

South Hams Development Management Committee



Title:	Agenda										
Date:	Wednesday, 11th May, 2016										
Time:	2.00 pm										
Venue:	Council Chamber - Follaton House										
Full Members:	<p style="text-align: center;">Chairman Steer</p> <p style="text-align: center;">Vice Chairman 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										
Substitutes:	Named substitutes are not appointed										
Interests – Declaration and Restriction on Participation:	Members are reminded of their responsibility to declare any disclosable pecuniary interest not entered in the Authority's register or local non pecuniary interest which they have in any item of business on the agenda (subject to the exception for sensitive information) and to leave the meeting prior to discussion and voting on an item in which they have a disclosable pecuniary interest.										
Committee administrator:	Kathy Trant Senior Case Manager 01803 861185										

1. Minutes

1 - 10

To approve as a correct record and authorise the Chairman to sign the minutes of the meeting of the Committee held on 13 April 2016;

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. Site Inspections

The site inspections from the meeting on 3 May 2016 will be considered under agenda item 6

6. Planning Applications

Members are requested to raise any queries they may have with the respective case officer before the meeting;

(a) 2682/15/FUL

11 - 20

Replacement of existing dwelling with 2 No proposed dwellings
59 Yealm Road, Newton Ferrers, PL8 1BJ

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

<http://www.southhams.gov.uk/planningdetails?RefType=APPPlanCase&KeyNo=0&KeyText=150122>

(b) 3074/15/FUL

21 - 28

Erection of 5 new dwellings
Greenwood, Western Road, Ivybridge, PL21 9AN

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

<http://www.southhams.gov.uk/planningdetails?RefType=APPPlanCase&KeyNo=0&KeyText=154521>

(c) 0253/16/FUL

29 - 34

Application for redevelopment of brownfield site (redundant reservoir) to provide one dwelling
Putts Reservoir, Upper Wood Lane, Kingswear, TQ6 0DH

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

<http://www.southhams.gov.uk/planningdetails?RefType=APPPlanCase&KeyNo=0&KeyText=160311>

(d) 0579/16/FUL

35 - 42

Erection of a detached house on land previously used for WI hall
Site of WI Hall, Ford Road, Yealmpton, PL8 2NA

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

<http://www.southhams.gov.uk/planningdetails?RefType=APPPlanCase&KeyNo=0&KeyText=160636>

(e) 0021/16/FUL

43 - 48

Application for stables and hardstanding
Land adjacent to Barkington, Staverton, TQ9 6AN

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

<http://www.southhams.gov.uk/planningdetails?RefType=APPPlanCase&KeyNo=0&KeyText=160080>

(f) 2742/15/HHO

49 - 52

Conversion of part of redundant premises to form two new
dwellings
Bovisand Lodge Cottage, Bovisand Lodge Estate, Staddiscombe,
PL9 0AA

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

<http://www.southhams.gov.uk/planningdetails?RefType=APPPlanCase&KeyNo=0&KeyText=150182>

7. Planning Appeals Update

53 - 56

**MINUTES OF THE MEETING OF THE DEVELOPMENT MANAGEMENT
COMMITTEE HELD AT FOLLATON HOUSE, TOTNES, ON WEDNESDAY,
13 APRIL 2016**

Members in attendance

Cllr I Bramble	Cllr J M Hodgson
Cllr J Brazil	Cllr T R Holway
Cllr B F Cane	Cllr J A Pearce
Cllr P K Cuthbert	Cllr R Rowe
Cllr R J Foss (Vice Chairman)	Cllr R C Steer (Chairman)
	Cllr R J Vint

Apologies

Cllr P W Hitchins

Other Members in attendance

Cllrs Baldry, Hicks, Saltern, Tucker and Ward

Officers in attendance and participating

Item No:	Application No:	Officers:
All agenda items		Development Management COP Lead, Planning Specialists, Solicitor and Senior Case Manager
	27_57/1347/14/F	DCC Highways Officer, Environmental Health Senior Specialist

DM.65/15 MINUTES

The minutes of the meeting of the Committee held on 16 March 2016 were confirmed as a correct record and signed by the Chairman.

DM.66/15 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:

Cllr Brazil declared a disclosable pecuniary interest in application **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, by virtue of comments he had made during the site inspection for this application that had been held on 11 January 2016 and left the meeting for the duration of the debate and discussion on this item;

Cllr Cane declared a disclosable pecuniary interest in application **27_57/1347/14/F**: Residential development comprising 222 dwellings with green infrastructure, public open space, flood attenuation provisions, vehicle access points, internal roads and pedestrian/cycle links and associated works – Land at Torrhill Farm, Godwell Lane, Ivybridge, by virtue of having a professional relationship with the developer. He left the meeting for the duration of this item.

DM.67/15 **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.68/15 **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:

**2659/15/FUL Crooked Spire Inn, The Square, Ermington
PL21 9LP**

Parish: Ermington

Conversion of part of redundant premises to form two new dwellings

Case Officer Update: Recommendation to be amended to include 'delegate authority to the COP Lead in consultation with the Chairman and Vice Chairman' No further update following the site inspection

Recommendation: That authority be delegated to the Development Management COP Lead, in consultation with the Chairman and Vice Chairman of the DM Committee to approve the application, subject to inclusion of the conditions outlined in the presented agenda report and the prior satisfactory completion of a Section 106 Agreement.

During discussion on this application, Members noted that the site inspection had been helpful. Some Members felt the proposal would adversely affect the continuing viability of the public house, whilst others felt the proposal would enable the public house to continue.

Committee Decision: Recommendation: That authority be delegated to the Development Management COP Lead, in consultation with the Chairman and Vice Chairman of the DM Committee, to approve the application subject to inclusion of the conditions outlined in the presented agenda report and the prior satisfactory completion of a Section 106 Agreement.

Conditions:

1. Standard Time Limit
2. Accord with Plans
3. Unsuspected Contamination
4. Materials (Prior to Commencement (PTC))

S106:

1. Affordable Housing Contribution

06/1725/15/F Land at Oldstone Farm, Blackawton, Totnes

Parish: Blackawton

Construction of a solar photovoltaic park with associated PV equipment

Case Officer Update: An error in the presented report was corrected (West North East to read North East).

Speakers included: Objector - Mrs Margaret Boote; Supporter - Mr Rupert Cotterell; Parish Council Representative - Cllr Lorien Joyce: Ward Member – Cllr Hicks

Recommendation: Conditional Approval

Committee Decision: Conditional Approval

Conditions:

1. Standard Time Limit
2. Accord with Plans
3. Unsuspected Contamination
4. Landscape / Biodiversity (Prior to Commencement (PTC))
5. Duration (25 years)
6. Notification of Operational Commencement
7. Materials (PTC)
8. Fencing / CCTV (PTC)
9. Highways (Road State)
10. GPDO
11. External Lighting

**27/1859/15/F Proposed Development Site at SX 6203 5630,
Woodland Road, Ivybridge**

Parish: Ivybridge

**Erection of 77 dwellings, including all associated public space,
landscaping and all other associated external works**

Case Officer Update: The Case Officer reminded Members of the benefits of the scheme which included provision of housing to help meet the 5 year land supply, relatively low density layout, betterment in terms of drainage and a satisfactory scheme as stated by the Highways Authority.

Speakers included: Ward Member Cllr Saltern

Recommendation: Authority delegated to the COP Lead in consultation with Chairman and Vice Chairman of DM Committee to approve the application subject to the conditions listed and the prior satisfactory completion of a Section 106 Agreement.

During discussion, Members identified a number of areas where they still had concerns including properties that did not have bin storage areas immediately outside, areas where the bins were on the frontage, steps up to the affordable properties, affordable properties being distinguishable from the open market properties and tandem parking areas. Members felt the design of the proposal was unsatisfactory and noted instances where the design did not accord with National Planning Policy Guidance. As a result, Members felt the proposal did not provide a reasonable way to ask people to live.

Committee Decision: Refusal

Reasons:

In the opinion of the Local Planning Authority development does not satisfy the requirements and standards of Policies CS7, DP1 and DP4 of the Development Plan; paragraph 17 and Section 7 of the National Planning Policy Framework; and paragraphs 12 and 40 of the Planning Practice Guidance Note on design by virtue of its layout. In particular the design does not satisfactorily take into account the topography of the site, which results in a number of properties having to be accessed via numerous steps; the location of many bin storage areas being outside the curtilage of individual properties; and the location and arrangement of the parking areas being unsatisfactory with double / tandem parking and an inconsistent approach to the number of and accessibility to the parking spaces that are allocated to individual properties. The combination of these elements is considered to result in an unsatisfactory standard of living accommodation for the residents of the proposed development.

The proposed affordable housing is not fully integrated into the site and residents would experience the worst combination of the poor design elements described, namely excessive steps, bin stores off their property and poor parking arrangements.

In addition, and in the absence of details of the structures for bin storage, it has not been demonstrated that the structures proposed to the front of the dwellings to house wheelie bins would not have a detrimental visual impact on the character and appearance of the street scene.

27_57/1347/14/F Land at Torrhill Farm, Godwell Lane, Ivybridge PL21 0LT

Parish: Ivybridge/Ugborough

Residential development comprising 222 dwellings with green infrastructure, public open space, flood attenuation provisions, vehicle access points, internal roads and pedestrian/cycle links and associated works

Case Officer Update: The Police Liaison Officer did not object to the application subject to conditions and there was a late objection being the resubmission of a letter from a third party that raised matters, which were addressed in the report, and a verbal request to discuss the potential restriction to the vehicular use of Godwell Lane.

Speakers included: Supporter – Mr David Seaton: Parish Council representative – Cllr Richard Hosking; Town Council representative – Cllr Ann Laity: Ward Member – Cllrs Holway, Cuthbert and Saltern

Recommendation: Authority delegated to the COP Lead in consultation with Chairman and Vice Chairman of DM Committee to approve the application subject to the conditions listed and the prior satisfactory completion of a Section 106 Agreement.

During discussion, Members raised concerns over the potential noise levels, particularly for the properties at the bottom of the site. The applicant confirmed that whilst the properties in this part of the site were indicated on the plan as affordable homes, he agreed that the affordable homes could be spread out over the whole of the site and the houses at the bottom of the site could be open market homes. Ward Members also noted concerns over highways matters in and around Ivybridge although specific requests for crossings and a mini roundabout were responded to by the Highways Officer. On balance, Members felt that, whilst not perfect, with additional conditions the scheme was good enough to approve.

Committee Decision: Authority delegated to the COP Lead in consultation with Chairman and Vice Chairman of DM Committee to approve the application subject to the conditions listed and the prior satisfactory completion of a Section 106 Agreement.

Conditions:

1. 2 year time limit for commencement;
2. Accord with plans, drawings and FRA;
3. Unsuspected contamination is dealt with accordingly;
4. On-site highway works in accordance with plans;
5. Construction Management Plan to be submitted and approved prior to commencement;
6. Phasing Plan to be submitted and approved prior to commencement;
7. Surface water drainage layout and details to be submitted prior to commencement, the approved details completed and operational prior to occupation, maintenance throughout the lifetime of the development. This would include an appropriate buffer zone is maintained between the development and the water course in the south west;
8. Adherence to the Arboricultural Impact Assessment, Tree Protection Plan and Arboricultural Methodology Statements;
9. Tree / hedge protection;
10. Submission and agreement, prior to commencement, of a Landscape and Ecological Management Plan.
11. Adherence to measures within Preliminary Ecological Appraisal, and Bat Activity Survey Report (including light);
12. Noise to comply with the findings of the acoustic report, including provision of acoustic bund and fence;
13. Provision to ensure permeability through the development to the remainder of the allocation;
14. Travel Pack aimed at encouraging residents to use sustainable modes of transport; and
15. GPDO exclusions

Additional Conditions as agreed at Committee:

- a) Provision of a lighting plan
- b) Additional acoustic report and adherence to its findings
- c) Revised surface treatment plan with respect to removing block paving on Highways
- d) Plan showing security measures with respect to boundary treatments

- **S106**

1. 20% Affordable Housing;
2. Affordable Housing occupancy (50% shared ownership, 50% rented);
3. £75,000 on site renewables (delivery on site);
4. £20,000 air quality improvement (prior to the occupation of the 10th unit);
5. £425,000 off site employment (£225k prior to the occupation of the 50th unit and £220k prior to the occupation of the 120th unit);
6. Off-site cycle improvements (Woolcombe Lane) and Stage 2 Designer's Review prior to commencement of development completion prior to occupation of 10th dwelling;
7. £500,000 toward secondary school places to be paid prior to the occupation of the 50th unit;
8. £5000.00 towards amending the speed limit on Godwell Lane and adjacent roads (prior to commencement of development);

9. £5000.00 towards Traffic Regulation Orders (prior to commencement of development);
 10. £330,000 off site 'improvements to sports facilities at Filham Park, Ivybridge and improvements to recreational access from the eastern side of the River Erme to Longtimber Woods' (£180k prior to the occupation of the 50th unit and £150k prior to the occupation of the 120th unit);
 11. Design / review (road safety audit) for a footpath link to Filham Park. Subject to that conclusion, BDW to undertake the required works up to a maximum value of £100k. If works are not appropriate or possible the funds remaining after payment for the audit would transfer to item 10, above). The design review would be completed within 3 months of the commencement of development and any subsequent works (if required) to be delivered prior to the occupation of the 100th unit. If payment as part of item 10 then prior to the occupation of the 150th unit;
 12. £7,641.37 would be required towards minimising recreational risks as identified within the Tamar Estuaries Management Plan 2013-2018;
 13. On-going management in accordance with LEMP (including boundary and retained hedges; and
 14. Pay legal fees, including those of SHDC, DCC Highway Authority and DCC Children's Services legal fees.
- **s278** off-site Highway works are required at the access.

