority – No comment received
- Environmental Health Section - Unexpected contaminated land condition recommended.
- Parish Council – Neutral but would like the building to remain in the ownership of the Shilstone estate.
- Historic England – ‘We urge you to address the above issues, and recommend that this application be determined in accordance with national and local policy guidance, and on the basis of your expert conservation advice.’ Comments in full on LBC report.
- Natural England – No comment

**Representations:** None received for planning application – see LBC

### **Relevant Planning History**

35/2366/15/F – Alterations and extensions

35/0349/15/F – Householder application for alterations and extensions (withdrawn)

35/0304/15/F - Retrospective repair, partial reconstruction and use for storing agricultural machinery use on adjacent farmland and incidental residential use

35/1900/14/F - Change of use of farm buildings to housekeepers cottage and library/store, ancillary to the use of the existing house

## ANALYSIS

### Background – Pre-application consultation:-

The proposed development was discussed with officers during pre-application meetings on site in early 2015. There were two main outcomes of the discussions. Firstly Croppins' Coombe was put forward for spot listing, which it was in due course. Secondly, fundamental concerns were expressed regarding the scale of development and the extent of alterations / demolitions proposed. Officer opinion was clearly stated that support could not be given for the development as proposed. The application was subsequently submitted without significant amendment.

### Principle of Development:

Policy context:

The relevant policy in design terms is DP1 High Quality Design, which 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 principle of this scale of development must be assessed in terms of DP15 Development in the Countryside and DP17 Residential Extensions and Replacement Dwellings in the Countryside which state:-

DP15 –

**3.150** *In determining the appropriate size of extensions and replacement dwellings national, regional and local policies will be used. Policies DP1 High Quality Design, DP2 Landscape Character and DP3 Residential Amenity are important policies that will be applied, together with DP6 Historic Environment. Key considerations are the impact on the character and appearance of the countryside. The essential elements that need to be addressed are siting, design and materials together with the relative increase in the size and height. Features within the curtilage, including garages, trees and vegetation, landscaping and boundary treatments, also contribute to the overall impact.*

*Account will be taken of the size of the original dwelling, the extent to which it has previously been extended or could be extended under permitted development rights, and the prevailing local and landscape character of the area.*

**3.151** *The design of any extension should appear subsidiary to the existing dwelling and should not attempt to compete with or dominate the original dwelling, as first built. The altered or extended building should still respect and reflect the character, scale and proportions of the original dwelling, as well as the character and appearance of the surrounding area. It should fit with the existing context and, where relevant, building forward of an existing building line will not be supported. The addition of a substantial extension to a traditional cottage of vernacular interest, with the intention of creating a modern large scale dwelling would not be supported.*

DP17 Residential Extensions and Replacement Dwellings in the Countryside

1. *Proposals to extend or replace existing dwellings in the countryside will be permitted provided that there will be no detrimental effect on the character, appearance and amenities of the site and surroundings.*
2. *Proposals to extend a dwelling in the countryside will be permitted provided the extension is subordinate in scale and proportion to the original dwelling.*

With regard to the listed building issues the policy is DP6 Historic Environment, which states:-

1. *Development will preserve or enhance the quality of the historic environment. The design, siting, bulk, height, materials, colours and visual emphasis of proposed new development should take into account local context and in particular the character and appearance of the historic building and its environment.*
2. *Proposals will be permitted for alterations to, extensions to, or partial demolition of a Listed Building, provided they do not adversely affect:*
  - a. *its special architectural or historic interest, either internally or externally, of the building; and*
  - b. *the character and appearance of its setting.*

(emphasis added)

The proposal clearly fails to meet the aims of this policy. The scale of the extension is such that it will become the dominant building on site and the listed building will be relegated to being a minor component of little significance. This fact, combined with the total demolition of the 19<sup>th</sup> century phase, means that the impact on the listed building is judged to be 'substantial' in NPPF terms and para 133 must be applied, not just para 134.

The NPPF offers clear advice on heritage matters. Para 132 states:- '*As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification. Substantial harm to or loss of a grade II listed building, park or garden should be exceptional.*'

Para 133 continues:- '*Where a proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss.....*'

Para 134 says:- '*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 securing its optimum viable use.*'

(emphasis added)

Even applying para 134, the harm is not outweighed by public benefit so refusal of the application is a logical conclusion. Croppins Coombe has an optimum viable use as a dwelling and with sympathetic repair will provide a comfortable home. Some form of extension which meets with local and national policy and guidance is very likely to be acceptable, but not an addition of the scale proposed.



Assessment of the proposed development:

The proposal clearly fails to meet the aims of these adopted policies. The scale of the extension is such that it will become the dominant building on site and the listed building will be relegated to being a minor component of little significance.

The local context is of a modest, but historically significant late medieval farmhouse, which sits in a valley location. This siting is in itself a component of special interest as it reflects the overriding importance of proximity to water for the inhabitants and their livestock. The valley location presented shelter from the worst weather and offered easy access to the best grazing. It is necessary to compare this character with that of the later and grander Shilstone, for Croppins' Coombe forms part of the setting of that building also. The location of Shilstone reflects a different set of priorities and the fact it is elevated, both physically and architecturally, illustrates wealth that allowed its builders to overcome basic necessity and pragmatism. It is a statement which stands out in the locality as the dominant residence and there is a clearly established relative hierarchy between the two.

