South Hams Development Management Committee



Title:	Agenda					
Date:	Wednesday, 26th October, 2016					
Time:	2.00 pm					
Venue:	Council Chamber - Follaton House					
Full Members:	Chairman Cllr Steer Vice Chairman Cllr Foss					
	Members: Cllr Bramble Cllr Hodgson Cllr Holway Cllr Cane Cllr Pearce Cllr Cuthbert Cllr Rowe Cllr Hitchins Cllr Vint					
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 Se	Kathy Trant Senior Case Manager 01803 861185				

1. Minutes 1 - 12

To approve as a correct record and authorise the Chairman to sign the minutes of the meeting of the Committee held on 28 September 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. Public Participation

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

6. Planning Applications

(a) 2498/16/HHO

13 - 20

Householder application for first floor extension (resubmission of 55/2207/15/F)

16 Meadcombe Road, Thurlestone, Devon

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

http://www.southhams.gov.uk/planningdetails?RefType=APPPlanCase& KeyNo=0&KeyText=162551

(b) 1319/16/FUL

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New dwelling within grounds of existing dwelling	New	dwelling	within	grounds	of	existing	dwellin
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Jackmans Barn, 5 Follaton Farm Barns, Totnes

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

http://www.southhams.gov.uk/planningdetails?RefType=APPPlanCase& KeyNo=0&KeyText=161373

8 Performance Indicators	29 - 32



MINUTES OF THE MEETING OF THE DEVELOPMENT MANAGEMENT COMMITTEE HELD AT FOLLATON HOUSE, TOTNES, ON WEDNESDAY, 28 SEPTEMBER 2016

	Members in attendance * Denotes attendance Ø Denotes apology for absence					
*	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)			
Ø	Cllr P W Hitchins	*	Cllr R J Vint			

Other Members in attendance:

Cllrs Pennington, Smerdon, Tucker and Wright

Officers in attendance and participating:

Item No:	Application No:	Officers:
All agenda		COP Lead Development Management,
items		Planning Specialists, Solicitor and
		Senior Case Manager Strategy and
		Commissioning

DM.27/16 MINUTES

The minutes of the meeting of the Committee held on 7 September 2016 were confirmed as a correct record and signed by the Chairman.

DM.28/16 **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 Vint declared a personal interest in application **1618/16/VAR**: Variation of condition no. 2, 3 and 4 of planning consent 51/0207/02/F to allow for a minor material amendment to plot 1 – Ferris Builders Yard (Plot 1), Bay View Estate, Stoke Fleming, by virtue of knowing the registered supporter. He remained in the meeting for the duration of this item and took part in the debate and vote thereon;

Cllrs Cane and Foss declared a personal interest in applications 1570/16/FUL – 1573/16/FUL & 1575/16/FUL – 1577/16/FUL: Erection of agricultural livestock buildings – Woolston Farm, Land to Woolston Farm, Loddiswell, by virtue of knowing the agent and. They remained in the meeting for the duration of the items and took part in the debate and vote thereon.

DM.29/16 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.30/16 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:

0816/16/HHO The Grange, Cliff Road, Salcombe

Parish: Salcombe

Householder application for proposed replacement summerhouse set within main private upper garden, single storey garden outbuilding set against stone retain wall backdrop

Case Officer Update: N/A

Speakers included: Local Ward Members – Cllrs Pearce and Wright

Recommendation: Conditional Approval

Committee Decision: Conditional Approval

Conditions:

- 1. Time
- Accord with Plans
- 3. Use incidental to enjoyment of dwelling
- 4. Joinery, eaves, brise-soleil details prior to installation
- 5. Materials samples prior to installation
- Revised landscape plan

2826/15/FUL Tides Reach Hotel, Cliff Road, Salcombe

Parish: Salcombe

Refurbishment and extension of existing hotel including erection of new bedroom wing to form a 44 bedroom, 4* hotel and part change of use of existing upper floors of existing hotel to create 10 apartments with associated car parking

Case Officer Update:

- 11 new letters of support and 3 of objection, including commissioned drainage and flood survey, the conclusion of which was read out to Members
- Environment Agency and Devon County Council confirmed no objections to the proposal subject to conditions
- Devon County Council revised wording of suggested condition 8, which was read out to Members
- Conditions 6 and 24 revised following discussion with the Applicant
- Correction of errors in officer report referring to approximate number of objections
- Planning obligation confirmed as £400,000
- National Trust response read out to Members due to omission in the Committee Report

Speakers included: Objector – Ms Hanna Virta: Supporter – Mr Dave Jobbins: Local Ward Members – Cllrs Pearce and Wright

Recommendation: The Development Management Committee delegates authority to the CoP Lead Development Management in consultation with the Chairman and Vice-Chairman of the Development Management Committee to approve subject to the conditions below and the prior satisfactory completion of a Section 106 Agreement.

Committee Decision: The Development Management Committee delegates authority to the CoP Lead Development Management in consultation with the Chairman and Vice-Chairman of the Development Management Committee to approve subject to the conditions below and the prior satisfactory completion of a Section 106 Agreement.

Conditions:

- 1. Time, commencement within 1 year
- 2. Accord with Plans and Supporting Information
- Floor Levels
- Construction Environment Management Plan (including details of all permits, contingency plans and mitigation measures for the control of pollution, biodiversity and manage production of wastes) – submission prior to commencement of works
- 5. Flood Compensation Area submission of details prior to commencement of works
- 6. Spa area restricted to spa or other uses associated with the hotel with the exception of sleeping accommodation
- 7. Flood resilient construction
- 8. Permanent surface water drainage strategy submitted to and approved in writing by the Local Planning Authority in consultation with Devon County Council as the Lead Local Floor Authority, prior to commencement
- 9. Adoption and maintenance arrangements surface water
- 10. Design of Lower Terrace & Upper Terrace Wave Defence details to be submitted prior to commencement of works
- 11. Landscape and Ecological Management Plan (detail and implementation) submission prior to commencement of works