2682/15/FUL 59 Yealm Road, Newton Ferrers

Parish: Newton and Noss

Replacement of existing dwelling with 2 No. proposed dwellings

Case Officer Update: Correction of typographical error – remove 'in addition the plans' on page 65 of the presented report

Recommendation: Conditional Approval

Committee Decision: Site Inspection

DM.69/15 PLANNING APPEALS UPDATE

Members noted the list of appeals as outlined in the presented agenda report and the COP Lead Development Management responded to questions and provided more detail where requested.

DM.70/15 **REVIEW OF PLANNING SCHEME OF DELEGATION**

Members were presented with a report that set out a draft revised Scheme of Delegation. The COP Lead outlined the process whereby a group of Members had worked with officers to produce the Scheme as attached at Appendix A, and explained how the proposed Scheme differed from the existing Scheme.

It was then **RESOLVED** that Council be **RECOMMENDED** that:

- a) The revised Planning Scheme of Delegation as presented at Appendix A of the report be adopted; and
- b) Authority to make any minor amendments prior to adoption be delegated to the Community of Practice Lead Specialist Development Management, in consultation with the Chairman of the Development Management Committee.

(Meeting commenced at 11.00am and concluded at 5.10pm)

Chairman

Voting Analysis for Planning Applications – DM Committee 13 April 2016

Application No:	Site Address	Vote	Councillors who Voted Yes	Councillors who Voted No	Councillors who Voted Abstain	Absent
2659/15/FUL	The Crooked Spire Inn, The Square, Ermington	Conditional Approval	Cllrs Bramble, Cane, Cuthbert, Rowe, Pearce, Steer and Foss(7)	Cllrs Holway, Hodgson, Vint and Brazil (4)	None	Cllr Hitchins (1)
06/1725/15/F	Land at Oldstone Farm, Blackawton	Conditional Approval	Cllrs Foss, Steer, Vint, Hodgson, Bramble, Holway, Cuthbert and Rowe (8)	Cllrs Pearce and Brazil (2)	Cllr Cane (1)	Cllr Hitchins (1)
27/1859/15/F	Proposed development site at SX 6203 5630, Woodland Road, Ivybridge	Refusal	Cllrs Bramble, Cuthbert, Foss, Holway, Pearce, Rowe and Vint (7)	Cllr Steer (1)	Cllr Cane (1)	Cllr Brazil (by virtue of declaring a DPI) Cllr Hitchins, Cllr Hodgson (3)
Page 9 21_57/1347/14/F	Land at Torrhill Farm, Godwell Lane, Ivybridge	Conditional Approval	Cllrs Steer, Foss, Bramble, Pearce, Cuthbert and Rowe (6)	Cllrs Holway and Vint (2)	Cllr Hodgson (by virtue of not being in the meeting for the whole presentation) Cllr Brazil (2)	Cllr Cane (by virtue of declaring a DPI) Cllr Hitchins (2)
2682/15/FUL	59 Yealm Road, Newton Ferrers	Site Inspection	Cllrs Steer, Foss, Bramble, Pearce, Cuthbert, Rowe, Holway, Vint, Hodgson and Cane (10)	Cllr Brazil (1)	None	Cllr Hitchins (1)

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PLANNING APPLICATION REPORT

Case Officer: Ben Gilpin **Parish:** Newton and Noss **Ward:** Newton and Yealmpton

Application No: 2682/15/FUL

Agent/Applicant:

Stephen Whettem
The Works
3 Dolvin Road
Tavistock
PL19 8EA

Applicant:

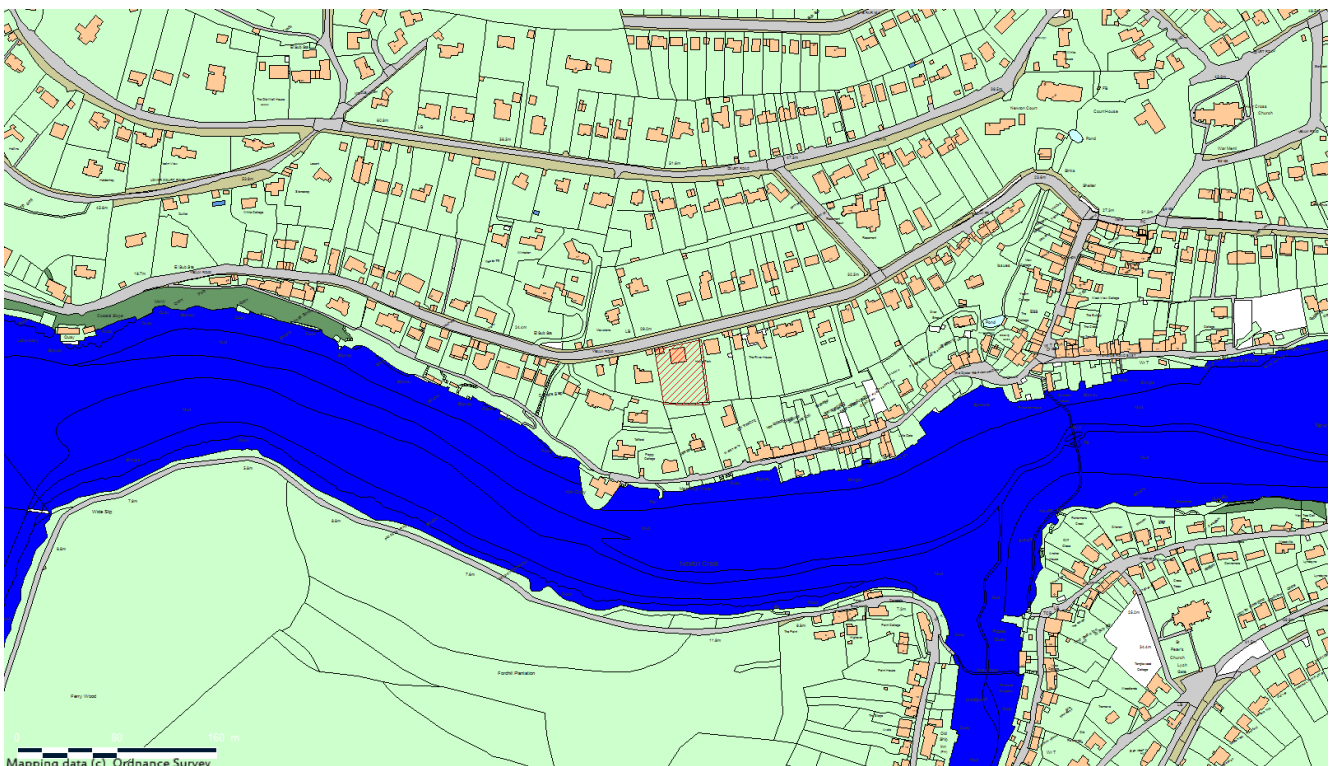
Ms Gillie Scherr
47 Yealm Road
Newton Ferrers
PL8 1BJ

Site Address: 59 Yealm Road, Newton Ferrers, Devon, PL8 1BJ

Development: Replacement of existing dwelling with 2 No proposed dwellings.

Reason item is being put before Committee: At the request of Cllr Baldry, who stated:

1. *The number of objections*
2. *I think more weight needs to be given to note 8 October 2013 Inspector's description of the property as a 'heritage asset' and it would be 'regrettable to see the loss of this building'.*
3. *I think there is a real concern about the inability of people to view the application on the website before the closing date for representations. The fault for the website failure lies with SHDC. The price of this failure is that in the interests of public confidence this may mean that more cases go to DM Committee.*
4. *The justification for approval of one additional dwelling to meet the 5 year land supply is not convincing.*



Recommendation:

Conditional Approval

Conditions:

Standard Time Limit

Accord with Plans

Unsuspected Contamination

Materials (Prior to Commencement (PTC))

Landscape / Maintenance Scheme (PTC)

Accord with Ecology Report Recommendations

Key issues for consideration:

- Principle of Development
 - Impact on the Area of Outstanding Natural Beauty (AONB) / Design and Scale
 - Neighbouring Amenity (Privacy)
 - 5 Year Housing Land Supply (5YHLS)
 - Other (Heritage 'Asset' (Designated and Non-designated) / Excessive Development Density for the Area (Over Development) / Out of Character with the Wider Area / Loss of Green Space / Inability to View Plans / Loss of Public Views / Drainage / Scale)
-

Site Description:

The site is a large south facing plot accessed from Yealm Road. The site is within the settlement boundary. In addition the site is within the South Devon AONB, but has no other statutory designation constraints.

The site is circa 35 metres west of a Conservation Area.

The Proposal:

Replacement of existing dwelling with 2 No proposed dwellings

Consultations:

- County Highways Authority
No objection subject to accordance with DCC Highways Standing Advice

- Environmental Health Section

No comments received – apply default Unsuspected Contamination planning condition

- Town/Parish Council

Objection:

1. *Visual Impact*
2. *Overdevelopment of the Site*

3. *Loss of Green Space*
4. *Heritage Setting*

Members are also concerned that both they and members of the public have been unable to view the plans on the South Hams District Council website commenting that it is a subversion of democracy.

- Others

South Devon AONB Unit:

As this application is for two dwellings, set within the built environment of Newton Ferrers village, it falls below the scale threshold for the AONB office to get involved and so this is not one that we will be looking at or commenting on. It therefore falls to the planning authority to make an assessment of the impact on the AONB and to give great weight to the conservation and enhancement of the AONB in its decision making, as required by the NPPF.

Representations:

Representations from Residents

13 letters of objection had been received at the time of writing.

The comments received cover the following points:

1. Over Development
2. Loss of Green Space
3. Impact on Heritage Assets / Non-designated Heritage Assets
4. Out of Scale (too tall)
5. Parking
6. Impact on the AONB
7. Out of Character
8. Loss of Public Views
9. Privacy
10. Drainage

Representations from Internal Consultees

Conservation SH:

Neither support nor object.

The comments received read:

As advised in the previously considered application this is an impressive example of Victorian architecture, one of the few remaining in the village that projects its late 19th / early 20th century development. As such its loss should not be taken lightly.

The property is not contained within the Conservation Area and unfortunately the previous request for listing English Heritage advised that in national terms it is an unremarkable design and of modest architectural styling and detailing which resulted in them not designating it as a Listed Building.

In terms of it being a non-designated Heritage Asset then it appears that there is limited weight with this, as it isn't contained within the conservation area and it hasn't been formally defined as one separately. Therefore although the existing building is a building of quality, the planning inspector in his consideration of 37/1256/12/F dated 8th October 2013 states:

"Westerly retains its proportions and spacious character and I consider this property has a role in making the development history of the village legible, and its open plot and spacious setting contribute to the overall setting of the CA. Although of a relatively standard design for its time, it is not without merit and can be considered, in the broadest sense of the Framework, a heritage asset, albeit the lack of local assessment and review, limits the weight this attracts."

In conclusion we still have concerns about the loss of the existing property on the site as it does contribute as a backdrop to the character and appearance of the nearby Conservation Area and in examining the current design for two properties then clearly they are clearly different to the current property on the site. Design is very much a subjective matter however I would observe that it would be regrettable to see the loss of this building which still holds presence within the townscape and is of quality however the replacement buildings have been designed with elegance and presence albeit in a contrasting language something which isn't always favoured. I would note that the current status of the building is partly gained from its position in the site surrounded by generous grounds, this would be diluted by the proposal to construct two dwellings. There is also a clear prominence of conventional pitched roofed dwellings and clearly what is proposed doesn't accord with local identity however in some instances contrived pitched roofs can be equally as damaging.

Drainage SH:

No comments received – apply default 2 number drainage planning conditions (foul and surface)

Representations from Statutory Consultees

SW Water:

No objection

With reference to the planning application at the above address, the applicant/agent is advised to contact South West Water if they are unable to comply with our requirements as detailed below.

Please find enclosed a plan showing the approximate location of a public sewer in the vicinity. Please note that no development will be permitted within 3 metres of the sewer, and ground cover should not be substantially altered.

Should the development encroach on the 3 metre easement, the sewer will need to be diverted at the expense of the applicant. The applicant/agent is advised to contact the Developer Services Planning Team to discuss the matter further.

South West Water will only allow foul drainage to be connected to the public foul or combined sewer. Permission will not be granted for the surface water from this site to return to the public

combined or foul sewerage network. We will request that investigations are carried out to remove the surface water using a Sustainable Urban Drainage System, such as a soakaway. If this is not a viable solution to remove the surface water, please contact the Developer Services Planning Team for further information.

If further assistance is required to establish the exact location of the sewer or should you require any further information please contact the Developer Services Planning Team by email developerservicesplanning@southwestwater.co.uk or direct line: 01392 443616.

Relevant Planning History:

37/1256/12/F – Construction of a replacement house (refused – 24.08.2012)

APP/K1128/A/13/2192805 – appeal of decision notice on 37/1256/12/F (appeal dismissed – 08.10.2013)

ANALYSIS:

Principle of Development:

The site is within the settlement boundary and development per se is deemed acceptable in principle (subject to accordance with the Development Plan and planning balance).

Impact on the Area of Outstanding Natural Beauty (AONB) / Design and Scale:

Concerns have cited impact on the AONB and design and scale as reasons for refusal.