The Planning Statement says that the development *'will be the secondary house on the estate, the 'dower house' level in the architectural hierarchy.'* There is, however, no intention or pathway presented for this relationship to be retained in perpetuity so it must be assessed in the same manner as any development proposal. A 'dower house' is in itself a building constructed to meet a specific purpose – that of accommodating a widow when an estate passes on to a male heir. To use this as justification for this development is to confuse history and it introduces a false premise.

Paragraphs 55 and 140 of the NPPF are called upon in the Planning Statement to support the proposed development so it is worthwhile exploring these in more detail:- Para 55 is intended to offer an opportunity for new build in the countryside, contrary to policy, where there are overriding reasons including design quality where the exceptional quality or innovative nature of the design of the dwelling justifies approval. It states that:-

*'Such a design should:*

- be truly outstanding or innovative, helping to raise standards of design more generally in rural areas;*
- reflect the highest standards in architecture;*
- significantly enhance its immediate setting; and*
- be sensitive to the defining characteristics of the local area.'*

Para 55 is not relevant as this is not a new build development. The design merits are discussed below.

Para 140 relates to 'enabling development'. Croppins Coombe is a very desirable property in a special location which is ripe for repair and use as a dwelling – there is no 'enabling development' needed and it is not clear how the proposed development will actually enable any positive benefits.

## Design:

The proposed development is the work of an architect of some repute and it is clear that his work at Shilstone is well admired and has gained national recognition. The plaudits accompanying the application are testimony to his abilities.

The main questions that arise in consideration of the design are firstly the scale, secondly the design language and thirdly the design of the roofscape.

- Scale of development: The applicant has already gained permission for conversion of the associated barns at Croppins' Coombe to be converted to ancillary accommodation and uses associated with the dwelling. The current proposal further enlarges the footprint of the dwelling by 400%. The proposal is of a scale so large that it goes beyond the historic curtilage of the existing dwelling. There is no practical reason offered for this scale of development.
- The design approach: The proposed development effectively grafts a substantial dwelling in a pastiche Georgian style onto the listed building. The result is that the listed building will effectively become a subservient minor wing to the modern dwelling. It is suggested that this is something that has happened historically elsewhere and so should be acceptable here. This means the application seeks to create a sort of false history on the site which is of no genuine relevance to this particular place. Historic England commented that, *'this pattern of development is not unusual in the South Hams, an area notable for its early-mid eighteenth century small country houses, some of which were rebuildings of, or extensions to, much earlier dwellings, although these often display a more even balance between the older and newer elements of the building.'* (emphasis added)
- Roofscape: Whilst the elevations and plan form of the design language is solidly grounded in the classical architectural traditions favoured in Georgian houses, the roof is very utilitarian. This will be very visible from the surrounding landscape and in public views from the bridleway. Historically, flat lead roofs were often hidden by parapets or the topography was used to ensure they were not readily visible. If this was not possible then pitched roofs with a hidden valley were used. There is no reason given why the adopted roof treatment is favoured and it is a fundamentally unattractive solution.

## Landscape design:

There is no meaningful landscape design component to the proposed development and it presents very little garden space for a building of this scale. In terms of wider landscape it changes the appearance of the site in relation to Shilstone.

## Setting of Shilstone:

Setting is defined in the English Heritage *Conservation Principles* as, *'the surroundings in which a place is experienced, its local context, embracing present and past relationships to the adjacent landscape'*. The fact that there is a distinct established hierarchy between Shilstone and Croppins Coombe is dismissed as irrelevant by the application. If the development is approved the estate will in future have a twin pair of major houses at its heart which is a fundamental change of character. The fact that the pair could readily be separated at any time, with associated dislocation of land ownership would further harm the setting of Shilstone.

The applicant, agent and architect were invited by officers to enter into negotiation on the design issues, but this invitation was rejected.

The merits of the proposed development have been discussed widely within the officer team and the unanimous conclusion has been that it cannot be supported for the reasons set out above.

Neighbour Amenity: No issues.

Highways/Access/PROW: No highway issues raised. The proposed development will be a prominent feature in views along the bridleway.

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

### **Planning Policy**

Section 66 (1) of the Planning (Listed Buildings and Conservation Areas) Act, 1990 requires that special regard be paid to the desirability of preserving listed buildings or their setting.

#### ***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

DP4 Sustainable Construction

DP5 Conservation and Wildlife

DP6 Historic Environment

DP7 Transport, Access & Parking

DP15 Development in the Countryside

DP17 Residential Extensions and Replacement Dwellings in the Countryside

#### **NPPF**

55, 60, 61, 128, 129, 131, 132, 133,134

#### **Considerations under Human Rights Act 1998 and Equalities Act 2010**

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

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# PLANNING APPLICATION REPORT