- 12. Landscape scheme incorporating flood mitigation
- 13. Travel Plan Strategy
- 14. Construction Management Plan (Highways) submission prior to commencement of works
- 15. Specification of external finishing materials of building and hard landscaping (including details of parking surface no dig surfaces)
- 16. Implementation of Parking/Visibility Splays prior to use of the hotel/apartments
- 17. Lighting Scheme (reflecting requirements for avoiding impact on habitats used by bats)
- 18. Fume Extraction
- 19. Noise Levels & Mitigation for All Plant
- 20. Details External Appearance for Refuse Storage
- 21. Unsuspected Contamination
- 22. Control over Piling/Foundation Designs
- 23. Programme of Archaeological Work
- 24. Prior to commencement of development, full details of a phasing plan for the implementation of the mixed use development shall have been first submitted to and agreed in writing by the LPA
- 25. Scheme for protection and retention of trees
- 26. Adherence to mitigation measures detailed within section 4 of the EcIA.
- 27. Confirmation of granting of licence prior to commencement

Section 106 Obligations:

- A financial contribution of £400,000 disaggregated as:
 - o £ 7,074 in education contributions (including projected legal costs);
 - o £ 392,926 towards Affordable Housing
- Provision of 5 pay and display parking spaces on site for use by the public within the hotel car park which are available for public use for a fee commensurate with public car parking rates within administrative district of the Council

1618/16/VAR Ferris Builders Yard (Plot 1), Bay View Estate, Stoke Fleming

Parish: Stoke Fleming

Variation of condition no. 2, 3 and 4 of planning consent 51/0207/02/F to allow for a minor material amendment to plot 1

Case Officer Update: Councillors were shown new plan showing vehicle turning/parking provision and comparison in measurements between approved bungalow and proposed dwelling

Speakers included: Local Ward Member (statement read on behalf of)

– Cllr Michael Hicks

Recommendation: Conditional Approval

Committee Decision: Refusal

Reasons: The development by virtue of its size, scale and layout results in an unneighbourly development which is out of keeping. It is contrary to Policies DP1, CS7, the Local Plan and guidance within the NPPF.

1570/16/FUL Woolston Farm, Loddiswell

Parish: Loddiswell

Erection of agricultural livestock building (no.1)

Officer's Update: N/A

Speakers included: Supporter – Mrs Amanda Burden: Local Ward Member

– Cllr Ian Bramble

Recommendation: Conditional Approval

Committee Decision: Conditional Approval

Conditions:

1. Time limit

- 2. Accord with plans
- 3. Drainage details within 3 months of approval
- 4. Landscape scheme to be submitted within 3 months of approval
- 5. Landscape management and delivery plan to be submitted within 3 months of approval
- 6. Landscape inspection by LPA within 1 year
- 7. Agricultural use only
- 8. Removal of Class Q Permitted Development Rights
- 9. Wheel-washing requirement

1571/16/FUL Woolston Farm, Loddiswell

Parish: Loddiswell

Erection of agricultural livestock building (no.2)

Officer's Update: N/A

Speakers included: Supporter – Mrs Amanda Burden: Local Ward Member

- Cllr Ian Bramble

Recommendation: Conditional Approval

Committee Decision: Conditional Approval

Conditions:

- 1. Time limit
- 2. Accord with plans
- 3. Drainage details within 3 months of approval
- 4. Landscape scheme to be submitted within 3 months of approval
- 5. Landscape management and delivery plan to be submitted within 3 months of approval
- 6. Landscape inspection by LPA within 1 year
- 7. Agricultural use only
- 8. Removal of Class Q Permitted Development Rights
- 9. Wheel-washing requirement

1572/16/FUL Woolston Farm, Loddiswell

Parish: Loddiswell

Erection of agricultural livestock building (no.3)

Officer's Update: N/A

Speakers included: Supporter – Mrs Amanda Burden: Local Ward Member

- Cllr Ian Bramble

Recommendation: Conditional Approval

Committee Decision: Conditional Approval

Conditions:

- 1. Time limit
- 2. Accord with plans
- 3. Drainage details within 3 months of approval
- 4. Landscape scheme to be submitted within 3 months of approval
- 5. Landscape management and delivery plan to be submitted within 3 months of approval
- 6. Landscape inspection by LPA within 1 year
- 7. Agricultural use only
- 8. Removal of Class Q Permitted Development Rights
- 9. Wheel-washing requirement

1573/16/FUL Woolston Farm, Loddiswell

Parish: Loddiswell

Erection of agricultural livestock building (no.4)

Officer's Update: N/A

Speakers included: Supporter – Mrs Amanda Burden: Local Ward Member

- Cllr Ian Bramble

Recommendation: Conditional Approval

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Committee Decision: Conditional Approval

Conditions:

- 1. Accord with plans
- 2. Drainage details within 3 months of approval
- 3. Landscape scheme to be submitted within 3 months of approval
- 4. Landscape management and delivery plan to be submitted within 3 months of approval
- 5. Landscape inspection by LPA within 1 year
- 6. Agricultural use only
- 7. Removal of Class Q Permitted Development Rights
- 8. Wheel-washing requirement

1575/16/FUL Woolston Farm, Loddiswell

Parish: Loddiswell

Erection of agricultural livestock building (no.5)

Officer's Update: N/A

Speakers included: Supporter – Mrs Amanda Burden: Local Ward Member

- Cllr Ian Bramble

Recommendation: Conditional Approval

Committee Decision: Conditional Approval

Conditions:

- 1. Accord with plans
- 2. Drainage details within 3 months of approval
- 3. Landscape scheme to be submitted within 3 months of approval
- 4. Landscape management and delivery plan to be submitted within 3 months of approval
- 5. Landscape inspection by LPA within 1 year
- 6. Agricultural use only
- 7. Removal of Class Q Permitted Development Rights
- 8. Wheel-washing requirement

1576/16/FUL Woolston Farm, Loddiswell

Parish: Loddiswell

Erection of agricultural building – general purpose silage clamp (no.6)

Officer's Update:

Speakers included: Supporter – Mrs Amanda Burden: Local Ward Member

- Cllr Ian Bramble

Recommendation: Conditional Approval

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Committee Decision: Conditional Approval

Conditions:

- 1. Accord with plans
- 2. Drainage details within 3 months of approval
- 3. Landscape scheme to be submitted within 3 months of approval
- 4. Landscape management and delivery plan to be submitted within 3 months of approval
- 5. Landscape inspection by LPA within 1 year
- 6. Agricultural use only
- 7. Silage liquor
- 8. Wheel-washing requirement

1577/16/FUL Woolston Farm, Loddiswell

Parish: Loddiswell

Erection of agricultural building – general purpose silage clamp (no.7)