In relation to Design and Scale, Policy DP1, section 1(a) and (e) are considered most relevant, and they read:

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;*
 - e. *protect local and strategic landmarks and buildings, and enhance views and skylines.”*

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 settlement, and would be seen in its residential context. It is accepted that the design of the scheme is ‘new’ (relatively contemporary in appearance), 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 larger one and a half / two storey houses).

In addition, due to the slightly lowered position below the public highway, the development would not appear excessively visually dominant at close viewing, and if visible from further afield it would be at such a distance as to considerably reduce the perceived impact, so in turn maintaining 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 would be of such a design and scale as to not appear excessively incongruous with their surrounds, and to recommend a refusal on design / scale grounds in this instance could not be supported.

Neighbouring Amenity (Privacy):

Objections received have suggested that the development proposed could result in a loss of amenity to neighbouring properties.

In this instance, and of most relevance, the 'new' property to the southern end of the garden is considered the structure that could possibly result in overlooking.

The proposed 'new' property would be approximately 16 metres from the nearest neighbouring property, which is to the east. The design is such that there will be no direct lines of sight from the new property to the east, with the only windows on the proposed western elevation being obscured.

5 Year Housing Land Supply (5YHLS):

The South Hams District Council Housing Position Statement 2015 (October 2015) states: The Council has carefully assessed its supply of land and evidence shows it had over 4 years supply in rural South Hams but less than a year in the PPUA (within South Hams) at April 2015. This equated to 1.9 years supply for the district as a whole.

In summary, and to re-iterate, the District has a 1.9 year supply at present. This falls woefully below the 5 year housing land supply requirement as prescribed by paragraph 47 of the National Planning Policy Framework (NPPF), which states:

To boost significantly the supply of housing, local planning authorities should:

- *identify and update annually a supply of specific deliverable sites sufficient to provide five years' worth of housing against their housing requirements with an additional buffer of 5% (moved forward from later in the plan period) to ensure choice and competition in the market for land.*

Knowing the above, the fact that the proposed scheme can deliver 2 residential units must carry a reasonable and proportionate level of weight in decision making, even more so knowing the site is within a settlement identified as sustainable by adopted policy CS1 (the policy states that development is acceptable in principle within Newton Ferrers). This is

further supported by the findings in the conclusion to appeal reference APP/K1128/W/15/3035888. As such, even the delivery of 1 or 2 units (1 additional unit in this instance) carries a fair degree of weight in decision making.

Other (Heritage 'Asset' (Designated and Non-designated) / Excessive Development Density for the Area (Over Development) / Out of Character with the Wider Area / Loss of Green Space / Inability to View Plans / Loss of Public Views / Drainage):

Heritage 'Asset' (Designated and Non-designated):

A number of objections have cited the heritage value of the building, and its retention as reason for refusing the application.

In this instance, the findings of the Planning Inspector to APP/K1128/A/13/2192805, and the comments of the SHDC Conservation Officer need to be considered and weighed in the planning balance.

In relation to the comments of the Planning Inspector, it was said that:

Although of a relatively standard design for its time, it (the property) is not without merit and can be considered, in the broadest sense of the Framework, a heritage asset, albeit the lack of local assessment and review, limits the weight this attracts.

The SHDC Conservation Officer concurred with the level of weight that could be attributed to the non-designated heritage asset, and stated in comments:

The property is not contained within the Conservation Area and unfortunately the previous request for listing English Heritage advised that in national terms it is an unremarkable design and of modest architectural styling and detailing which resulted in them not designating it as a Listed Building.

In terms of it being a non-designated Heritage Asset then it appears that there is limited weight with this, as it isn't contained within the conservation area and it hasn't been formally defined as one separately.

It is considered that the weight that can be afforded to the retention of the building as a non-designated heritage asset is very limited. However, consideration of the setting of the Conservation Area, when viewed from further afield should be considered.

The Planning Inspector said:

However, Westerly retains its proportions and spacious character and I consider this property has a role in ... its open plot and spacious setting contribute to the overall setting of the CA.

As the setting of the Conservation Area is a material consideration, the layout of the proposal would need to maintain a 'spacious setting'. In this instance, the scale of Plot 1, being no larger than Westerley, and with Plot 2 being positioned lower down the slope and incorporating a 'green roof' system, it is considered that the appearance of the green surrounds of the original property would be sufficiently maintained to provide the visual green space identified by the Planning Inspector.

Therefore, to refuse the proposal on grounds of effects to designated and non-designated heritage assets is not considered sufficient to warrant a recommendation on those grounds alone.

Excessive Development Density for the Area (Over Development) / Out of Character with the Wider Area:

In this instance Local Plan Policy MP12 (ss. 1 and 2) needs to be considered, where it reads:

1. *Development which would significantly alter the density of buildings or damage the landscape and character of Policy Areas 1 and 2 on the Proposals Map will not normally be permitted.*
2. *Development which would damage the character of, or increase the number of vehicles in, Policy Areas 3 and 4 on the Proposals Map will not normally be permitted.*

In addition, the level of weight that should be afforded to the policy also needs to be considered. In this instance, and in accordance with the findings of the Planning Inspector to APP/K1128/W/15/3035888 only moderate weight can be applied. The Inspector stated in that case that:

Although KP11 is negatively framed and in this sense is not consistent with the more permissive approach of the Framework this limits the weight that I give to that policy, under the terms of paragraph 215 of the Framework, but it still retains moderate weight

In this instance KP11 can read MP12 as the same circumstances apply.

The development proposed would increase the density on the site, albeit marginally. The current built footprint of house and garage are 178m², and the proposed built footprint of 311.8m². The site is 1767m². This means that the current built footprint on site is 10.1% and the proposed built footprint would be 17.6% - an increase of 7.5%.

Knowing that the overall built footprint increase is limited, it is considered in this instance that the increase in density is not sufficiently excessive as to warrant a recommendation of refusal.

Loss of Green Space:

A number of objections have cited a 'loss of green space' as reason for refusal although this has not been explicitly expanded upon.

From visiting the site it could be reasonably interpreted as meaning loss of green space that is currently laid to grass as part of the garden. The green space referred to is not publicly accessible and only clearly visible if viewed from the Noss Mayo to the south (and then only at certain vantage points).

In this instance, with the limited increase in density on site, coupled with the green roof proposed (so visually offsetting loss of 'green space') it is not considered that the loss of private green space is sufficient to warrant a recommendation for refusal in this instance.

Inability to View Plans:

A number of objections have cited an inability to view plans and details on line. The validity of the claims cannot be verified.

From the records available the comments received and plans / documents submitted have been available for public view by virtue of the planning file held for such purposes.

In addition the plans

Loss of Public Views:

It has been suggested in objections received that the development proposed could result in a loss of public views. The nature of the site (sloping north to south), the current level (scale) of development on site, and the level proposed, it is not considered that the development as proposed would lead to the loss of public views. As such, it is not considered reasonable to recommend refusal on the grounds of loss of public views.

Drainage:

The SHDC Drainage Engineer has stated no objection subject to the inclusion of standard drainage conditions. In this respect it is not considered reasonable to recommend refusal of the proposal on grounds of drainage.

Conclusion:

In conclusion, it is accepted that the weight that can be attributed the retention of the building (Westerly) is limited, and that if the appearance of green space can be maintained then the setting of the CA will also be maintained, only a small a degree of weight can be attributed.

The level of weight against the proposal then needs to be considered against the level of weight that can be attributed to the delivery of housing and the contribution to the 5YHLS.

It is considered that other elements of the development are acceptable.

Knowing the weight that should be applied to the delivery of housing is relatively high, and that the weight given to the retention of a non-designated heritage asset is less than this, it is concluded that, subject to planning conditions, this proposal should be supported.

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

Development Policies DPD

DP1 High Quality Design

DP2 Landscape Character

DP3 Residential Amenity

DP6 Historic Environment

DP7 Transport, Access & Parking

South Hams Local Plan (please delete as necessary)

MP 12 Newton Ferrers and Noss Mayo

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: Matthew Jones

Parish: Ivybridge **Ward:** Ivybridge West

Application No: 3074/15/FUL

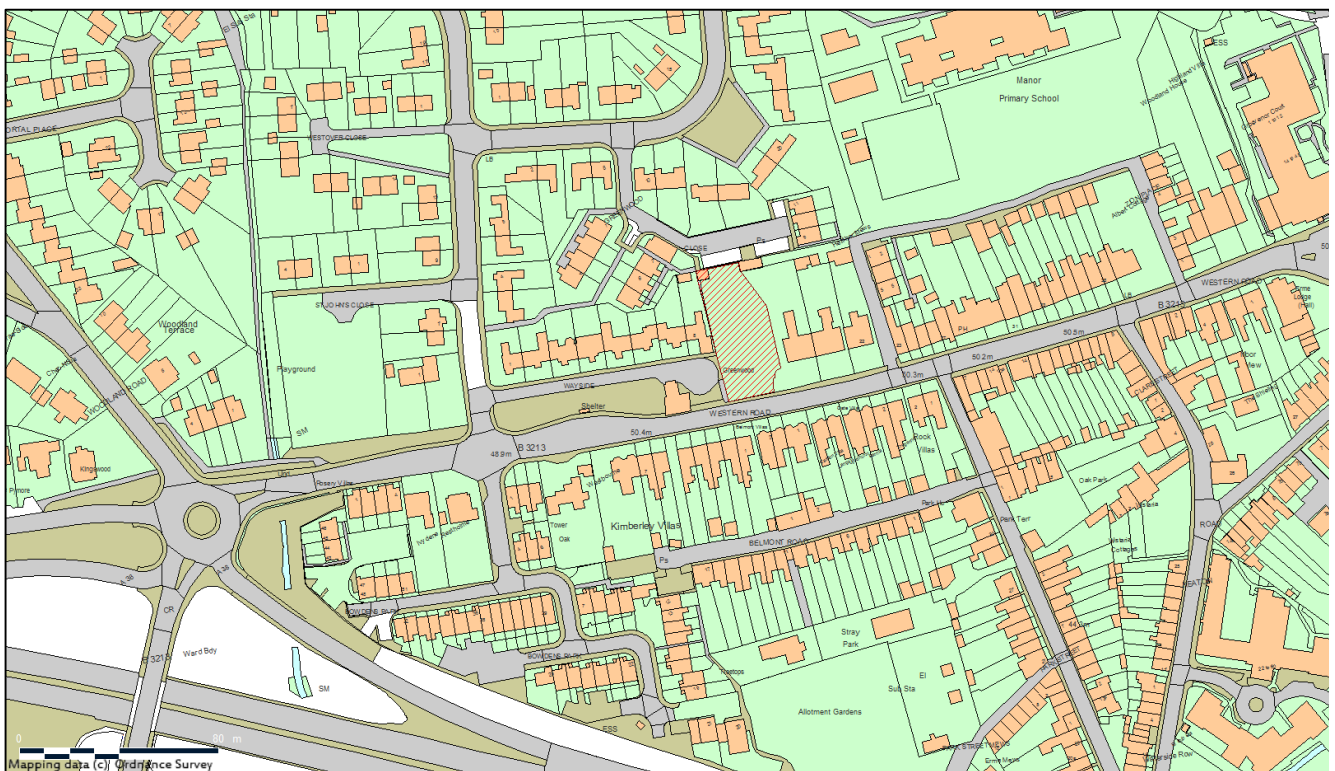
Agent/Applicant:
Mr Caroline Moxley
Chapel House
Plymouth Road
South Brent
TQ10 9BH

Applicant:
Mr Kevin Higgins
Flat 4,
1 Lambhay Hill
Plymouth
Devon
PL1 2NT

Site Address: Greenwood, Western Road, Ivybridge, Devon, PL21 9AN

Development: Erection of 5 new dwellings

Reason item is being put before Committee: Due to concerns regarding access, parking, bin storage, the impact on the setting of the Listed Building and the impact on the Air Quality Management Area.



Recommendation: Conditional approval

Conditions

Time

Accord with Plans

Materials and samples prior to installation

Eaves and verges details prior to installation

Joinery details prior to installation

Rainwater goods details prior to installation

Retention of all parking areas in perpetuity, no parking in other areas

Accord with provisions of arboricultural method statement

Landscape plan prior to commencement

Accord with details of submitted drainage strategy

Units 2, 3, 4 rooflights to rear elevation obscure glazed

Lighting specification prior to installation

Works to avoid bird nesting season

Removal of Permitted Development Rights

CEMP prior to commencement of development

Unsuspected contamination

Key issues for consideration:

The main issues are the impact of the proposal on the setting of the designated heritage asset, design, impact on the street scene, massing, access, parking, drainage, ecology, affordable housing, air quality and any impact on the amenity of neighbouring properties. .

Site Description:

The application site is a parcel of land within Ivybridge The historic wall which bounds the site suggests an association with the grade II listed villa 'Greenwood' which is to the east. The site is directly within the setting of this designated heritage asset, most notably when the site is approached from the west.

The once larger parcel of land has been subdivided with a newer stone wall which runs centrally through the site. Access is from an opening in the wall within the south west corner, from Wayside. There is a pedestrian gate leading to Greenwood Close at the back of the site, adjacent to a stone built outbuilding in the north west corner of the plot.

The residential curtilage of neighbouring dwellings is to the east and west, Western Road is to the South and a parking area serving a separate development is to the north. The trees within and abutting the site benefit from Tree Preservation Orders.

The site is within the Ivybridge Development Boundary. The town is designated as a Critical Drainage Area and the site is also within the Air Quality Management zone around the congested Western Road.