**Case Officer:** Ben Gilpin

**Parish:** Stokenham

**Application No:** 53/2412/15/F

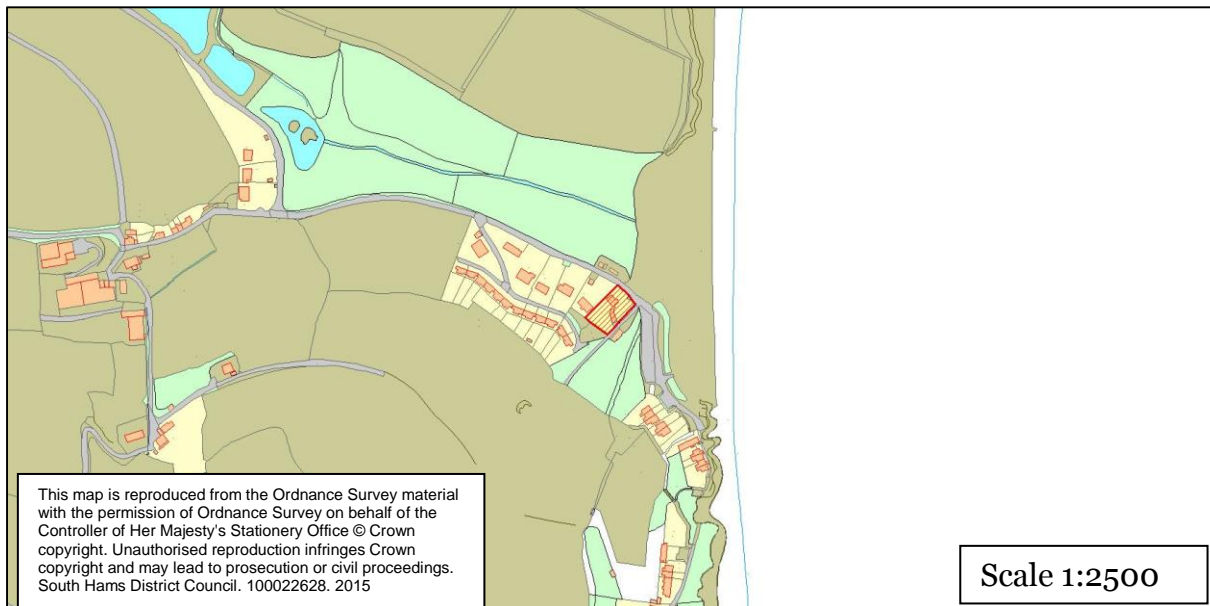
**Agent/Applicant:**  
John Blaney Limited  
Culver Lodge  
Rectory Lane  
Parkham  
EX39 5PL

**Applicant:**  
Mr G Rabbani  
Seagulls  
Hallsands  
Kingsbridge  
TQ7 2EX

**Site Address:** Seagulls, Hallsands, Kingsbridge, Devon, TQ7 2EX

**Development:** Demolition of existing house, provision of new house, improvements to access, parking and landscape

**Reason for item being put before Committee:** Item is being brought to Planning Committee at the request of the Ward Member who is concerned regarding the impact of erosion on the site.



**Recommendation:**

Conditional Approval

**Conditions:**

- Standard Time Limit
- Accord with Plans
- Unsuspected Contamination
- Landscaping – details submitted to be constructed and thereafter maintained for identified period of time
- Ecology – accord with recommendations

**Key issues for consideration:**

Principle of Development

Impact on the South Devon Area of Outstanding Natural Beauty (AONB)

Design

Other (Impact on Coastal Erosion; Subsidence; Drainage)

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**Site Description:**

The site is an existing residential plot, set between other residential plots in open countryside (AONB), within the hamlet of Hallsands.

The property on site is a non-descript 1960's style bungalow. Immediate neighbouring properties are not dissimilar in appearance, and the housing stock in the vicinity is equally non-descript (in terms of character or uniformity of appearance).

**The Proposal:**

Demolition of existing house, provision of new house, improvements to access, parking and landscape

**Consultations:**

- County Highways Authority

No comments received

- Environmental Health Section

No comments received – apply default Unsuspected Contamination planning condition (if planning permission to be granted)

- Town/Parish Council

Objection – Parish Council stated:

*Whilst there were sewerage concerns this was noted as not an issue for parish council. Objection. The design was felt to have an overbearing height and adverse effect on the lower neighbouring houses which was not in keeping with the vernacular as the lookout failed to blend in with the neighbouring amenity. Removal of the earth was of concern in relation to disposal in this area and also the effect on the Devon bank. Also it was noted this development was being proposed close to an at risk coastal area. There were also significant constraints for any construction parking as there was no nearby parking due to coastal erosion. It was requested that the septic tank must be measured to ensure that the capacity suited this proposed construction, if permitted, as no indication of the size had been provided.*

Summary – concerns in relation to: Design; Construction Traffic; Coastal Erosion (proximity to)

- Others

### **Representations:**

#### **Representations from Residents / Members of the Public**

3 x members of the public have objected; 1 x member of the public has commented.

The objections have cited:

- Subsidence from build process;
- Need for retention of the Devon Hedge bank;
- Design;
- Drainage

#### **Representations from Internal Consultees**

None received

#### **Representations from Statutory Consultees**

None received

### **Relevant Planning History:**

None directly applicable

## **ANALYSIS:**

### Principle of Development:

The site is beyond the settlement boundary and is in the AONB. However, the site currently hosts a detached residential property and the replacement dwelling is to be positioned in the same location as the existing property and be of a similar scale (as prescribed by Policy DP17). As such, the site is in a location where the principle of residential development has been established and is therefore deemed acceptable (subject to accordance with other adopted policy and the Development Plan).