Officer's Update: N/A

Speakers included: Supporter - Mrs Amanda Burden: Local Ward Member

- Cllr Ian Bramble

Recommendation: Conditional Approval

Committee Decision: Conditional Approval

Conditions:

- 1. Accord with plans
- 2. Drainage details within 3 months of approval
- 3. Landscape scheme to be submitted within 3 months of approval
- 4. Landscape management and delivery plan to be submitted within 3 months of approval
- 5. Landscape inspection by LPA within 1 year
- 6. Agricultural use only
- 7. Silage liquor
- 8. Wheel-washing requirement

1953/16/HHO Coombe Cottage, Bridge Road,

Kingswear

Parish: Kingswear

Householder application for rear extension

Case Officer Update: One late objection received but no new

issues raised

Speakers included: Supporter – Mr Peter Frampton: Parish Council Representative – Cllr Hector Newcombe: Local Ward

Members – Cllr Rowe (on behalf of all Members)

Recommendation: Refusal

Committee Decision: Refusal

1251/16/FUL Marldon Christmas Tree Farm, Marldon

Parish: Marldon

Use of land for 4no. holiday lodges and retention of shepherd hut with associated parking and patio areas

Case Officer Update: N/A

Speakers included: Objector – Mr John Armstrong: Supporter – Mr Mick Roberts: Local Ward Member – Cllr T Pennington

Recommendation: Conditional Approval

Committee Decision: Conditional Approval

Conditions:

- 1. The development to which this permission relates must be begun not later than the expiration of three years beginning with the date on which this permission is granted.
- 2. The development hereby approved shall in all respects accord strictly with drawing numbers Site Plan, MGR/16/0191E/08, MGR/16/0191E/05, MGR/16/0191E/04 and MGR/16/0191E/07 received by the Local Planning Authority on 10 June 2016.
- 3. The chalets and shepherd hut hereby permitted shall be used solely for holiday accommodation only and shall not be occupied as any person's sole or main place of residence. The owners/operators shall maintain an up- to-date register of the names and main home addresses of all owners/occupiers of the holiday unit, and shall make this information available at all reasonable times to the Local Planning Authority.
- 4. Prior to its installation full details of any external lighting shall be submitted to and approved in writing by the Local Planning Authority.
- 5. Users of the holiday chalets and shepherd hut hereby approved shall only use the existing site access from the Totnes Road for vehicular access to the site and no other access.
- 6. PRIOR TO COMMENCEMENT Prior to the commencement of the development, details of the surface water design including percolation test results and supporting calculations shall be submitted to and approved in writing by the local planning authority. Such approved drainage details shall be completed and become fully operational before the development is first brought into use. Following its installation the approved scheme shall be permanently retained and maintained thereafter

1957/16/FUL Borough Park, Borough Park Road, Totnes

Parish: Totnes

Additional ball stop fence to top of existing fence between existing multi use games area and existing tennis court

Case Officer Update: N/A

Recommendation: Conditional Approval

Committee Decision: Conditional Approval

Conditions:

- 1. Standard Time Limit
- 2. Accord with plans.

DM.31/16 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.

(Meeting commenced at 10.30 am and concluded at 4.40 pm)

Chairman

Voting Analysis for Planning Applications – DM Committee 28 September 2016

Application No:	Site Address	Vote	Councillors who Voted Yes	Councillors who Voted No	Councillors who Voted Abstain	Absent
0816/16/HHO	The Grange, Cliff Road, Salcombe	Conditional Approval	Cllrs Steer, Foss, Brazil, Holway, Bramble, Pearce, Rowe, Vint, Cane (9)	None	Cllrs Cuthbert and Hodgson by virtue of not being present for the presentation (2)	Cllr Hitchins (1)
2826/15/FUL	Tides Reach Hotel, Cliff Road, Salcombe	Conditional Approval	Cllrs Pearce, Cane, Steer, Holway, Foss and Rowe (6)	Cllrs Brazil, Cuthbert, Vint, Hodgson, Bramble (5)	None	Cllr Hitchins (1)
8/16/VAR 90 1	Ferris Builders Yard (Plot 1), Bay View Estate, Stoke Fleming	Refusal	Cllrs Bramble, Brazil, Holway, Rowe, Foss, Pearce (6)	Cllrs Cane, Vint, Steer (3)	Cllrs Cuthbert and Hodgson by virtue of not being present for the presentation (2)	Cllr Hitchins (1)
1570/16/FUL	Woolston Farm, Loddiswell	Conditional Approval	Cllrs Steer, Foss, Brazil, Holway, Hodgson, Bramble, Cuthbert, Pearce, Rowe, Cane (10)	None	Cllr Vint (1)	Cllr Hitchins (1)
1571/16/FUL	Woolston Farm, Loddiswell	Conditional Approval	Cllrs Steer, Foss, Brazil, Holway, Hodgson, Bramble, Cuthbert, Pearce, Rowe, Cane (10)	None	Cllr Vint (1)	Cllr Hitchins (1)
1572/16/FUL	Woolston Farm, Loddiswell	Conditional Approval	Cllrs Steer, Foss, Holway, Hodgson, Bramble, Cuthbert, Pearce, Rowe, Cane (9)	Cllr Brazil (1)	Cllr Vint (1)	Cllr Hitchins (1)