The Proposal:

Planning permission is sought for the erection of 5 dwellings. The dwellings are over two or one and a half storeys with render under slate roofs. Windows are timber / aluminium composites Vehicular access is from the existing opening onto Wayside, which will be the only vehicular approach to the site.

The front unit is a detached dwelling fronting Western Road. Behind this building is a row of three one and a half storey dwellings with dormers at the eaves and a single detached dwelling is located to the rear, northern area of the site.

A revised site plan has been accepted which alters the parking arrangement for one of the units, following consideration of the concerns raised by the highways officer.

Consultations:

- Conservation Team

No objection subject to conditions - *Further to my previous comments having considered the details further and having spoken with the agent then providing the conditions I have suggested earlier are included in any approval then I am satisfied that the scheme will not be damaging to the character of the area or the setting of the adjacent Listed Building.*

- County Highways Authority

Objection relating to two parking spaces and bin storage – suggest condition if minded to approve (full response within file)

- Affordable Housing

Consider the project to be borderline viable without financial contributions – do not wish to pursue financial contributions for this reason (full response within file)

- Environmental Health Section

No objection

- Landscape and recreation team

No objection subject to condition and financial contribution towards recreation of 8,925 pitches and £5,890 play

- South West Water

Notification of presence of public sewer within the site

- Ivybridge Town Council

Objection relating to traffic, access, parking provision, congestion, air quality, overdevelopment, plot density, harm to the setting of the listed building Greenwood

Representations:

13 letters of representation have been received at the time of writing this report. Concerns raised within the letters of objection are summarised as follows:

- Constitutes garden grabbing
- Will harm character of area
- Will have harmful impact on residential amenity
- Will cause additional access and parking problems, most notably around Wayside
- Will harm the setting of the listed building
- Could damage important trees
- Parking areas appear cramped
- The construction phase will cause disruption

Relevant Planning History

27/0280/15/F - Erection of 7 new dwellings comprising 4 houses and 3 flats and associated works – Withdrawn

27/0803/13/PREMIN - Pre-application enquiry for 5- 7 new build units (open market/affordable mix) – Officers support forthcoming on a without prejudice basis, subject to agreed revisions

27/0358/10/F - Householder application for erection of dividing wall to east of site and opening of an access gate to the west of site – Conditional Approval

27/1543/04/F - Erection of new dwelling, garage and access – Conditional Approval

Analysis

Principle of development

The site is located within the Ivybridge Development Boundary where policy CS1 supports, in principle, new residential development subject to all other material planning considerations.

Access and parking

Officers have carefully considered the third party comments relating to access and parking, particularly comments regarding access to and from Wayside. The constraints of this junction has also been specifically raised with the specialist highways officer. The advice from the highways professional is that the principle of development, the amount of parking provision and the implications for access to and from Wayside are acceptable. The highways officer has stated that:

The principle of five dwellings served by Wayside is accepted by the Highway Authority noting the width of Wayside is near to 4.8m wide. Also the proposals would likely only generate an additional 25 - 30 two way vehicle movements per day according to the national evidence. It is likely that during each of the two peak traffic hours in the day (8:00am - 9:00am and 16:00pm - 17:00pm) the proposals will add around four two way vehicle trips to Wayside. Whilst coming out the junction is not ideal if turning left this increase is considered to be marginal and drivers can wait for an appropriate gap to get out on a green phase or stack in the first space before the stop line.

However, the highways officer has registered concern about the location of the bin store and the specification of two parallel parking spaces.

Following receipt of these comments the applicant has revised the relevant element of the scheme to provide parking spaces as requested. Although the comments made regarding the bin store for unit 1 are noted, officers measure the distance to be 25m from the entrance, only 5m above the preferred distance. Overall, officers consider that this distance is acceptable, and preferable to moving the bins toward the collective bin store closer to the entrance. Such an arrangement would require a round trip of approximately 60m every time an occupant of unit 1 would like to place something in the bin, and this would constitute poor urban design.

A CEMP condition is attached to this recommendation as suggested in order to mitigate, so far as reasonably possible, the disruption faced by neighbouring residents during any construction phase.

Design, massing and visual impact within the streetscene

The site plan is considered to show appropriate ratios of outdoor amenity space to serve each dwelling, avoiding over development of the site.

The residential area around Western Road is one of the older parts of Ivybridge and is characterised by high density terraced dwellings, many of which are at rights angles to Western Road. Small mews style terraces are prevalent in the area.

The design of the proposal takes clear reference from the local vernacular but is presented in a way which incorporates modern elements and materials. This is considered to be an acceptable design approach for this site. The quality of the scheme will be largely dependent on the use of materials and this can be secured by way of planning condition.

The site is visible from Western Road and most prominently when approaching from the west. This is an arterial route into the town's core and, as such, the site has an important role to play within the streetscene as a gateway site where the transition is made from low density C20 Ivybridge to the older, more densely populated centre further to the east.

The orientation of the mews terrace towards this viewpoint, and the articulation added to the west flank wall of the south unit, show an appreciation of how the site is experienced as a gateway into the older part of the town, and adds weight in favour of the proposal as an appropriate architectural response to the constraints of the site. Overall, the proposal is considered to offer an improvement to the street scene compared to the existing vacant site and the blank flank wall of Greenwood.

Neighbour Impact

Policy DP3 requires officers to assess the impact on neighbouring properties against '*the level of amenity generally accepted within the locality*'.

Overlooking towards properties on the south of Western Road will be at a good distance and no more intrusive than the other relationship of mutual overlooking along the street. The parking area at the rear, and absence of openings on the north of the development, will maintain the privacy of properties located to the north.

Neighbour Impact on Greenwood

The properties along this part of Western Road follow a similar scale and principal building line but, not uncommonly, also feature lower rear tenements which protrude at 90 degrees to the main ridge and extend into their rear garden areas. These rear tenement elements each have impact on neighbouring dwellings through dominance, overlooking and loss of light.

Officers consider the scale and design of the proposal to generally conform to this existing character of development. The front unit (no.5) will follow the building line and plan of the main elements of the neighbouring villas, and the mews style terrace will broadly conform to the rear tenements.

Although the mews terrace will be longer and in some respects higher, this additional massing is not considered to lead to material harm to Greenwood to the extent that a reason for refusal could be sustained.

Officers also acknowledge that, in adopting a 'mews' style, the eaves height has been brought down lower than a typical two storey property with dormers utilised to maintain an acceptable degree of first floor accommodation. The reduced height of the eaves, the pitch of the roof away from Greenwood and the distance of 7m away from the shared boundary all serve to reduce the impact of the development on the residential amenity of Greenwood.

Although Greenwood is privileged to currently enjoy a very open outlook, this is clearly an exception to the prevailing character of neighbour relationships within the row, and for the above reasons, the impact of the proposal is considered to conform to the level of amenity generally accepted within the locality.

Neighbour Impact on Wayside

The adjacent property to the west is no.8 Wayside. This property has a generous extension to its rear which will itself largely prevent direct overlooking. Remaining overlooking from the first floor of the end of terrace and the northern unit, by nature of the separation distance and oblique angles, is not considered above and beyond overlooking experienced from one property to another across the rear of Wayside.

Overall, the impact on the amenity of no.8 Wayside is considered to conform to the principles of policy DP3.

Impact on setting of Grade II listed building

The Council has previously taken the view that the intention was always to continue constructing villas westwards along Western Road.

A Conservation Specialist has previously stated that *“The large garden to the west of the house (the development site) appears to be an anomaly in relation to the form and layout of Greenwood and its neighbour as well as the grain of this part of the town. This evidence, together with the blank west elevation of Greenwood, leads me to suspect that it was originally intended to continue building in this direction as a terrace”*.

Indeed, planning permission has been granted in the noughties for residential development on this site for a single large dwelling house.

The principle of building on this land is therefore considered to conform to the historic and consistent intention for development of the Greenwood site. Enjoyment of Greenwood is most associated with views of its southern frontage, which is clearly the most formal and high status of its elevations. In contrast the west gable is devoid of architectural features and was clearly not intended to be as prominent, or to play such a pivotal role as a gateway frontage within Ivybridge.

The proposed development is not considered to have a harmful impact on the setting of Greenwood. The scheme brings forward the, always intended, development of the site but with a group of buildings which are clearly subservient to Greenwood.

This physical and architectural subservience respects and retains its formality, prestige and primacy and does not diminish one’s enjoyment of the building when it is viewed from the south, from Western Road.

In fact, the articulation of the west elevations of the development is considered by officers to offer an enhanced gateway site, offering a more positive contribution to the public realm than the currently expressionless gable of Greenwood itself.

For these reasons, and with due regard Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and the relevant sections of the NPPF, officers conclude that the proposed development will not harm the setting of the adjacent designated heritage asset.

Trees, drainage and ecology

Officers consider the submitted arboricultural impact assessment and method statement to adequately protect the valuable trees located on the south of the site. The ecologist has concluded with no objection provided a condition is imposed preventing the commencement of development within the bird nesting season. The implementation of the submitted drainage strategy will also be secured through planning condition.

Viability and financial contributions

The applicant has submitted a viability assessment with the planning application indicating that any additional financial contributions imposed by the Local Planning Authority would render the scheme unviable. After consideration of this viability assessment, the Affordable Housing team is in agreement and has not requested financial contributions towards affordable housing on this basis.

Due to a perceived, clear viability issue, officers are also minded not to pursue the sum requested by the landscape and recreation team. The social benefit of the scheme is in itself providing housing of which a clear proportion are smaller and therefore more affordable units. The Affordable Housing officer has stated that:

'The build costs are agreed as these are current figures used in the RICS guidance for developments on this scale. The interest fees at 7.5% are probably the only area that I would dispute as we tend to look at between 6% and 6.5%. However, the developer is not achieving the expected 17.5% profit which the HCA use in their viability appraisals and this would not make the scheme any more viable to provide the policy requested off site contribution.'

'By providing smaller units i.e. the 3 x two bed semis these would be more affordable to most and may provide the opportunity for some first time homes for people who are unable to afford the larger units which we tend to see in the more rural locations which are clearly unaffordable.'

Air Quality Management

Officers have carefully considered the implications of the proposal on the air quality management area, and also the information submitted within the application.

After consideration, the Council's Environmental Health specialists are not objecting to the proposal. The Environmental Health Officer has stated that:

'Having considered the information provided the applicant has demonstrated that the future residents will not be exposed to excessive levels of NO2 however the assessment does not detail the impact that the development will have on the existing air quality management area, however based on recent developments it is highly unlikely that this scale of development will have a more than significant impact on air quality and as Devon County Council are not objecting on the grounds of traffic impact I would not be able to sustain an objection to this application.'

Conclusion

The proposal provides short term economic benefit through the construction phase and long term social benefit through the provision of housing within a district currently experiencing a shortfall in supply.

The comments made by the Town Council and within submitted letters of representation are considered within the above analysis. None of the issues raised are considered to outweigh the benefits of the scheme or cannot be resolved through appropriate use of planning conditions.

For the reasons outlined above this proposal is considered acceptable and in accordance with the relevant development plan policies. This application is therefore recommended for approval subject to appropriate conditions. 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

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
DP5 Conservation and Wildlife
DP6 Historic Environment
DP7 Transport, Access & Parking

South Hams Local Plan

SHDC 1 Development Boundaries

National Planning Policy Framework (2012)

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: Gemma Bristow

Parish: Kingswear **Ward:** Dartmouth and East Dart

Application No: 0253/16/FUL

Agent/Applicant:

Mrs Amy Roberts
Sowton Business Centre
Capital Court
Bittern Road
Exeter
EX2 7FW

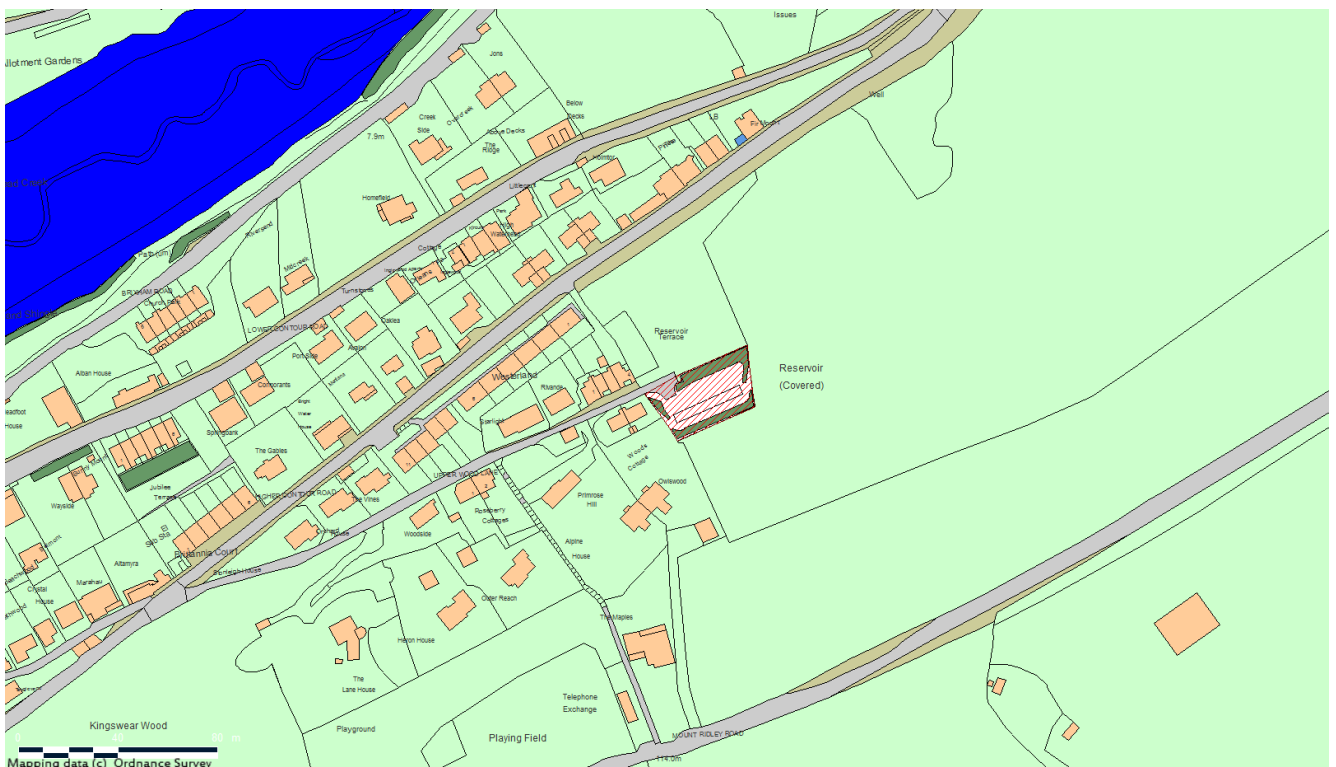
Applicant:

C/O Agent

Site Address: Putts Reservoir, Upper Wood Lane, Kingswear, Devon, TQ6 0DH

Development: Application for redevelopment of brownfield site (redundant reservoir) to provide one dwelling

Reason item is being put before Committee: At the request of Ward Councillor who cannot support officer recommendation



Recommendation:

Condition approval

Conditions

Time

Accord with plans

Details of landscaping, including natural planting

Construction management plan

Unsuspected contamination

Details of reptile method statement

Removal of vegetation outside of bird nesting season

Adherence to the Arboricultural report

Key issues for consideration:

Principle of the location

Design and visual impact on landscape

Transport

Ecology

Site Description:

0.09ha site consisting of the redundant Southwest Water Putts Reservoir site, located at the eastern end of Upper Wood Lane that forms the eastern boundary of the Kingswear settlement. The site is bounded by a wooded slope to the north, agricultural land to the east, agricultural land and residential properties to the south and housing on Upper Wood Lane immediately to the west. The site is accessed via Upper Wood Lane.

The site is within an Area of Outstanding Natural Beauty and the site is subject to a Tree Preservation Order.

The Proposal:

Erection of a two-storey, three bedroom dwelling, with an internal garage and space for parking/turning. The dwelling would be cut into the bank and have flat green roofs, it would have a raised ground floor terrace and a first floor terrace on the west side of the dwelling.

Materials: Walls timber cladding at first floor and natural stone at ground floor, galvanised metal gutters and downpipes, windows and doors powder coated aluminium light grey colour, retaining wall around raised terrace to be natural stone.

In support of the application the applicant has submitted:

- Planning Statement – Ben Cornwell LLP
- Landscape and Visual Impact Appraisal – Redbay Design
- Arboricultural Survey – Advanced Arboriculture
- Letter from Transport Planning Liaison
- Ecological Impact Assessment – Ambios Ecology
- Contaminated Land Survey – ASI Ltd
- Landfill Gas Assessment – LG Solutions
- Drainage Strategy – Clarke Bond

Consultations:

- County Highways Authority – no objection, standing advice
- Environmental Health Section – no objection, subject to condition on unsuspected contamination

- Town/Parish Council – objection on the grounds it is a prominent site overlooking the River Dart Valley, Dartmouth, in AONB and coastal preservation area, outside of development boundary surrounded by established hedgerows and visited by curlew buntings. Located at the end of an unadopted track with limited parking so it would cause extensive traffic problems.
- Specialist landscape officer - The LVIA is sound and officers broadly concur with the findings and appraisal, the viewpoints are noted. The report submitted by Advanced Arboriculture is sound and officers broadly concur with its findings. Further comments are included in the analysis section below.

Representations from Residents

10 objections have been received and cover the following points:

- Outside the settlement boundary
- Woods Lane used Kingswear Primary school and no risk assessment submitted
- Woods Lane has no turning spaces
- Woods Lane is not suitable for heavy vehicles
- Disruption from construction
- Heavy vehicles do not currently access the reservoir so no net improvement
- Insufficient space during construction for vehicles to turn
- Loss of trees will harm the visual amenity of the area
- Loss of habitats
- There has been no local consultation
- The five bar gate is shared access with Boohay Estate, Hightrees and SW Water –there the development would block access during construction
- It will create a high value house when the town needs lower value housing
- Boohay Estate claim to own the rights to the site and have not been consulted or will grant access
- Wood Lane is the main water supply and also sewage for Upper Wood Lane
- Curlew bunting have been seen on site
- Although unused the existing reservoir could be brought back into use if needed
- The ecology surveys were not undertaken at the correct time.
- Much wildlife on the site
- Wood Lane is considered unsuitable for waste collection lorries

Relevant Planning History

None relevant

ANALYSIS

Principle of Development/Sustainability:

The site of the proposed dwelling is adjacent to but outside the settlement boundary of Kingswear and as such policy CS1 states development will only be permitted where it 'can be delivered sustainably and in response to a demonstrable local need'. In addition, policy DP15 sets out the conditions in which development in the countryside may be acceptable. It is noted that the proposal would not meet the criteria (a) on the essential needs of agriculture or forestry and neither would it meet (b) 'the essential, small scale, and exceptional local development needs of a settlement which cannot be met within development boundaries.' However, due to the Council's failure to demonstrate a five year supply of land for housing, the continued integrity of the relevant local planning policies is subject to challenge. Officers are obligated to consider each proposal against the criteria for sustainable development set out within the National Planning Policy Framework.

It should also be noted that the site is considered to be a B8 Use Class Storage Facility and a brownfield site. However, as the site is in the AONB change of use from B8 to C3 is not deemed permitted development as prescribed by the Town and Country Planning (General Permitted Development)(England) Order 2015 (hereinafter referred to as the GPDO 2015).

In this instance, great weight is given to the fact the site adjoins the Development Boundary of Kingswear. In addition, further weight is also afforded to the fact that this is a brownfield site, and given the cost of developing the site limited other uses are considered likely to be viable. The site is considered by officers to be a sustainable location with specific regard to access to services, being a sensible walking distance to the services provided within the town.

These specific, mitigating factors are considered by officers to provide the justification for which a departure from the development plan can, in principle, be supported.

Design/Landscape:

The proposed house would be cut into the steep bank such that only part of it would project forward. The existing water reservoir would be converted into back of house storage, utilities spaces as well as a TV room at ground floor with a study and bathroom at first floor level. The dwelling has been designed with large flat green roofs across the existing structure and the two-storey extension which are considered to help blend the proposal into the surrounding landscape. In addition, the use of natural stone and cladding is considered to help soften the appearance of the new dwelling in this edge of settlement location.

The landscape and visual impact assessment has concluded that the study area with the AONB has a medium-high sensitivity to the proposed dwelling. While it was considered there would be some harm to the landscape in the short term due to the loss of trees/vegetation on the site, this is considered to correct over 7-10 years as the new planting matures. While the proposed building is different in design and materials to the surrounding houses, the proposal is considered appropriate to its subterranean setting and edge of settlement location. The study concludes that due to the small scale of the development, retention of some trees and the limited opportunities to view the site from within Kingswear and surrounding area the proposal would not harm the character of the area over the medium to long term.

The council's landscape specialist concurs with the findings of the applicant's landscape appraisal. The overall impacts are considered limited in nature given the context, scale and massing of the proposal on this brown field site. The land rises steeply to the south, behind the proposal, and is well screened from the south and east. To the north is a woodland and this also restricts views. Overall the site is visually constrained locally, with the impact of distant views low. The impact on character is also limited given the existing use and relationship to existing residential dwellings to the west; the wider character is maintained in accordance with policy.

Trees

It is proposed that six trees would need to be felled, all on the north eastern part of the site. In addition, tree T1 on the western border would need to be coppiced and the trees along the southern boundary of the site coppiced three years from completion of the works. Nevertheless, replacement planting of eight trees is proposed around the north, east and southern boundary of the site.

The Arboricultural Impact Assessment is clear and identifies the issues around development and long term management. The survey appears sound with the majority of the trees within the 'C' Category. It is acknowledged that works are required to the trees separately to the impacts resulting from the proposed development as part of an overall management strategy. However, with the proposed development management can still be achieved and a number of the protected trees retained under more focused works including re-coppicing.

The presence of the TPO is noted and has been carefully considered in the context of the proposal. The TPO provides the Council with the opportunity to review the site in context (with current tree stock) and assess any proposal in a timely manner, without the threat of premature felling. The order was modified from an Area order to two groups of trees. Officers believe the amenity can be retained longer term and any new tree planting considered for protection as part of mitigation.

The Council's specialist arboricultural officer raises no objections, but states that the development should be conditioned with adherence to the recommendations and guidance in the applicant's arboriculture report, including tree protection. Whilst it is acknowledged that the impacts will be clear initially, there are opportunities to mitigate the proposal medium term through new planting and tree management.

Neighbour Amenity:

In terms of amenity, the two-storey extension to the dwelling would be over 14m from the adjoining Woods Cottage. It is noted the side elevation of Woods Cottage contains a window, however this would face the adjoining bedroom window in the proposed dwelling at an angle, and would be further obscured by the retaining wall of the terrace and the handrail of the existing steps leading up the roof of the existing reservoir. While it is acknowledged that the use of the proposed first floor terrace may lead to some additional noise, given the existing close relationship of houses on Upper Wood Lane this is not considered to cause significant harm.

The proposed dwelling is therefore considered acceptable in terms of its impact on the amenity of the surrounding neighbours.

Highways/Access:

The dwelling would be accessed via Upper Wood Lane and the Highways Authority standing advice would apply. The plans have illustrated there would be space for vehicles to turn and parking for two vehicles, which includes one within the internal garage.

Residents have raised concerns that access leading up Upper Wood Lane is very narrow with limited passing spaces, contrary to the assertion in the application that there are ad-hoc passing spaces with good intervisibility. While officers agree that Upper Wood Lane is narrow with limited passing spaces, given this situation already exists, and despite the additional vehicle movement from the proposed dwelling, this is not considered a valid reason for refusal. The NPPF states that 'Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.' In this case the cumulative impacts are not considered to be severe as the additional pressure from one new dwelling is not considered to be significant.

Concerns have also been raised on the disruption from construction, and in particular heavy construction vehicles. Due to the restriction on access to the site it is recommended that a construction management plan is conditioned that would, amongst other areas, deal with the delivery of materials to the site. The proposed long term residential use of the site is not considered to result in safety issues by the increase in vehicles using Upper Wood Lane.

Ecology:

The applicant's ecological impact assessment states that no protected species were identified on the site, and due to the limited structures and vegetation on the site it was also stated there is limited habitats for bats, nesting birds including Cirl Bunting. Nevertheless the specialist ecology officer has commented that the planting scheme should include some natural planting to compensate for the lost 'scrub' with its inherent bird nesting potential. In addition to a condition on landscaping details to include natural planting referred to above, conditions on reptile method statement and vegetation removal are also proposed.

In terms of when the ecology surveys were undertaken the Council's ecology specialist has stated that an initial survey can be taken at any time during the year (albeit that some months are better than others) and for non-sensitive sites this would be fine. It is noted that only detailed 'phase 2' protected species or vegetation surveys that have to be undertaken in a specific season.

Drainage

The applicant's drainage strategy states all surface water from the roofs and terracing areas will be attenuated on site, and the existing tarmac area will be drained via dispersed infiltration providing betterment to the overall surface water management. In addition, due to the sensibility to high

intensity rainfall, an exceedance system will be incorporated to handle these events. Foul water will be connected into the Southwest water combined sewer network located on Upper Wood Lane. Southwest Water have confirmed the connection into the existing network would be acceptable.

Other Matters:

The issue of access through the existing gate to the site is a private legal matter for the landowner to resolve so it outside the remit of this application. Southwest water have also confirmed that the reservoir is surplus to requirements and will not be brought back into use.

Conclusion

In conclusion, while the application site lies outside the settlement boundary of Kingswear, it adjoins this boundary and would be contiguous with the housing on Upper Wood Lane. It is therefore considered a sustainable location and so a departure from policy can be supported in this case. The design and materials are also considered acceptable, and subject to details of a full landscaping scheme it is considered to have a neutral impact on the landscape character in the medium to long term. The issues raised on transport are not considered to be severe to warrant a refusal, and issues on construction could be mitigated by a construction management plan. The proposed new dwelling is therefore recommended for conditional approval.