### Impact on the South Devon Area of Outstanding Natural Beauty (AONB) / Design:

In relation to landscape, Policy DP2, sub section 1, states that:

*“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.”*

The development that is the subject of this planning application is clearly set within the boundary of the property's' curtilage, occupying a similar footprint, scale and mass, and would be seen in its residential context. It is accepted that the design of the scheme is 'new' in this area (different in appearance to neighbouring properties), but as stated in the NPPF (paragraph 60), planning policies and decisions should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles. Paragraph 60 also states that It is, however, proper to seek to promote or reinforce local distinctiveness, but in this instance, there is no definitive style or character to properties in this location (the properties being a varied mix of architectural styles from bungalows to two storey semi-detached houses).

It is accepted that the replacement dwelling would be visible from vantage points close to the site, but the change of a single storey bungalow to a more creative one and a half storey property that would introduce a more maritime appearing development to the area (as opposed to a repeat non-descript bungalow) is considered acceptable in this instance. Furthermore, with design being a subjective matter of opinion, with the scale and mass being deemed acceptable, to recommend refusal on the grounds of design is not considered reasonable in this instance. Furthermore, the change proposed is at the very least considered to maintain the character of the AONB.

Knowing the above, it is considered that the development and works would continue to preserve the setting and character of the AONB in this instance, and to recommend a refusal on design grounds in this instance could not be supported.

### Other (Impact on Coastal Erosion/ Subsidence; Drainage; Parking and Construction):



### Impact on Coastal Erosion / subsidence:

Concerns have been raised that the development could result in subsidence or be susceptible to coastal erosion. The site is in a location that has no active intervention proposed as part of the Environment Agency's 'Management Policy to 2030 – Coastal Erosion'. As such concerns in relation to coastal erosion are not supported by information held by the Environment Agency so a recommendation for refusal on these grounds could not be supported. However, in the interests of pragmatism and aesthetics, the retention / enhancement of the Devon Hedge Banks as detailed in the submission can be secured and retained by way of planning condition that would provide additional protection for the site and neighbours.

In relation to subsidence from construction (the area of concern) there is an additional regime to assess and address the land stability of the project (namely Building Regulations), that the applicant would need to comply with in relation to land stability (among other construction matters) it is considered the concerns relating to land stability can be suitably managed through the aforementioned route

### Drainage:

Concerns have been raised in relation to the capacity of existing drainage. Comments received have suggested that it could be an opportunity to install a modern mini treatment works although the agent has stated that if the existing system were to fail then they (or any subsequent land owner) would be legally required to maintain / repair the system.

In relation to the suggestion that the existing system would not have sufficient capacity to manage future flows from future occupiers. The current property has 3 bedrooms and the proposed development has 3 bedrooms. Therefore any existing foul drainage system should be equally able to manage future flows. Knowing this it is not considered reasonable to require a new system to be installed as this would be contrary to the six tests as identified in the NPPG.

### Parking and Construction:

Concerns have been raised in relation to the impact on traffic movements and parking during construction (were planning permission to be granted). Although DCC Highways have not commented on the proposal, knowing the part constrained nature of access to Hallsands, and the potential for limited parking in and around the site, it is considered reasonable in this instance to apply a planning condition requiring the submission to, and approval by the Local Planning Authority of a Construction Management Plan (CMP) that identifies vehicle delivery times / type of delivery vehicle / materials compound / contractor parking etc., to be accorded with during construction. The CMP would need to be submitted and approved prior to the commencement of any development.

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

**Planning Policy**

*All standard policies listed (NPPG / NPPF):*

**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

DP17 Residential Extensions and Replacement Dwellings in the Countryside

**Considerations under Human Rights Act 1998 and Equalities Act 2010**

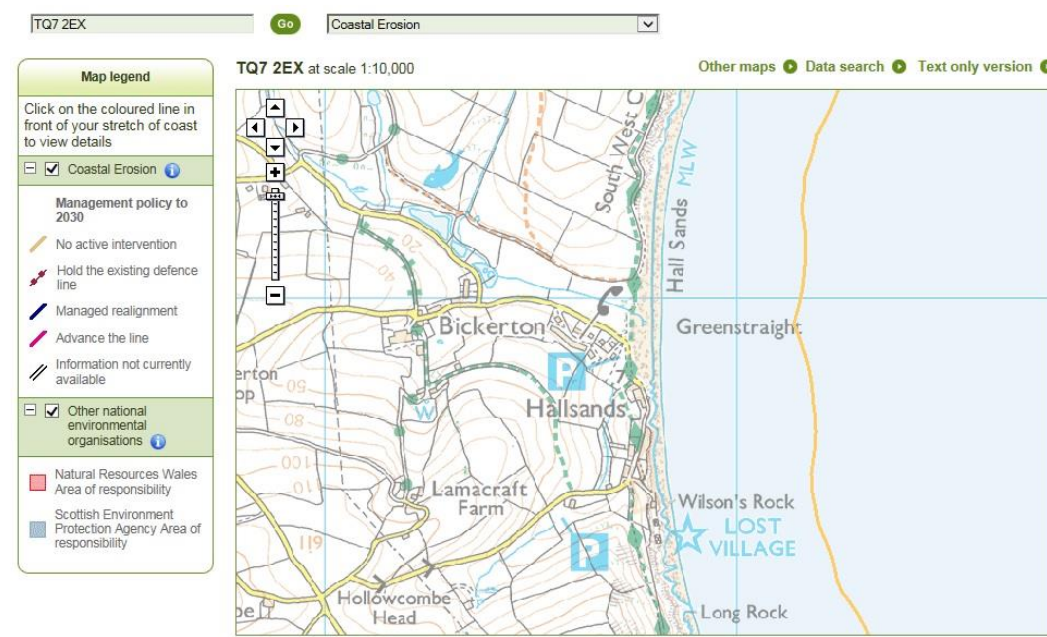
The provisions of the Human Rights Act 1998 and Equalities Act 2010 have been taken into account in reaching the recommendation contained in this report.