1573/16/FUL	Woolston Farm, Loddiswell	Conditional Approval	Cllrs Steer, Foss, Brazil, Holway, Hodgson, Bramble, Cuthbert, Pearce, Rowe, Cane (10)	None	Cllr Vint (1)	Cllr Hitchins (1)
1575/16/FUL	Woolston Farm, Loddiswell	Conditional Approval	Clirs Steer, Foss, Brazil, Holway, Hodgson, Bramble, Cuthbert, Pearce, Rowe, Cane (10)	None	Cllr Vint (1)	Cllr Hitchins (1)
1576/16/FUL	Woolston Farm, Loddiswell	Conditional Approval	Cllrs Steer, Foss, Brazil, Holway, Hodgson, Bramble, Cuthbert, Pearce, Rowe, Cane (10)	None	Cllr Vint (1)	Cllr Hitchins (1)
1577/16/FUL U	Woolston Farm, Loddiswell	Conditional Approval	Cllrs Steer, Foss, Brazil, Holway, Hodgson, Bramble, Cuthbert, Pearce, Rowe, Cane (10)	None	Cllr Vint (1)	Cllr Hitchins (1)
1963/16/HHO N	Coombe Cottage, Kingswear	Conditional Approval	Cllrs Holway, Brazil, Cane, Rowe (4)	Cllrs Steer, Foss, Hodgson, Vint, Bramble, Cuthbert, Pearce (7)	None	Cllr Hitchins (1)
1953/16/HHO	Coombe Cottage, Kingswear	Refusal	Cllrs Steer, Foss, Hodgson, Vint, Bramble, Cuthbert, Pearce (7)	Cllrs Holway, Brazil, Cane, Rowe (4)	None	Cllr Hitchins (1)
1251/16/FUL	Marldon Christmas Tree Farm, Marldon	Conditional Approval	Cllrs Steer, Foss, Brazil, Holway, Hodgson, Vint, Bramble, Cuthbert, Pearce, Rowe (10)	None	Cllr Cane (1)	Cllr Hitchins (1)
1957/16/FUL	Borough Park, Totnes	Conditional Approval	Cllrs Steer, Foss, Brazil, Holway, Hodgson, Vint, Bramble, Cuthbert, Pearce, Rowe, Cane (11)	None	None	Cllr Hitchins (1)

Agenda Item 6a

PLANNING APPLICATION REPORT

Case Officer: Charlotte Howrihane Parish: Thurlestone Ward: Salcombe and Thurlestone

Application No: 2498/16/HHO

Applicant: Mr I Gardner 16 Meadcombe Road Thurlestone TQ7 3TB

Site Address: 16 Meadcombe Road, Thurlestone, Devon, TQ7 3TB

Development: Householder application for first floor extension (resubmission of

55/2207/15/F)

Reason item is before the Committee: Cllr Pearce has requested the item is brought before the Committee for the following reasons:

1) concerns that the proposal impacts on neighbour amenity

2) the application seems to be in conflict with policy DP3 which states that proposals should accord with the general level of amenity in the area



Recommendation: Conditional approval

Conditions:

Time limit
Accord with plans
Materials to match existing
No windows to side or rear elevations

Key issues for consideration:

Design, Scale, Neighbour impact, Impact on AONB

Site Description:

16 Meadcombe Road is a two-storey detached dwelling located within The Mead, in the village of Thurlestone. The site has a large curtilage to the front, accessed by a driveway up from the highway, with a smaller, more enclosed amenity area to the rear. At first floor, there is a balcony to the principal elevation, which starts at the centre of the property and runs along to the west, wrapping around the corner and down the side of the dwelling. The side element of this balcony is significantly larger and wider than the front part, and the whole area has a frosted glass privacy screen around it. There are hedges and fences to both sides of the boundary, providing privacy at ground level to the site and its neighbours, no.18 Meadcombe Road (to the west) and no.14 (to the east).

The site is within the Thurlestone Development Boundary, as well as the South Devon Area of Outstanding Natural Beauty.

The Proposal:

The application seeks approval for the erection of a first-floor extension to the west elevation. It would extend approximately 4.8m from the existing side elevation, with an eaves and ridge height to match the main dwelling. The siting of the extension would remove the side balcony/terrace area, and reduce the width of the front balcony by 2.4m. The frosted privacy screen would remain to the corner of the remaining balcony, with the clear glazed balcony remaining across the front. Two rooflights to the rear would provide additional light into the extension.

Consultations:

- County Highways Authority- no comments
- Parish Council- Thurlestone Parish Council objects to the proposal. Their full response can be seen on line, but the reasons for objecting, in summary, are as follows:
 - Excessive impact on no.18 and detrimental to properties behind the site
 - Obtrusive, overbearing, dominant
 - Effect of 'joining' no.18 and no.16
 - Area of high amenity which will be reduced by proposal
 - Additional enclosure would harm spacious arrangement of properties

Representations:

Sixteen letters of objection have been received. The reasons for objection are similar throughout these objections, and can be summarised as follows:

- Overbearing and dominant to neighbours- contrary to DP3
- Conflicts with the original design principles of the Mead Estate of privacy and views
- A precedent would be set for future development
- The current balcony is an eyesore and overlooks gardens
- Previous work at the property may not have acquired the necessary consent
- Previous local compromises regarding the site would be overturned
- Property would look 'connected' to no.18
- Not good design (misaligned windows, not subservient)- contrary to CS7
- Application does not overcome previous reasons for refusal
- The extension will obscure views from properties to the rear
- The applicants are second home owners, and properties which are rarely occupied should not be so large
- Construction traffic on the Mead Estate is already an issue
- The variations from the previous application is marginal and will make little differenceimpact will be the same
- Example of 'development by stealth'
- Impact on the light and privacy of no.13 Mead Lane
- The proposal is in violation of a previous agreement (no details on the nature of this agreement given)
- A nearby property (no.20) is being developed and should not have been granted permission.

Relevant Planning History

- 55/0436/13/F- Householder application for demolition of existing garage structure.
 Creation of an extension adjoined to the house on a smaller footprint. Extension of existing balcony. Installation of sliding folding doors. Creation of roof terrace. Internal alterations and refurbishment- refused, appeal dismissed
- 55/1836/13/F- Resubmission of 55/0436/13/F for demolition of garage, creation of extension, extension of balcony, installation of sliding folding doors, creation of roof terrace and general refurbishment of dwelling- Conditional approval
- 55/2207/15/F- Householder application for first floor extension- refused, appeal dismissed

ANALYSIS

Principle of Development/Sustainability:

The site is within the village development boundary, and as such, the principle of residential extensions is acceptable.

Design:

The first-floor of the dwelling currently consists of a largely-glazed central element, and a more enclosed, clad section to the eastern side, which projects slightly forward of the central area. The proposed extension would extend 4.8m to the west from this central element (the

distance that the eastern section currently extends) creating a sense of symmetry, and a more balanced appearance at first floor. The windows in the eastern and western sides would be slightly misaligned; whilst this is not the preferred positioning in terms of design, it has been designed in this manner to avoid the frosted privacy screen which is to be retained-moving the window slightly further to the side would mean that the privacy screen would join the property at the mid-point of the window, creating an unattractive design from both outside and inside the property when looking at the window. Officers do not consider this slight misalignment to have such a significant impact on the overall design that it becomes unacceptable.