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

CS10 Nature Conservation

CS11 Climate Change

Development Policies DPD

DP1 High Quality Design

DP2 Landscape Character

DP3 Residential Amenity

DP4 Sustainable Construction

DP5 Conservation and Wildlife

DP6 Historic Environment

DP7 Transport, Access & Parking

DP15 Development in the Countryside

DP16 Conversion and Reuse of Existing Buildings in the Countryside

DP17 Residential Extensions and Replacement Dwellings in the Countryside

South Hams Local Plan (please delete as necessary)

SHDC 1 Development Boundaries

DP 7 Kingswear

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: Jeremy Guise

Parish: Yealmpton **Ward:** Newton and Yealmpton

Application No: 0579/16/FUL

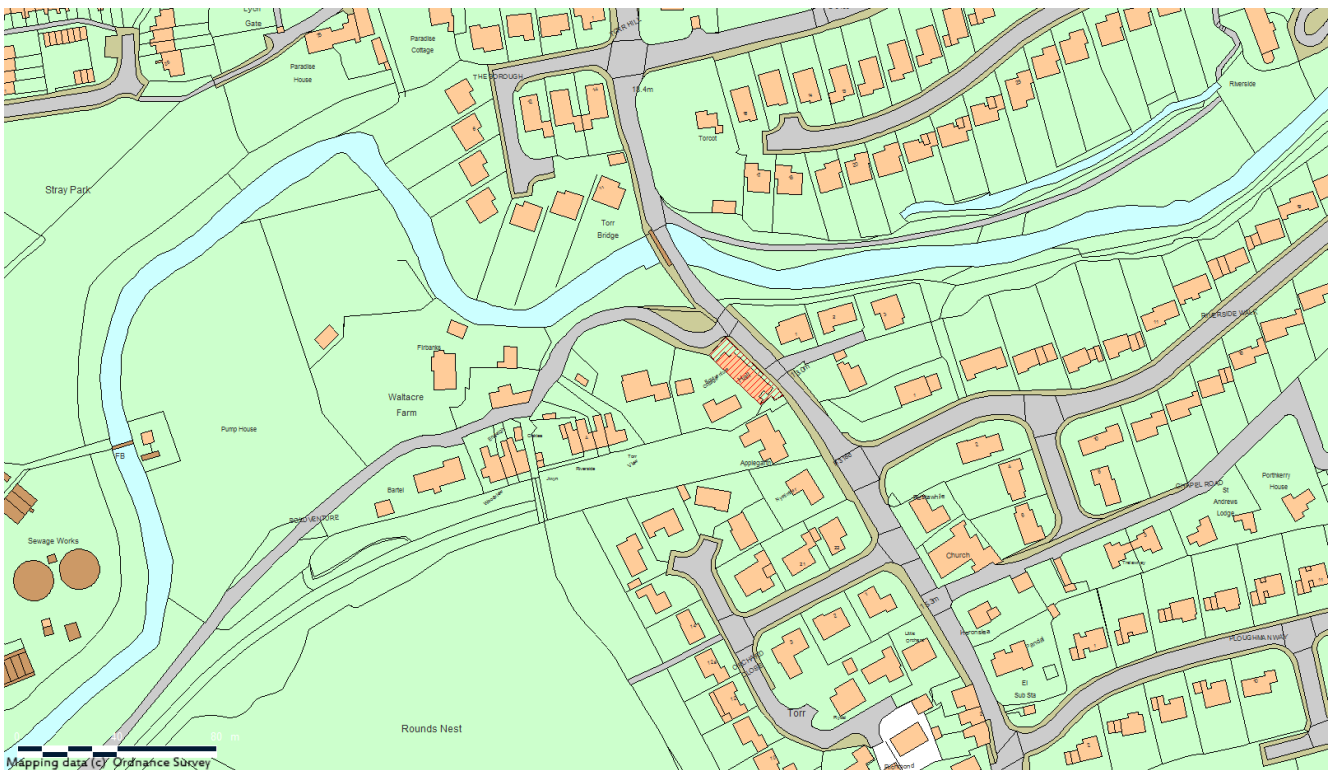
Agent/Applicant:
Mr Steve Kassell
Pillarsbarn Burraton
Ivybridge
PL21 9LA

Applicant:
Mr R Buckland
Burraton House
Burraton
Ivybridge
PL21 9LA

Site Address: Site Of Wi Hall, Ford Road, Yealmpton, Devon, PL8 2NA

Development: Erection of a detached house on land previously used for WI hall

Reason item is being put before Committee: At the request of Cllr. Ian Blackler, Ward member for Newton and Yealmpton: 'I am asking for this application to go to Development Committee due to the objections that have been raised, I personally feel it should be approved'



Recommendation: Refusal

Reasons for refusal

1. The proposal is flood zone 3, but does not provide safe access and egress during a flood event, a requirement of the Exception Test.

Key issues for consideration:

- Flood risk and drainage issues
- The design and appearance of the proposed house
- The adequacy of the proposed residential environment
- Impact upon the amenities of neighbours
- The adequacy of proposed access and parking arrangements

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

It is estimated that this development has the potential to attract New Homes Bonus of **£1.165** per annum, 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 is a small rectangular shaped area of land approximately 0.03ha in size located adjacent to the Ford Road (B3186) and to the south of the Yealm river.

It was previously occupied by a Women's Institute (WI hall). This was a single storey building which has now been demolished leaving a vacant site. There is one tree within the site. Other are trees close to the boundary.

The surrounding area is residential in character with 'Applegarth', a large detached house to the south, Boldventure another house to the east and Tuckers Close, a small residential cul-de-sac, to the west.

The Proposal:

Permission is sought for the erection of a three bedroomed, reverse level, house. Accommodation is provided on four levels in this split level house: a car port at lower ground floor level; an entrance hall, two bedrooms and a bathroom at upper ground floor level; a living room at lower first floor level and a kitchen and another bedroom, with ensuite bathroom at upper first floor level. External finish would be mostly render on a stone plinth with a natural slate roof, part hipped and part gabled and extending into catslides.

The proposed house is shown occupying the southern part of the site leaving the remainder as amenity space, permeable hardstanding, turning area and a soakaway drainage system. Access is shown onto the Ford Road (B3186) with only a low stone wall proposed along the frontage to allow a visibility splays of 2.4x45m in both directions

The application submission is accompanied by a Design and Access Statement, Tree Survey, Homecheck contamination risk, flood risk, radon and ground stability and a copy of the Yealmpton Parish Emergency flood plan.

The architect explains the rationale for the design in the Design and Access statement. It states:-

'The layout of the site is greatly influenced by the existing constraints. The site is long and narrow fronted by a public footpath.

Due to overlooking issues the property has been designed so that the main aspects face away from existing properties. This configuration coupled with the optimum location for parking access, and private amenity areas has generated the layout on site.

The building has been designed to place all living space at a minimum height of 14.300TBM to avoid potential flooding issues.'

Consultations:

- **County Highways Authority** – It is noted the access has been relocated and it is now considered adequate visibility splays are available noting the speed of traffic on the B road. The application provides adequate parking and turning and therefore all previous objections can be removed
- **Yealmpton Parish Council** – No comments to make
- **Environment Agency** – Object to the application on flood risk grounds. It has not been demonstrated that the proposal can satisfy the second part of the Exception Test because there is no safe access and egress during a flood event. This is sufficient reason to refuse planning permission.

Furthermore the development should not be permitted unless your authority is content that the flood risk Sequential Test can be satisfied in accordance with current Government guidance within the National Planning Policy Framework (NPPF). As you will be aware, failure of the Sequential Test is also sufficient justification to refusing a planning application.

The application site lies within Flood Zone 3, defined by the Environment Agency Flood Maps having a high probability of flooding, and has previously flooded. Paragraph 103, footnote 20 of the NPPF requires applicants for planning permission to submit an FRA when development is proposed in such locations.

We confirm that, based on the flood risks of the area, the ground floor level of the dwelling (including habitable and non-habitable rooms) should be elevated above the 1 in 100 year flood level including an allowance for climate change

Regardless of this, it is expected for a new dwelling that there should be a safe access and egress route from the development during times of flooding. Paragraph 7-038 of the Planning Practice Guidance is clear that access and egress needs to be part of the consideration of whether new development will be safe. We advise that the safety of this route should be considered for a 1 in 100 year flood event (including some allowance for climate change) to determine the risks over the lifetime of the development.

The hazard rating for this development site falls into the 'danger for all' classification based on Defra/Environment Agency guidance, which is the most severe rating. We note that a 'stay put approach' is being proposed during flood events. While we acknowledge this could be viable, this does not eliminate the risks and our expectation is that occupants or the emergency services should be able to safely enter or leave an dwelling during times of flooding. Based on our understanding of the risks, we consider that this would not be possible for the development proposed in this application.

However, if you are minded to approve the application on the basis that other material considerations outweigh the flood risks, you may wish to consult internally with your Emergency Planners to determine their views on safe refuge as an alternative to safe access and egress. They will need to confirm that they can incorporate the additional occupants into their emergency evacuation plans.

- **SHDC Emergency Planners** - Based on the Environment Agency's response I would agree that there is no safe access or egress to the property during a flood event, and I would share concerns that using a "stay put" approach is not always deemed suitable due to the lack of access to emergency services during the extent of the flood incident. Minded to follow the advice of the Environment Agency on this application.

Representations:

Six letters of representation (LOR's) have been received. All object to the proposal. The grounds of objection can be summarised as follows:-

- Flooding
The issue of future flooding has not been addressed. The site is located in level 3 Flood Plain where it would be against government advice to allow a new dwelling. Can see no reason for Environment Agency to change its' views. The Council seems intent to ignore the EA's advice. There is concern about position of proposed soakaway.
- Character of the area
The proposal is even higher than previous applications. It is too high. It is out of keeping with the height of adjacent properties. The old WI building has simple single story. Only a single storey acceptable.
- Height overlooking./ overbearing
Extreme loss of privacy. The building will severely infringe upon privacy of existing properties opposite and adjacent. At the height proposed it will tower over the neighbouring cottage, adversely effecting light at certain times of the day. It will also overlook several local houses and gardens.
- Traffic and access
The proposed access is onto a very busy main road. It would be extremely dangerous with parked cars and a bus stop where the vehicular access is shown
- No need for this application
There is no need for new house in area with 5,000 new houses planned for extended area (Sherford)

Relevant Planning History

Ref 62/1298/15F erection of a house Withdrawn by applicant October 2015 following advice from EA and SHDC Emergency Planners that it would not be supported.

ANALYSIS

Principle of Development/Sustainability:

The site was last used to accommodate a WI hall. A WI hall can in certain circumstances be considered to be a community building. A proposal to redevelop the site for an alternate residential use therefore falls to be considered, in the first instance, against Policy DP9, Local Facilities of the adopted Local Development Plan. Point 2 of Policy DP 9 states:-

2. In order to protect access to community services the change of use or redevelopment of a local facility will not be permitted unless:-

(a) there is alternative local provision, and/or

(b) there is proven absence of demand for the facility, and/or

(c) It can be shown that it is non viable.

Since submission, the applicant's agent has expanded upon the brief comment in the Design and Access statement about the use being unviable, He has explained that former the WI building was a corrugated iron construction in very poor condition which was demolished as it was not fit for purpose and due to the damage caused to it and its lack of use, the owners decided it was no longer economically viable. He has also pointed out that Yealmpton has a new parish hall linked to the school, which has provided all of the community facility which was required. This statement, together with the absence of any representations from the local community objecting to the proposal on grounds of loss of a community facility grounds, indicates that the proposal is acceptable in relation to policy DP9.

The site is a previously developed site located within the settlement boundary for Yealmpton, a designated local centre. The proposal complies with Core Strategy Polies CS1, Location of development and CS5, previously developed land and there is no, in principle, objection to residential development.

However, the site is also located in an area where there is a known risk of flooding. In such locations the provisions of Section 10 National Planning Policy Framework (NPPF) 'Meeting the challenge of climate change, flooding and coastal changes', Core Strategy Policy CS11 Climate Change and Development Plan Policies DP1 High Quality Design and DP4 Sustainable Construction overlay these, in principle, considerations.

Section 10 Paragraphs 100-103 of the NPPF are relevant, with paragraph 102 in particular most relevant. It states:-

'When determining planning applications, local planning authorities should ensure flood risk is not increased elsewhere and only consider development appropriate in area at risk of flooding where, informed by a site specific flood risk assessment following the Sequential Test, and if required the Exception Test, it can be demonstrated that:-

- *Within the site the most vulnerable development is located in areas of lowest flood risk unless there are overriding reasons to prefer a different location, and*
- *Development is appropriately flood resistant, including safe access and escape routes where required, and that any residual risk can be safely managed, including by emergency planning and it gives priority to the use of sustainable drainage systems.*

Policy CS11 requires *management of impacts of climate change through design and location of development, including sustainable drainage, water efficiency measures and ensuring no loss of flood storage capacity.* Policy DP1 requires *layouts to promote health and well being ...cohesion and safety* and Policy DP4 requires point 1. *Development should be adaptable, anticipating change in household needs and family structures throughout their lifetime as well as anticipating the impacts of climate change.* And point 3 *Development will avoid or mitigate any increase to the risks of floods occurring or to their severity both on site and elsewhere*

The proposal is located within flood zone 3, where new residential development must demonstrate that safe access and egress can be provided during a flood event in order to satisfy the second part of the Exception Test. The Council's Emergency Planners have made clear that they are not prepared to support the 'stay put' option, proposed by the developers, or support the proposal whilst the Environment Agency retain objection.

The proposal is contrary to policy CS11, Climate Change of the Core Strategy and policies DP1, High Quality Design, and DP4, Sustainable Construction of Development Policies DPD and paragraph 102 of the NPPF.

Design/Landscape:

Policy DP1, High Quality Design, requires all development to display high quality design which, in particular, respects and responds to the South Hams character in terms of its settlements and landscape.

The site is within the settlement boundary and was formally occupied by a utilitarian WI hall, of no special merit. It is relatively small and narrow, and constrained, but is of sufficient size to be considered a development plot.