## **APPENDIX I – COASTAL EROSION AND ANALYSIS (FOR CONSIDERATION BY PLANNING COMMITTEE)**

Concerns have been raised that the development could result in subsidence or be susceptible to coastal erosion. The site is in a location that has no active intervention proposed as part of the Environment Agency's 'Management Policy to 2030 – Coastal Erosion'.

The reason for Call In to Planning Committee cites the aforementioned reason (Coastal Erosion). For clarity and ease of view, Fig 1 below (source; Environment Agency) identifies the site as well as level of management required:

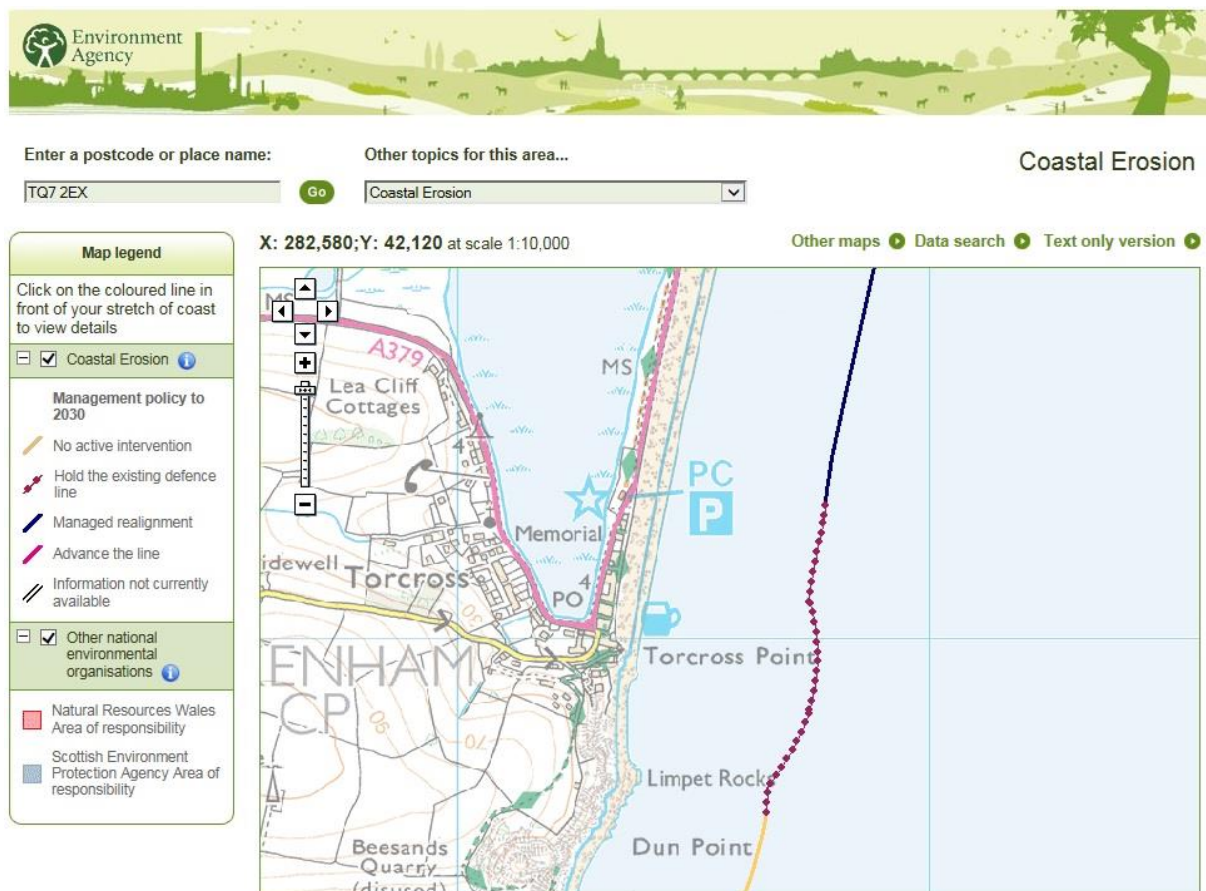
**Fig.1 – EA Coastal Erosion Map (extract) - Hallsands:**



The stretch of coastline to the east has a yellow line detailed citing 'No active intervention'.

Fig.2 below shows a comparison that is in near proximity to the site, identifying the area to the east of Torcross and the southern end of Slapton Ley. Here the EA have stated the 'existing defence line' should be held, and that north of Torcross, there should be managed re-alignment.