The extension would be the same height as the main dwelling. It has been noted in an objection that extensions should be subservient, and that this is usually achieved by lowering the ridge height of new development. In this instance, Officers consider that a lower ridge height would have a detrimental impact on the overall look of the site. As previously mentioned, the proposed extension would create an attractive, balanced design, as the proposal would match the existing eastern section of the dwelling. Officers feel that lowering the ridge height of the proposed extension would create a disjointed appearance, which would not be as visually attractive as the current proposal. The NPPF is clear that planning policies and decisions should not attempt to impose architectural styles, or particular tastes (paragraph 60), and Officers are satisfied that the design proposed is acceptable.

Landscape:

The site is within the AONB, but also part of a residential estate. Meadcombe Road is host to varying sizes and styles of property, ranging from bungalows, to large two-storey dwellings. The properties are generally characterised by large open front curtilage space, with smaller, more enclosed gardens to the rear. No 16 is largely screened from the highway by trees and hedged, and due to this large front amenity area, is set back from the road. The proposed extension would therefore not have a detrimental impact on the existing residential character of the Mead Estate, and the street scene would not be significantly altered.

Previous appeal decisions, and recent objections have noted the spacious arrangement between properties. It has also been suggested by objectors and the Parish Council that the proposal would have the effect of 'connecting' the site with no.18, due to the size of the extension. The properties along this section of Meadcombe Road are staggered, so that no.18 is set forward of no.16; the principal elevation of no.18 is over 7m further forward than that of the application site, and the rear elevation roughly aligns with the front elevation of no.16. When looking at the two dwellings on site, there is no position where they appear to be directly opposite one another. The extension would be approximately 2.8m from the boundary, and east elevation of no.18 a further 2.5m from this boundary, forward of the proposed extension. The space between the two sites is already interrupted by the frosted privacy-screen (1.8m high). Taking all of these factors into consideration, Officers consider that the separation distance between the two properties would be acceptable, and that the properties would still clearly be two detached dwellings, with sufficient spacing between the sites, preserving the existing characteristics of the local landscape.

Officers must also give great weight to the preservation of the AONB when considering any proposal. Given the residential character and urban nature of the immediate surroundings, and the relatively small scale proposal, Officers are satisfied that the extension would not compromise the scenic beauty of this designated area. The proposal therefore accords with local landscape policies, as well as the relevant paragraphs within the NPPF.

The previous application refusal and subsequent appeal dismissal acknowledged that the original proposal, with the larger extension, did not have a significant impact on the street scene or harm the wider AONB setting, and this position remains the same when considering this new, smaller extension.

Neighbour Amenity:

The proposed extension would have no windows to the side or rear elevations, and so would not create any additional opportunities for overlooking into the neighbours to either the west or the rear.

A previous application has been refused due to the overbearing impact on the rear garden of no.18. The extension previously proposed was larger, and would have extended right out to the boundary of the property, and would have dominated the neighbouring property. Officers agree that this was an overbearing extension, but believe the current proposal to have addressed the key concerns of this previous application. The extension currently proposed is not as wide as this previous proposal, and as previously mentioned, there would be a degree of separation between the two dwellings. By reducing the width of the extension, there would be a section of flat roof between the extension and the boundary of no.16, as well as the additional distance to the boundary, providing a feeling of separation from the boundary. Having been to the site and the rear garden of no.18, and noting the existing impact of the frosted privacy screen and blank elevation of the application site, which already creates a sense of enclosure to the neighbouring garden, Officers are satisfied that, on balance, the proposal would not have such an additional impact on the neighbour at no.18 as to be overbearing, and unacceptable.

As mentioned earlier in the report, the proposal involves the removal of the existing side terrace area, and reducing the width of the balcony along the principal elevation. It is currently possible to stand on this side terrace area and look directly into the garden of no.18. The proposed extension would remove this overlooking issue, and the position of the front balcony, which would retain a frosted privacy section to the western corner, means that there would be no similar overlooking opportunities. The proposal would therefore enhance the privacy enjoyed in the rear garden, which has previously been acknowledged by Inspectors as having a 'high degree of enclosure', as there would be no position from no.16 which would overlook the garden. Any noise or disturbance from the current use of this extensive terrace would also be removed. A condition would be added to any approval to prevent windows being inserted into the side elevation of the extension, as this would be unacceptable to the amenity of no.18.

Concern has also been raised from neighbours at no.13 Mead Lane, behind the site, that the proposal would have a harmful impact on the amenity of properties to the rear. Mead Lane is in an elevated position above Meadcombe Road, and so these properties look over the dwellings below, and out to the views of the countryside and to the sea. Whilst the proposed extension would be visible from no.13 Mead Lane, and other properties along this road, the impact is considered to be minimal. Space would remain between the application site and no.18, and the general appearance of these properties from Mead Lane would not be significantly altered. As the rear garden of no.13 Mead Lane backs onto the application site, Officers would also suggest a condition preventing the installation of any windows to the rear of the proposed extension, which would prevent any harmful impact to people using this rear garden. There are also concerns that the proposal would result in loss of light to the garden of no.13. Due to the elevated position of Mead Lane above the application site, and the small scale of the proposal, Officers do not consider any loss of light to be so serious as to warrant

a refusal of the application. Suggestions that the proposal would affect the views from Mead Lane are noted, but this is not a material planning consideration.

Whilst the proposed extension would clearly be visible from neighbouring properties, Officers have concluded, for the reasons above that, that the impact to neighbours would not be unacceptable, and would not warrant a refusal of the application. Subject to the conditions proposed regarding windows, the proposal is therefore considered acceptable with regard to neighbour amenity and policy DP3.

Highways/Access:

No highways issues

Other matters:

The objections from the Parish Council, and many of the objections from third parties have been addressed previously in the report. Any outstanding points will be addressed below:

A precedent would be set for future development- each planning application is determined on its own merits, and this will apply to any future development proposed, either on the site or elsewhere.

Previous work at the property may not have acquired the necessary consent- Officers can only consider the proposal as submitted, and there is no indication of enforcement action on the site.

Previous local compromises regarding the site would be overturned/ The proposal is in violation of a previous agreement (no details on the nature of this agreement given)

No details have been provided as to the nature of these 'local compromises' or agreements. If legal agreements or covenants would be breached, this is a civil matter and not a material planning consideration.

Application does not overcome previous reasons for refusal- Each application is considered on its own merits, although Officers have examined the site history in some detail. For the reasons given above, the application is considered to be acceptable.