The internal arrangement proposed are slightly contrived to avoid the creation of windows on the south western and south eastern elevations that would overlook neighbouring property. Furthermore, whilst there are some residual concerns that this proposal represents the shoehorning of a house into a tight plot and that a high proportion of the space is occupied by a vehicle turning area and soakaway, it is considered that the applicant's architect has managed the available space quite well, given the challenges on this constrained site and that, on balance, proposal is acceptable in this location.

Apart from being established residential the character of the wider area is quite mixed. Bonaventure Cottage the nearest neighbour, to the west, is low level, set back in its plot and of some age. The

houses in Tucker's close, opposite and Applegarth, neighbour to the south, are modern and solid rather than architecturally remarkable.

Neighbour Amenity:

Policy DP3, Residential Amenity, requires, among other things, that new development does not have an unacceptable impact on the living conditions of occupiers of nearby properties. It makes clear unacceptable impacts will be judged against the level of amenity generally accepted within the locality and could result from:

- a. loss of privacy and overlooking;
- b. overbearing and dominant impact;
- c. loss of daylight or sunlight;
- d. noise or disturbance;
- e. odours or fumes.

The main aspect of the house and its windows faces towards the north east and north west towards the road to avoid overlooking of the neighbours. The height of the building has been increased in an effort to try and overcome concerns about flooding, and it is higher than its neighbours, but the closest neighbour at Bonaventure Cottage presents a flank elevation to the site and is partly screened by foliage. Applegarth, the neighbour to the south, does have windows on its northern elevation that face at an oblique angle towards the site, but its principle elevations are east west. The proposed impact of the proposed house upon its neighbours is considered to be satisfactory in terms of Policy DP3.

Highways/Access:

The highway authority is satisfied with the proposed access and parking arrangements and satisfies the requirements of Policy DP7.

The achievement of a visibility splay of 2.4x45m onto Ford Road in the south easterly direction is dependent on the with proposed low front boundary wall shown. A condition to ensure that this sight line is permanently retained and ensure that is not replaced at a subsequent date with a higher, or vegetation allowed to grow that obscures this sight line is considered necessary.

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
- 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
- DP7 Transport, Access & Parking

South Hams Local Plan

- SHDC 1 Development Boundaries

MP 15 Yealmpton

Considerations under Human Rights Act 1998 and Equalities Act 2010

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

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PLANNING APPLICATION REPORT

Case Officer: Jeremy Guise

Parish: Staverton **Ward:** Dartington & Staverton

Application No: 0021/16/FUL

Agent/Applicant:

Christopher Stacey Architecture
Venn Meadow Barn
Venn Cross
Denbury
Newton Abbot
TQ12 6EJ

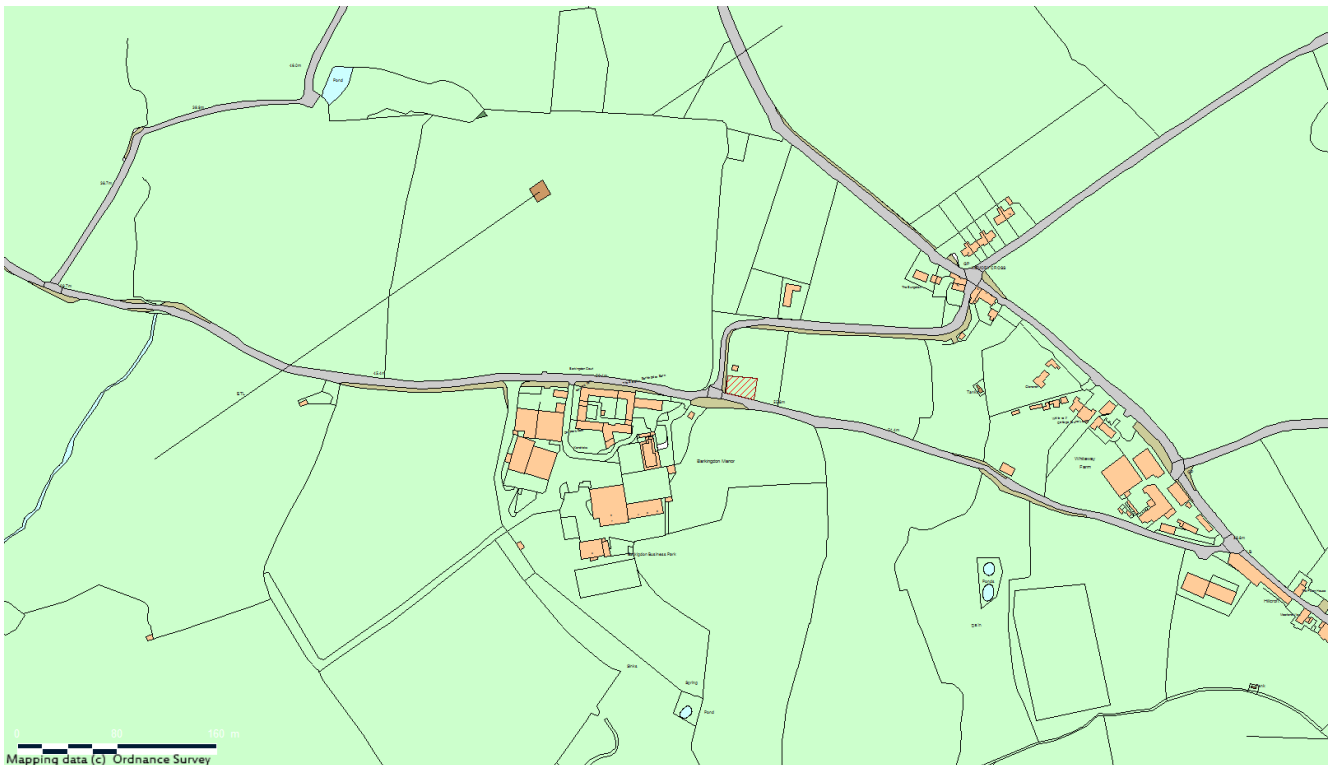
Applicant:

Mr Raymond Hill & Mrs M C Barber
Hillside
Landscape
Ashburton
TQ13 7LU

Site Address: Land adjacent to Barkingdon, Staverton, TQ9 6AN

Development: Application for stables and hardstanding

Reason item is being put before Committee: Cllr Jacqi Hodgson (Ward Member): I would recommend that this application is taken to DM Committee due to PC and other objector concerns



Recommendation: Conditional Approval

Conditions

1. Time limit
2. Approved plan Numbers
3. Removal of existing corrugated building prior to construction
4. Construction of drainage soakaway prior to first occupation
5. No commercial use

Key issues for consideration:

1. The principle of a stable block in this location
 2. The design and appearance of the proposed stables and impact upon the character of the countryside.
 3. The impact upon the amenities of neighbouring property
 4. The adequacy of drainage arrangements
 5. The adequacy of access and parking arrangements
-

Site Description:

The application site is a small pony paddock (approximately 2 hectares in size), located in a field to the north east of, and diagonally opposite to, Barkington Manor and barn conversion complex. The field is surrounded by mature field hedges, and, on three sides, by minor rural roads. Access is from a field entrance located in the south west corner. Levels rise gently up to the north. A single storey building of corrugated metal is located immediately to the north of the entrance.

The character of the wider area is a rolling landscape of small fields separated by high hedges and a frequent pattern of minor rural roads. Immediately to the south of the site is a rural road, flanked by mature boundary hedges. The canopy of a large tree which forms part of the boundary hedge of a neighbouring field overhangs the site.

The Proposal:

Planning permission is sought for the construction of stables and hardstanding in connection with a 2ha pony paddock. The stables 35sqm would comprise a double stable and tack room (9.6x2.6x3-2.2m); 'T' shaped hardstanding new gate wooden structure. The building would be constructed from timber boarding grey fibre cement sheeting and a mono-pitch roof. Drainage would be to a soakaway.

Since submission the applicant has agreed that the existing corrugated metal building in the south west corner of the field will be removed, and clarified that the stables will be used only for private horse stabling. His client would be prepared to accept a condition limiting the use to private stabling.

The submission is accompanied with a Design and Access statement which provides information on the site chosen, access and background to the application. Respectively, in relation to: site, access and background it states:-

*'The structure is a timber framed 100x50 studwork, plywood dived internally and horizontal sustainable softwood boarding externally
The roof cantilevered 1.2 and finished in grey composite fibre cement corrugated sheeting on a timber frame. The stable door are sustainable timber edged braced and battened
The stables are situated 3.5m off the hedge to enable access for hedge cutting. The building is situated on the lower part of the site in the least conspicuous position.
Paddock used to accommodate horses / ponies grazing for in excess of 10 years.
Recently my clients have been approached with regard to equestrian accommodation.
With horse riding and equestrian activities being amongst the top three recreational pursuits there is an indisputable need for this type of facility.'*

Consultations:

- **Staverton Parish Council** – Object to the application on access and drainage grounds. Comment that were the applicant to relocate the stables and associated access / drainage provisions to a site further up towards the top of the field where these issues could be addressed, the Parish Council might be minded to support the application, subject to examination / approval of revised drawings.
- **SH Drainage** – Have been consulted and have no comments to make

Representations:

Three letters of representation (LOR's) have been received from two people. They raise objection to the proposal. Their grounds of objection can be summarised as follows:-

- Inappropriate location – should be located away from Barkington Manor
- Access - The access is situated on the road junction, additional vehicular movement especially horse and feeder trailers /lorries will be a danger to immediate road users. There is a potential risk highway safety regardless of likely usage frequency, Access should not be in the inner radius of a junction. The only logical safe point of access would be from the north side of the road from Memory Cross.
- Flood risk - No proper consideration of the danger of flood risk. Being at the bottom of slope the proposed development will itself be at risk of flooding.
- Non use of existing building - The proposal does not re-use the existing structure and is nearly twice the size. It's an obvious eyesore above the existing hedge line
- Business use - The site will be used for a business use. The applicant does not own any horses. He already has buildings next to the site which is being used as livery business. The application should be considered on a different level to private use, due to all its additional usage and the effect on the immediate area.
- Miscellaneous - No allowance for storage of hay and straw, details of installation of facilities, impact on bats or management of stable waste.
The proposal is contrary to Policy DP18.

Relevant Planning History

None

ANALYSIS

Principle of Development/Sustainability:

Proposals for horse related uses and structures are considered, in the first instance, against Policy DP18: Horse Related Uses and Structures of the Development Plan. It states:-

1. *Horse related development should only be permitted where:*
 - a. *there is adequate land and, for commercial uses, adequate off-road riding facilities available for the number of horses to be kept on the land;*
 - b. *existing buildings are reused where possible but where new buildings are necessary, these are well-related to existing buildings, commensurate in size with the number of horses to be kept on the land and the amount of land available for use by those horses;*
 - c. *there is an agreed comprehensive scheme of management for any ancillary development including hardstanding, access roads, parking, fencing, lighting, storage, waste disposal, ménages and sub division of fields; and*
 - d. *the proposal, either on its own or cumulatively, with other horse related uses in the area, is compatible with its surroundings and adequately protects water courses, groundwater and the safety of all road users.*

The British Horse Society (BHS) rules require 2 acres (0.8 ha) for the first horse and 1 acre (0.4ha) for subsequent horses. At 2 hectares the area of land available is considered to be compatible with the number of horses. The applicant's agent has clarified that the stables are to be used privately, and indicated that a condition preventing commercial use would be acceptable. The existing building on

site is small and constructed from corrugated metal. A metal building is not ideal for the stabling of horses, as it is cold in winter and hot in summer. Its' removal and replacement with a purpose built stables, albeit larger, but in a less conspicuous location, is considered to have a neutral impact upon the character of the area. There are other buildings in the wider area, including a complex around Barkington Manor, to the south west, and a large agricultural building in the neighbouring field to the north. In this context it is not considered that the proposal would be out of character with the area. Provision a gravel (permeable) hardstanding and turning area to allow vehicles to enter and leave in forward gear is considered acceptable ancillary development to facilitate the proposed use.

Design/Landscape:

The proposal follows 'The Pony Club' recommended standard pattern for stables and tack room, in terms of size, design and materials. The tack room will provide storage for food and equipment. It is shown located adjacent to a mature boundary hedge, at the southern end of the field where levels are lowest. The hedge will partly screen the building from the lane. The agent's assessment in the Design and Access statement that this is the least conspicuous location is supported.

Neighbour Amenity:

The closest neighbours at Barkington Manor and the converted Barkington Barns, are located on the opposite side of the rural lane to the south west. Neither neighbours are in the immediate environs of the proposed stable or will be affected by the development.

Highways/Access:

The proposal would utilise an existing field access in the far south western corner of the site. This is to be improved with a new inward opening gate, set back 5m from the entrance. The access is located on a 'T' junction of two minor rural roads. Given the low level of traffic on these roads and the likely level of use associated with this small stable block it is considered that the access and turning area arrangements proposed are adequate. It is noted in the NPPF, that the highway impacts of a proposed development have to be considered severe to justify a refusal on highway grounds.

Other

The applicant is proposing a soakaway drainage system. SHDC has been consulted but has chosen not to comment.