Fig.2 – EA Coastal Erosion Map (extract) - Torcross:



In Fig.2 the according Shoreline Management Policy (SMP) 16 (Durlston Head to Rame Head) states that:

*In some areas the SMP Policy is 'Hold the existing defence line' and erosion is considered negligible. However, this may be dependent on the policy being funded and implemented and defences being improved and maintained to prevent erosion.*

SMP 16 goes on to state that (where the line is dotted or purple):

*In this area coastal erosion is not the predominant risk, but you may be at risk from flooding.*

The SMP 16 '20 Year SMP management policy' states where the line is dotted / solid purple:

*Hold the existing defence line*

In relation to Fig.1, the same SMP (16) states that for areas 'circled' by the yellow line and the '20 Year SMP management policy':

*No active intervention*

To assist, the Environment Agency have provided the following précis of SMP's (with regards to what they mean) which reads:

*A Shoreline Management Plan (SMP) policy describes how your stretch of shoreline is most likely to be managed to address flood and/or erosion – although this is subject to conditions described below. Stretches of coast are divided into ‘management units’, and for each of these one of four different management policies are agreed, as follows:*

- *No active intervention – There is no planned investment in defending against flooding or erosion, whether or not an artificial defence has existed previously.*
- *Hold the (existing defence) line – An aspiration to build or maintain artificial defences so that the position of the shoreline remains. Sometimes, the type or method of defence may change to achieve this result.*
- *Managed realignment – Allowing the shoreline to move naturally, but managing the process to direct it in certain areas. This is usually done in low-lying areas, but may occasionally apply to cliffs.*
- *Advance the line – New defences are built on the seaward side.*

*All these management options have been selected as part of your Shoreline Management Plan, which has been developed by local authorities and the Environment Agency working together in Coastal Groups. These plans are agreed after having engaged with interested organisations and local communities.*

In this instance, and from what has been published by the EA, SMP16 has been created in association with the LA who, at a stage during formulation of the SMP, appear to have decided that, for whatever reason, the location did not require any form of active intervention.

Also, for information during deliberations, the only part of the coast within the South Has District that has details for ‘holding the existing defence line’ or managed realignment’ is between Pilchard Cove / Asherne (northern end of Slapton Sands) and Beesands / Tinsey Head. All other parts of the coast are detailed as being places for ‘no active intervention’ – see Fig.3 and Fig.4:

Fig.3 – EA Coastal Erosion Map (extract) – District Wide (Coast):

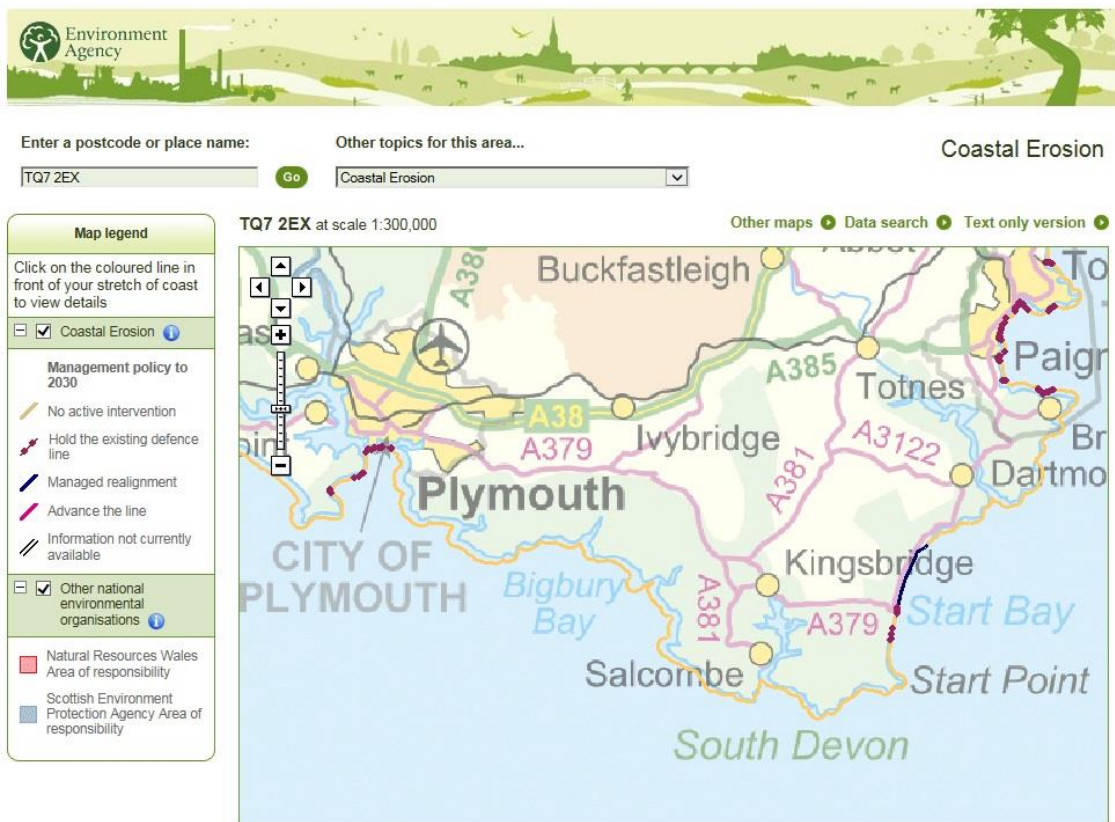
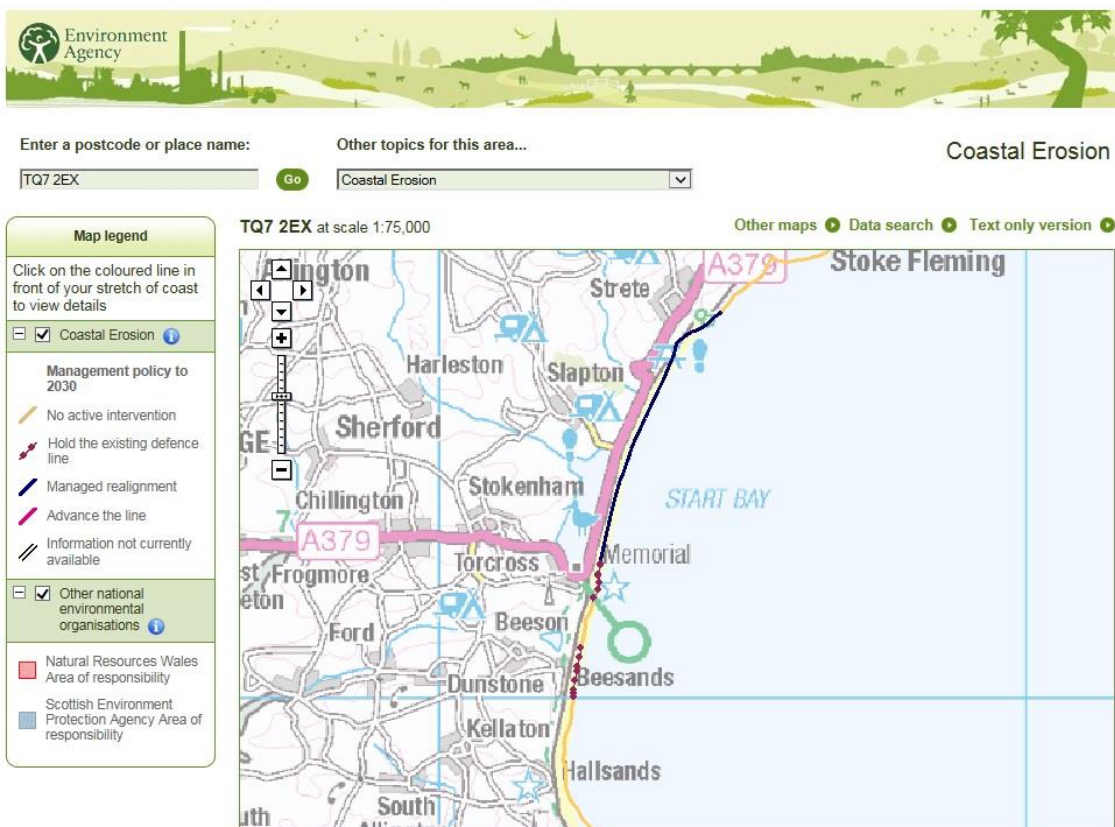