The applicants are second home owners, and properties which are rarely occupied should not be so large- This is not a material planning consideration, and the scale of the proposal has been considered above.

Construction traffic on the Mead Estate is already an issue- Case law has previously determined that disturbance during construction is not a reason to refuse a planning application.

Example of 'development by stealth' the application has been submitted, advertised and determined in the manner required by law. Each application submitted on the site is considered on its own merits in accordance with local and national planning policies.

A nearby property (no.20) is being developed and should not have been granted permission. This is a separate site and has nothing to do with the current application. Each application is determined on its own merits.

In summary, the proposed extension is considered to present an attractive design, with a minimal impact on the surrounding landscape. The proposal would have an impact on neighbours, but subject to condition, this is not considered to be unacceptable, and the application is therefore recommended for conditional approval.

Suggested conditions:

- 1. The development to which this permission relates must be begun not later than the expiration of three years beginning with the date on which this permission is granted. Reason: To comply with Section 91 of the Town and Country Planning Act, 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2. The development hereby approved shall in all respects accord strictly with plans received by the Local Planning Authority. Reason: To ensure that the proposed development is carried out in accordance with the drawings forming part of the application to which this approval relates.
- 3. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting this Order) no openings other than those authorised by this permission (if any) shall be at any time be inserted in the side or rear elevations of the development hereby permitted, without the prior permission, in writing of the Local Planning Authority. Reason: To protect the amenity of neighbours.
- 4. The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those of the existing building, unless amendments have been agreed in writing with the Local Planning Authority. Reason: In the interests of visual amenity.

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

Planning Policy
South Hams LDF Core Strategy
CS1 Location of Development
CS7 Design

Cor Design

CS9 Landscape and Historic Environment

Development Policies DPD

DP1 High Quality Design DP2 Landscape Character DP3 Residential Amenity

Considerations under Human Rights Act 1998 and Equalities Act 2010

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



Agenda Item 6b

PLANNING APPLICATION REPORT

Case Officer: Lucy Hall Parish: Totnes Ward: Totnes

Application No: 1319/16/FUL

Agent/Applicant:
Mr Ian Farnfield
Gillespie Yunnie Architects
The Lower Tweed Mill
Shinners Bridge,
Dartington,
TQ9 6JB

Applicant:
Mr Chris Jones
Jackmans Barn
5 Follaton Farm Barns
Plymouth Road

Totnes TQ9 5NA

Site Address: Jackmans Barn, 5 Follaton Farm Barns, Totnes, TQ9 5NA

Development: New dwelling within grounds of existing dwelling

Reason item is being put before Committee: To address the highways issue.



Recommendation: Refusal

The proposed development would be likely to result in an increase in the volume of traffic entering and leaving the Class C County Road through a junction which does not provide adequate visibility from and of emerging vehicles, contrary to paragraph 32 of the National Planning Policy Framework.

The proposed development is likely to generate an increase in pedestrian traffic on a highway lacking adequate footways with consequent additional danger to all users of the road contrary to paragraph 32 of the National Planning Policy Framework.

Site Description:

The application site is located approximately 2KM west of the centre of Totnes, accessed off Jackmans Lane. Plymouth Road lies approx. 30m to the north, with the residential area of Follaton located immediately beyond. There are a number of residential units surrounding the site including neighbouring barn conversions at Follaton Farm to the north and east and to the north west, Follaton Lodge, a Grade II listed building. South Hams District Council's offices are situated approx. 0.2KM to the east. Sandwiched between the barn conversions at Follaton Farm and the Council offices is a new residential development, consented in 2012 for 60 dwellings. Agricultural fields lie to the south and west, beyond Jackmans Lane.

The site itself forms part a sloping lawn garden at Jackmans Barn and measures approximately 0.15 hectares. A gravel driveway leading to the dwelling at Jackmans Barn to the east passes along part of the northern boundary of the site.

The application site lies outside of the Development Boundary, albeit within close proximity to it, with the residential development located on the northern side of Plymouth Road forming the boundary at this point.

The Proposal:

The application seeks full planning consent for the erection of a detached dwelling house within the garden of Jackmans Barn.

The building is a cubed design comprising distinct flat roof elements finished externally in a mixed palette of materials including timber boarding, grey brickwork, and green roof with powder coated aluminium windows and doors.

The building is arranged over two levels with an integral garage/workshop/bike storage, three bedrooms, family bathroom, shower room and home office at ground floor. The living room, which offers immediate access to an external terrace, kitchen/dining area and master bedroom (with en-suite) in addition to a utility and separate toilet are located at first floor.

The gross internal footprint of the proposed dwelling equates to approximately 293 square metres.

Vehicular access to the site would be from the existing driveway, leading to a separate driveway serving the proposed dwelling and offering access to an integral garage designed to accommodate two vehicles with provision to park up to a further 5/6 vehicles on the driveway.

Consultations:

County Highways Authority
 Objection

Environmental Health Section unsuspected land contamination condition

Parish Council no objection subject to conservation approval

Conservation no objection

Representations:

A number of letters of support have been received

- One additional household is unlikely to have an adverse impact on traffic movements, and no planned further development on Jackmans Lane;
- No known history of traffic accidents on Jackmans Lane/Plymouth Road junction;
- Highway issues appear to be the only reason for refusal
- Proposed footpath link, linking Jackmans Lane to the new housing development will enable safe pedestrian links into the town.
- Traffic already slow around the Plymouth Road/Jackmans Lane junction in response to changing speed limit and when approaching narrower section of Plymouth Road.
- Jackmans Lane is used regularly by contractors on neighbouring residential development, with no known issues.

One letter raising objection to the scheme has been received from a neighbouring resident. Whilst they appreciate it is not a planning issue, they wish to notify the LPA that the applicants have no means of access from the public highway.

Relevant Planning History

Proposal

SiteAddress

LA Ref 56/1303/06/F: FUL

Proposal Replacement of existing single garage with a

double garage

SiteAddress Jackmans Barn Plymouth Road Totnes TQ9

5NA

Decision Conditional approval: 14 Aug 06

LA_Ref 56/0744/11/F: FUL

Householder application for amendments

(lower siting of single storey extension) to planning approval 56/2108/10/F for single

storey extension

Jackmans Barn 5 Follaton Farm Barns

Plymouth Road Totnes TQ9 5NA Conditional approval: 06 May 11

Decision Conditional approval: 06 May

A Ref 56/2108/10/F: FUL

Proposal Householder application for single storey

extension

SiteAddress Jackmans Barn Follaton Cross Plymouth

Road Totnes TQ9 5NA

Decision Conditional approval: 07 Dec 10

LA_Ref 56/2346/10/O: OPA

Outline Application for new housing

Proposal development of 60 units with extensive areas

of landscaping / community amenity space.