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

Planning Policy

All standard policies listed (delete where not relevant, add others as relevant, including NPPF):

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
DP7 Transport, Access & Parking
DP15 Development in the Countryside
DP 18 Horse Related Structures

Considerations under Human Rights Act 1998 and Equalities Act 2010

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

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Agenda Item 6f

PLANNING APPLICATION REPORT

Case Officer: Wendy Ormsby

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

Application No: 2742/15/HHO

Agent:

Mr Andrew Paterson
Floor 2
26 Lockyer Street
Plymouth
PL1 2QW

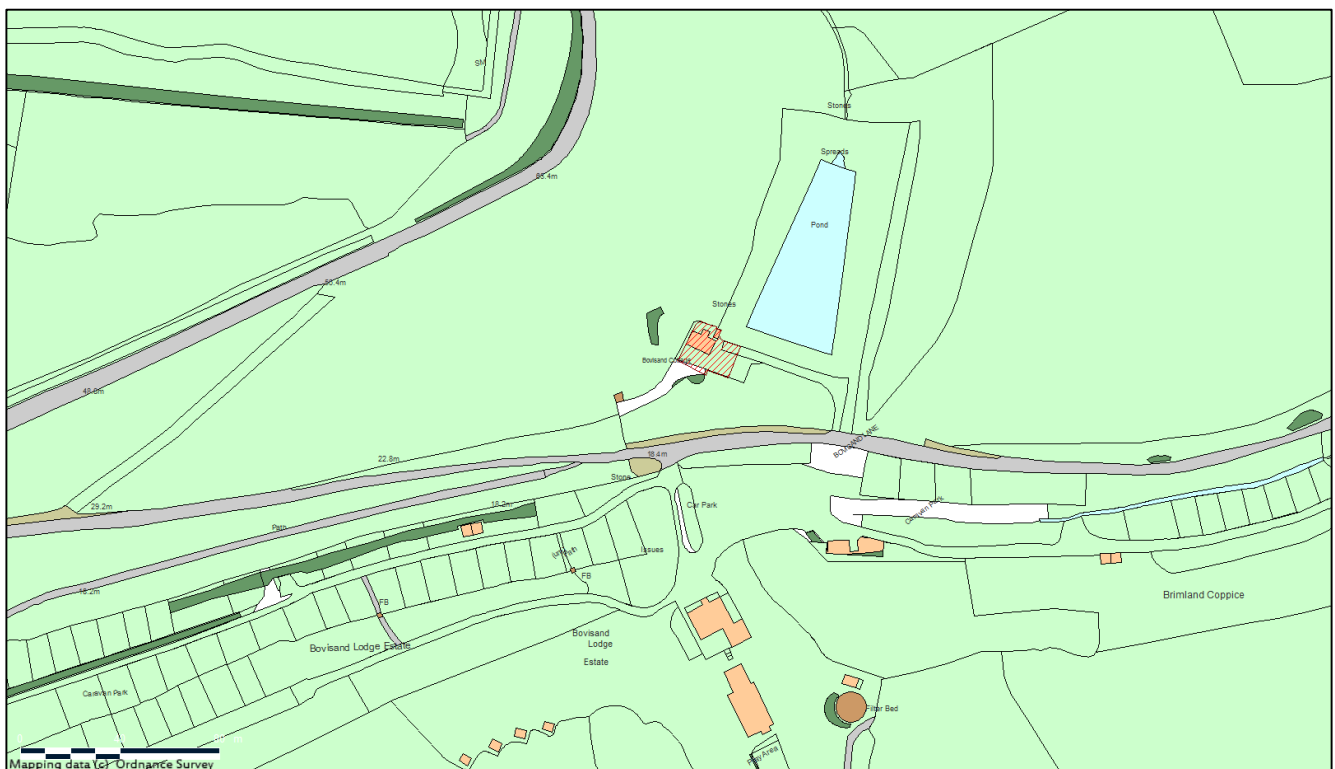
Applicant:

Mr & Mrs Hart
Bovisand Lodge Cottage
Bovisand Lodge Estate
Bovisand,
PL9 0AA

Site Address: Bovisand Lodge Cottage, Bovisand Lodge Estate, Staddiscombe, Devon, PL9 0AA

Development: Householder application for two storey extension

Reason item is being put before Committee Councillor Brown wants to ensure transparency in the determination of this application where the applicant is the leader of Devon County Council and a senior member of the Conservative Party



Recommendation: Conditional Approval

Conditions:

Time

Accords with plans

Materials to match existing or in accordance with approved plans.

Site Description:

Bovisand Lodge Cottage is a modest cottage located on the north side of a bridleway/ access road which runs east from the beach at Bovisand. It sits on the lower slope of the valley with Grade II listed Bovisand Lodge sitting on the opposite side of the valley. The mobile home park associated with Bovisand Lodge sits in the bottom of the valley, south of the application site. The cottage sits adjacent to rising, wooded land, as such it is visible only from the south and east; it is visible to users of the bridle path.

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

The Proposal:

It is proposed to add a two storey side extension to the existing cottage. The extension will extend forward of the front elevation, creating an 'L' shape building. The new front gable will include a small, glazed, single storey element. The east elevation will add two small gable window features, designed to increase head height within the first floor.

Windows will be replaced throughout the property. The roof will be retained as slate, UPVC casement windows will replace the existing, unsympathetic, UPVC top opening windows.

The proposed extension will add one additional large bedroom with en-suite and will provide a large family kitchen/living area.

Consultations:

- County Highways Authority – standing advice
- Environmental Health Section - no comment
- Town/Parish Council - no objection
- Conservation – no objection with regard to impact on listed building

Representations:

One letter of support

Relevant Planning History

None

ANALYSIS

Principle of Development/Sustainability:

The principle of adding extensions to existing dwellings in the countryside is acceptable subject to detail and compliance with Policy DP17 of the South Hams Local Development Framework.

Design/Landscape:

Policy DP17 of the South Hams LDF states that:

Proposals to extend 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.

Proposals to extend a dwelling in the countryside will be permitted provided the extension is subordinate in scale and proportion to the original, dwelling

This scheme has been amended to reduce its size and dominance but nevertheless the application is for an extension that relative to the original dwelling is large; the resulting property however is not unusually large by modern standards.

Site constraints mean that a side or front extension is the only reasonable option for extending the property. To achieve the desired floorspace the extension has been proposed as a gable addition which sits forward of the original elevation. The ridge line is dropped slightly however and it is still possible to read the original building and extension as distinct elements.

This amended scheme is considered acceptable in design terms and the replacement casement windows throughout the building will enhance the appearance of the site.

The side extension whilst substantial will remain subordinate to the main dwelling.

The site, whilst visible to users of the bridleway, is not otherwise prominent in the wider landscape due to its situation against a wooded backdrop on the lower side of a valley. There will be no adverse impact on the quality of this part of the South Devon AONB nor on the character, appearance and amenities of the site and surroundings.

The proposed development is in accordance with Policy DP17 and is acceptable in terms of design and landscape impact.

Neighbour Amenity:

There are no neighbours near enough to be affected by this development.

Highways/Access:

There is no change to access or parking arrangements, there is adequate off street parking on site

Heritage

The Grade II listed Bovisand Lodge is located on the opposite side of this small valley. The proposed development will have no adverse impact on the special historic and architectural merits of the setting of this listed building.

Ecology

The application is supported by Preliminary Ecological Assessment which concludes that there will be no adverse impact on wildlife, including bats and nesting birds.

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

DP6 Historic Environment

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.

South Hams District Council Agenda Item 7
DEVELOPMENT MANAGEMENT COMMITTEE 11-May-16
Appeals Update from 21-Mar-16 to 28-Apr-16

Ward Charterlands

APPLICATION NUMBER : **05/1229/15/F** APP/K1128/W/16/3145745
APPELLANT NAME: Mr & Mrs Yin
PROPOSAL : Demolition of existing dwelling and outbuildings and erection of 2No replacement dwellings
To include creation of new access (Resubmission of planning approval 05/2922/14/F)
LOCATION : Seafont, Marine Drive, Bigbury on Sea, TQ7 4AS
APPEAL STATUS : Appeal lodged
APPEAL START DATE: 18-March-2016
APPEAL DECISION:
APPEAL DECISION DATE:

Ward Dartmouth & East Dart/ Blackawton & Stoke Fleming

APPLICATION NUMBER : **15_51/1710/14/O** APP/K1128/W /15/3039104
APPELLANT NAME: Millwood Homes (Devon) Ltd
PROPOSAL : Outline application (with details of appearance, landscaping, layout and scale reserved for subsequent approval) for a mixed-use development comprising up to 240 dwellings, employment land (up to 2.7Ha), local centre (0.4Ha), formal and informal open space, strategic landscaping, cycle path and footpath provision and associated infrastructure, served off new primary and secondary accesses at Townstal Road (A3122)
LOCATION : Site Allocation Dpd Proposal D1 At Land Adjacent To Townstal Road (A3122) West Of Dartmouth Dartmouth Devon
APPEAL STATUS : Appeal decided
APPEAL START DATE: 24-September-2015
APPEAL DECISION: Upheld (Conditional approval)
APPEAL DECISION DATE: 24-March-2016

Ward Ivybridge West

APPLICATION NUMBER : **27/0372/15/F** APP/K1128/W/15/3138187
APPELLANT NAME: Moorhaven Ltd
PROPOSAL : Erection of new dwelling
LOCATION : Proposed Development Site At Sx 6345 5674 Mill Manor Beacon Road Ivybridge PL21 0AQ
APPEAL STATUS : Appeal decided
APPEAL START DATE: 03-December-2015
APPEAL DECISION: Dismissed (Refusal)
APPEAL DECISION DATE: 05-April-2016

Ward Newton and Yealmpton

APPLICATION NUMBER : **37/2338/15/F** APP/K1128/D/16/3142688
APPELLANT NAME: Mr & Mrs Furguson
PROPOSAL : Householder application for new parking space to side of property
LOCATION : Rose Cottage Riverside Road West Newton Ferrers Plymouth PL8 1AD
APPEAL STATUS : Appeal decided
APPEAL START DATE: 27-January-2016
APPEAL DECISION: Upheld (Conditional approval)
APPEAL DECISION DATE: 06-April-2016

Ward Salcombe and Thurlestone

APPLICATION NUMBER : **47/1324/15/F** APP/K1128/W/15/3139876
APPELLANT NAME: Mr J Stevenson
PROPOSAL : READVERTISEMENT (Revised access arrangements) Erection of new live/work building (3 bedroomed dwelling (C3), office (B1) and garage)
LOCATION : Proposed Site At Sx 6977 4263 Adj Collacott Barn South Milton TQ7 3JH
APPEAL STATUS : Appeal decided
APPEAL START DATE: 13-January-2016
APPEAL DECISION: Dismissed (Refusal)
APPEAL DECISION DATE: 25-April-2016

APPLICATION NUMBER : **41/1797/15/F** APP/K1128/W/16/3147659
APPELLANT NAME: Mrs J Morton
PROPOSAL : Construction of replacement dwelling with swimming pool and landscaping
LOCATION : Netherwood Bennett Road Salcombe Devon TQ8 8JJ
APPEAL STATUS : Appeal Lodged

APPEAL START DATE: 21-April-2016

APPEAL DECISION:

APPEAL DECISION DATE:

APPLICATION NUMBER : **41/2536/15/F** APP/K1128/W/16/3146708
APPELLANT NAME: Mr N Schwartz
PROPOSAL : Proposed new two bedroom dwelling created in the undercroft of existing car parking bay
LOCATION : Rockside Cliff Road Salcombe Devon TQ8 8JQ
APPEAL STATUS : Appeal Lodged
APPEAL START DATE: 31-March-2016

APPEAL DECISION:

APPEAL DECISION DATE:

Ward South Brent

APPLICATION NUMBER : **38/1698/15/O** APP/K1128/W/15/3137190
APPELLANT NAME: Mr D Diamond
PROPOSAL : Outline application with all matters reserved for erection of three bedroom dwelling
LOCATION : Proposed Development Site At Sx 720 560 Land Adjacent To Higher Norris Farm North Huish South Brent TQ10 9NL
APPEAL STATUS : Appeal decided

APPEAL START DATE:

APPEAL DECISION: Dismissed (Refusal)

APPEAL DECISION DATE: 05-April-2016

Ward West Dart

APPLICATION NUMBER : **23/2373/14/F** APP/K1128/W /15/3135465
APPELLANT NAME: New Energy for the World GmbH-c/o Agent-
PROPOSAL : Installation of ground-mounted solar arrays (total site area 94,000m2), estimated output 5 megawatts and associated infrastructure, cable route and Distribution Network Operator substation
LOCATION : Land At Sx769 596 Lower Blakemore Farm Totnes Devon
APPEAL STATUS : Appeal decided
APPEAL START DATE: 05-November-2015
APPEAL DECISION: Dismissed (Refusal)
APPEAL DECISION DATE: 23-March-2016

South Hams District Council
DEVELOPMENT MANAGEMENT COMMITTEE 11-May-16
Appeal Hearings/Public Inquiry from 11-May-16

Ward Charterlands

APPLICATION NUMBER : **05/0570/15/O** APP/K1128/W/16/3142708
APPELLANT NAME: C & S RODGER, R & E OGILVIE-SMALS, C & L HALL, J DAVIES
PROPOSAL : Outline application (with some matters reserved) for residential development of circa 8 dwellings with point of access, open space and associated infrastructure
LOCATION : Proposed Development Site At Sx 663 471 St Anns Chapel Bigbury Devon
APPEAL STATUS : Appeal Lodged
APPEAL START DATE: 25-February-2016
TYPE OF APPEAL **Informal hearing**
DATE OF APPEAL HEARING OR INQUIRY: 14-June-2016
LOCATION OF HEARING/INQ:
APPEAL DECISION:
APPEAL DECISION DATE:

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