Fig.4 – EA Coastal Erosion Map (extract) – Hallsands – Stoke Fleming:



Knowing this, it is not considered that the site, which is circa 53 metres from the tide line, would be at medium or long term risk from the redevelopment of the existing property in the way described in this application.

As such concerns in relation to coastal erosion are not supported by information held by the Environment Agency so a recommendation for refusal on these grounds could not be supported.

However, in the interests of pragmatism and aesthetics, the retention / enhancement of the Devon Hedge Banks as detailed in the submission can be secured and retained by way of planning condition that would provide additional protection for the site and neighbours.

In relation to subsidence from construction (the area of concern) there is an additional regime to assess and address the land stability of the project (namely Building Regulations), that the applicant would need to comply with in relation to land stability (among other construction matters) it is considered the concerns relating to land stability can be suitably managed through the aforementioned route

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# PLANNING APPLICATION REPORT

**Case Officer:** Graham Lawrence

**Parish:** Salcombe

**Application No:** 2695/15/LBC

**Agent/Applicant:**

South Hams District Council  
Follaton House  
Plymouth Road  
Totnes, Devon  
TQ9 5NE

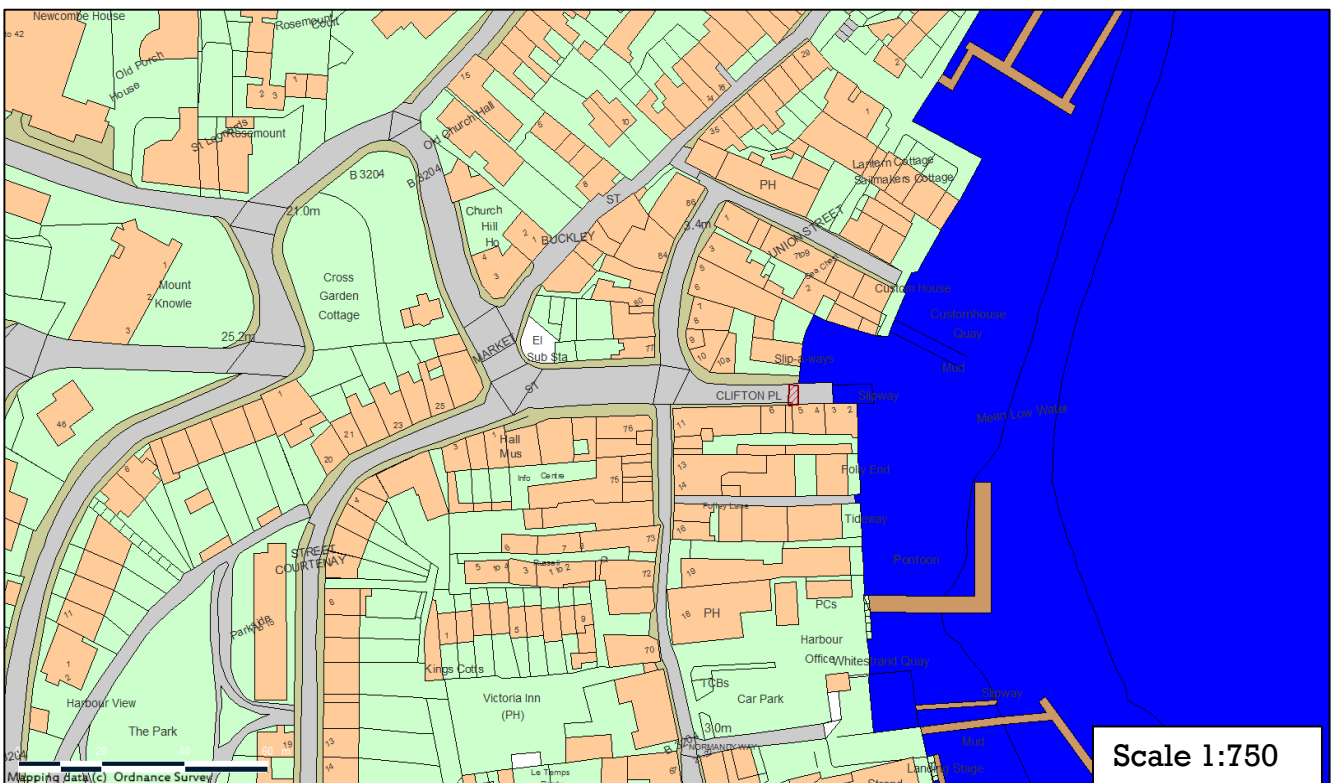
**Applicant:**

South Hams District Council  
Follaton House  
Plymouth Road  
Totnes, Devon  
TQ9 5NE

**Site Address:** 5 Clifton Place, Salcombe, Devon, TQ8 8BX

**Development:** Listed building consent for replacement of 1no. existing window and remedial works to exterior render, beneath replacement window following tidal erosion

**Reason item is being put before Committee:** This application is before Development Management Committee as South Hams District Council is the applicant





## **Planning Policy**

### **South Hams LDF Core Strategy**

CS7 Design

CS9 Landscape and Historic Environment

### **Development Policies DPD**

DP1 High Quality Design

DP6 Historic Environment

### **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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**South Hams District Council Agenda Item 7**  
**DEVELOPMENT MANAGEMENT COMMITTEE 20-Jan-16**

Appeals Update from 8-Dec-15 to 10-Jan-16

**Ward Allington and Loddiswell**

APPLICATION NUMBER : **61/2770/14/AGDPA** APP/K1128/W /15/3097734  
APPELLANT NAME: Ms F Gynn-Flat 1 , Bay View , Torcross , Kingsbridge , TQ7  
PROPOSAL : Prior approval of proposed change of use of agricultural building to residential dwelling (use class C3)  
LOCATION : Stepping Stone Barn Torr Lane East Allington Kingsbridge TQ9 7QH  
APPEAL STATUS : Appeal Lodged  
APPEAL START DATE: 17-July-2015  
APPEAL DECISION: Dismissed (Refusal)  
APPEAL DECISION DATE: 22-December-2015

**Ward Marldon**

APPLICATION NUMBER : **34/1685/15/F** APP/K1128/D/15/3138206  
APPELLANT NAME: Mr & Mrs Bennett  
PROPOSAL : Householder application to raise the roof  
LOCATION : 9 Meadow Park Marldon Devon TQ3 1NR  
APPEAL STATUS :  
APPEAL START DATE: 24-December-2015  
APPEAL DECISION:  
APPEAL DECISION DATE:

**Ward Newton and Noss**

APPLICATION NUMBER : **37/0355/15/F** APP/K1128/W/15/3134412  
APPELLANT NAME: Mr Roger Monson  
PROPOSAL : Erection of dwelling with 2No parking spaces  
LOCATION : Land To The East Of 85 Development Site To The East Of 85 Court Road Newton Ferrers Devon PL8 1DE  
APPEAL STATUS :  
APPEAL START DATE: 09-December-2015  
APPEAL DECISION:  
APPEAL DECISION DATE:

**Ward Stokenham**

APPLICATION NUMBER : **53/0762/15/O** APP/K1128/W/15/3135784  
APPELLANT NAME: Mr Humphrey Waterhouse  
PROPOSAL : Outline planning permission for the erection of a single storey detached dwelling, including landscape, layout and scale  
LOCATION : Development Site At Sx 7801 4255 Mill Court Frogmore Kingsbridge TQ7 2PB  
APPEAL STATUS :  
APPEAL START DATE: 09-December-2015  
APPEAL DECISION:  
APPEAL DECISION DATE:

**Ward West Dart**

APPLICATION NUMBER : **13/2537/14/AGDPA** APP/K1128/W /15/3039096  
APPELLANT NAME: Mr M Rutter-Penny Rowden , Allaleigh , Totnes , TQ9 7DN-  
PROPOSAL : Prior approval of proposed change of use of agricultural building to dwelling house  
LOCATION : Lambing Barn Allaleigh Totnes Devon TQ9 7DN  
APPEAL STATUS : Appeal Lodged  
APPEAL START DATE: 03-July-2015  
APPEAL DECISION: Dismissed (Refusal)  
APPEAL DECISION DATE: 11-December-2015

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