SiteAddress Land adjacent to Follaton House Plymouth

Road Totnes

Decision Conditional approval: 17 May 12

LA Ref 56/1355/12/RM: ARM

Reserved matters application for detailed design including layout scale appearance and landscaping pursuant to outline application

56/2346/10/O for the erection of 60 dwellings with associated landscaping and community

space.

land adjacent Follaton House Plymouth Road

Totnes TQ9 5NE.

Decision Conditional approval: 31 Aug 12

LA_Ref 56/2524/15/F: FUL

READVERTISEMENT (Amended Description)

Proposal Erection of 2no. three bedroomed semi

detached dwelling houses with parking

SiteAddress Proposed development site at SX 7846 6054

Follaton Farm Plymouth Road Totnes

ANALYSIS

Proposal

SiteAddress

Planning Policy Context and Sustainability:

It is accepted that the Council does not currently have a five year land supply. In such circumstances, Paragraph 49 of the National Planning Policy Framework advises that policies relating to the supply of housing should not be considered up to date. The application site lies within the countryside, outside any settlement boundary. Policy CS1 of the South Hams Core Strategy advises that development outside development boundaries will be strictly controlled and only permitted where it can be delivered sustainably and in response to a local need. However because this policy aims to restrict housing outside of development boundaries, it relates to the supply of housing and is therefore not considered up to date. Consequently it only carries limited weight.

Paragraph 14 of the NPPF advises that where relevant policies are out of date, such as is the case here, planning permission should be granted for a proposal which is considered sustainable unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits or where specific policies in the NPPF indicate development should be restricted.

The application is located on the western edge of the town of Totnes which has an abundance of services and facilities. The site, although located outside the development boundary is considered to be well related to the town. However, officers have concerns regarding pedestrian links and vehicular access and therefore question whether the site is a

sustainable location for a dwelling. Paragraph 32 of the NPPF requires that 'safe and suitable access to the site can be achieved for all people'.

In terms of pedestrian links, the shortest route from the application site into the town of Totnes would be along Plymouth Road. However, the existing footpath along Plymouth Road stops approx. 160m east of the junction with Jackmans Lane. Therefore occupants of the dwelling would be forced to walk on a busy road with no safe facilities for a section of their journey. In terms of alternative provision the recently consented residential scheme for 60 dwellings on neighbouring land includes proposals for a pedestrian link off Jackmans Lane, through the estate and connecting to existing footpaths into the town. However, even if this footpath comes forward, officers do not consider this to be suitable alternative. The footpath would be situated approximately 0.3KM south of the application site. The route along Jackmans Lane is considered undesirable in distance terms and topography and is steep as well as being unlit. Officers understand that there is a path through the neighbouring barn conversions which connects to the footpath on Plymouth Road but insufficient information has been provided to confirm that this can be achieved legally, in perpetuity. Therefore officers do not consider that the existing pedestrian links would provide a viable options for all occupants of the scheme contrary to paragraph 32 of the NPPF.

There is a bus stop located approx. 0.1KM from the site along Plymouth Road at Follaton Cross but with concerns regarding the safety of the existing pedestrian routes, Officers question whether this would be used and would not wish encourage access to it. Therefore, it is arguably reasonable to assume that the occupants will rely on the private motor vehicle for the majority of their trips rendering the site unsustainable.

Concern is also raised regarding visibility from Jackmans Lane onto Plymouth Road. DCC Highways state 'The visibility at the access directly onto Plymouth Road (C794) is substandard. Currently it is 5m west x 2.4m east x 1.05m height. It is noted the 30m dimension crosses third party land also where legally there is no right of sight. It is estimated that 85th percentile vehicle speeds are in the region of 30 – 35 mph on the main road. A splay of 43 – 50m is required in these circumstances according to The Manual for Streets. The proposed development would be likely to result in an increase in the volume of traffic entering and leaving the Class C County Road through a junction by approximately six two way daily movements. It should also be mentioned that there is added complication that there is a junction opposite which carried traffic to and from Dartington. This road is more frequently used more than its characteristics suggest due to congestion on the main road leading towards Redworth junction. This junction also offers limited visibility couples with steep gradients. All these factors add weight to the likelihood of a collision. It is considered that any increase in traffic using Jackmans Lane is inappropriate.' Having visited the site officers would agree with the concerns raised.

Therefore officers do not consider that the proposal is sustainable and its approval would be contrary to the advice contained with the NPPF. The Council is unable to demonstrate a five year land supply and therefore the question arises of whether the benefit of providing the dwelling would outweigh the harm. Although small windfall sites can offer a positive contribution towards meeting housing targets, it is fundamental that these sites are delivered within sustainable locations. On this occasion unsafe pedestrian and vehicular access to the site would outweigh the benefits associated with addressing the Council's housing shortage.

Design/Landscape:

Officers do not have any objections with the design of the proposed dwelling and its impact on the landscape. The proposed building is a bold and striking piece of architecture which

has clearly been designed in response to the constraints of the plot. Although it is a large building, it sits within a generous plot and the varied palette of materials helps to break up the visual mass. Its orientation and separation distance from Jackmans Barn provides a clear visual break between the units. There would be some glimpsed views of the site from Jackmans Lane and adjacent farmland but overall the site is considered to be well screened by existing mature vegetation. It reads as a domestic garden plot rather than part of the open countryside.

Neighbour Amenity:

Officers are satisfied that the proposal would not cause adverse harm to the occupants of any neighbouring residents including Jackmans Barn.

Listed Building

Officers are satisfied that the proposal would not cause any harm to the setting of the Listed Building.

Recommendation

Refusal

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

Planning Policy

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

NPPF

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 26-Oct-16

Appeals Update from 14-Sep-16 to 14-Oct-16

Ward Allington and Strete

APPLICATION NUMBER: **2829/15/FUL** APP/K1128/W/16/3155501

APPELLANT NAME: Mr S Bennett

PROPOSAL: Change of use of barn to holiday accommodation. Refurbishment of other holiday unit and

refurbishment of barns to provide storage and ancillary music room

LOCATION: Harleston Farm, Harleston, TQ7 2BH

APPEAL STATUS: Appeal Lodged
APPEAL START DATE: 22-September-2016

APPEAL DECISION:

APPEAL DECISION DATE:

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

APPEAL STATUS: Appeal decided
APPEAL START DATE: 25-February-2016
APPEAL DECISION: Dismissed (Refusal)
APPEAL DECISION DATE: 13-October-2016

Ward Dartmouth and East Dart

APPLICATION NUMBER: **3029/15/HHO** APP/K1128/W/16/3149141

APPELLANT NAME: Mr D Murphy

PROPOSAL: Householder application for alterations to dormer on rear elevation at first floor

LOCATION: Yvan Tide, The Barnhay, Stoke Gabriel, TQ9 6RZ

APPEAL STATUS: Appeal decided APPEAL START DATE: 19-May-2016 APPEAL DECISION: Upheld

APPEAL DECISION DATE: 12-October-2016

Ward Kingsbridge

APPLICATION NUMBER: **28/1560/15/O** APP/K1128/W/16/3156062

APPELLANT NAME: H2 Land Ltd

PROPOSAL: READVERTISMENT (Revised plans) Outline application with some matters

reserved for residential development scheme for 32no. dwelling at allocated site K4

LOCATION: Proposed Development Site At Sx 7392 4386, Allocated Site K4, Garden Mill, Kingsbridge

APPEAL STATUS: Appeal Lodged APPEAL START DATE: 07-October-2016

APPEAL DECISION:

APPEAL DECISION DATE:

Ward Newton and Yealmpton

APPLICATION NUMBER: **2611/15/FUL** APP/K1128/W/16/3153009

APPELLANT NAME: Mr R May

PROPOSAL: Erection of dwelling

LOCATION: Land at SX 553 478, opposite Thorndean, Bridgend, Noss Mayo, PL8 1DX

APPEAL STATUS: Appeal decided APPEAL START DATE: 13-July-2016

APPEAL DECISION: Upheld (Conditional approval)

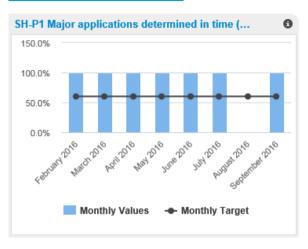
APPEAL DECISION DATE: 05-October-2016



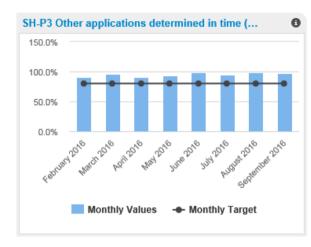
Agenda Item 8

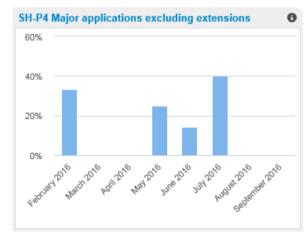
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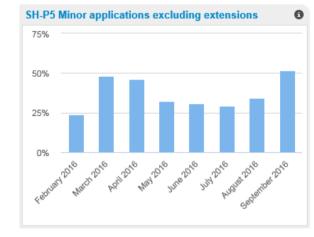
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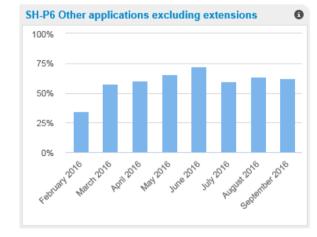






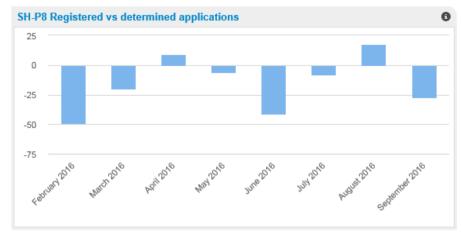


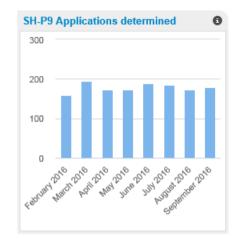


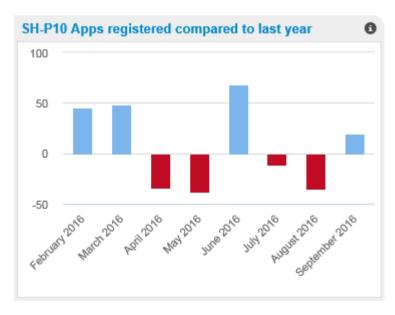


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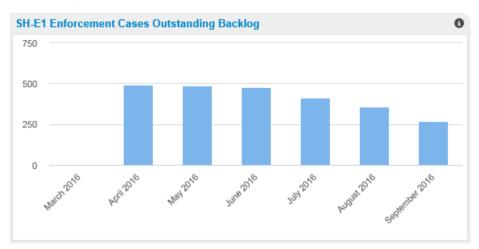


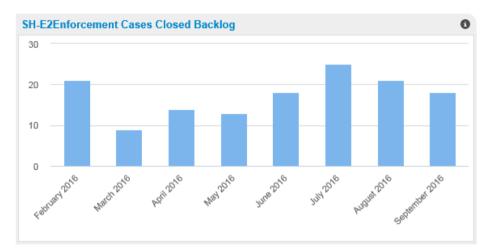


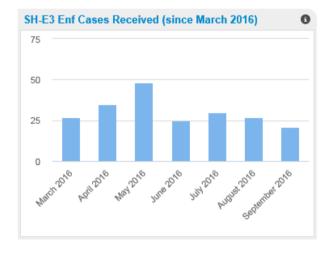


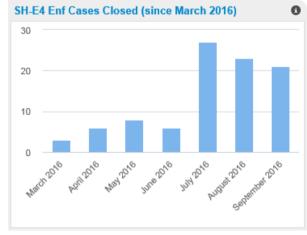
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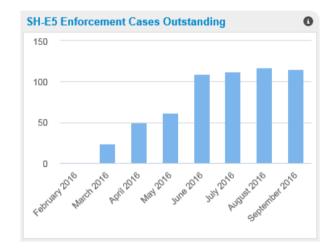
Planning Enforcement-











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