

South Hams Development Management Committee



Title:	Agenda										
Date:	Wednesday, 23rd November, 2016										
Time:	11.30 am										
Venue:	Council Chamber - Follaton House										
Full Members:	<p style="text-align: center;">Chairman Cllr Steer</p> <p style="text-align: center;">Vice Chairman Cllr Foss</p> <p><i>Members:</i></p> <table style="margin-left: auto; margin-right: auto;"> <tr> <td>Cllr Bramble</td> <td>Cllr Hodgson</td> </tr> <tr> <td>Cllr Brazil</td> <td>Cllr Holway</td> </tr> <tr> <td>Cllr Cane</td> <td>Cllr Pearce</td> </tr> <tr> <td>Cllr Cuthbert</td> <td>Cllr Rowe</td> </tr> <tr> <td>Cllr Hitchins</td> <td>Cllr Vint</td> </tr> </table>	Cllr Bramble	Cllr Hodgson	Cllr Brazil	Cllr Holway	Cllr Cane	Cllr Pearce	Cllr Cuthbert	Cllr Rowe	Cllr Hitchins	Cllr Vint
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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 Senior Case Manager 01803 861185										

1. Minutes

1 - 6

To approve as a correct record and authorise the Chairman to sign the minutes of the meeting of the Committee held on 26 October 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 14 November 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) 1333/16/FUL

7 - 18

Planning permission for demolition of the Lantern Lodge Hotel and construction of 5 dwellings

Lantern Lodge Hotel, Grand View Road, Hope Cove

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

<http://www.southhams.gov.uk/planningdetails?RefType=APPPlanCase&KeyNo=0&KeyText=161387>

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

- (b) 1879/16/HHO** **19 - 24**
Householder application for proposed extension to ground floor, remodelling and raising of roof height

Kynance, Higher Broad Park, Dartmouth

For Letters of Representation and further supplementary information select the following link:
<http://www.southhams.gov.uk/planningdetails?RefType=APPPlanCase&KeyNo=0&KeyText=161933>
- (c) 0268/16/HHO** **25 - 34**
Householder application for replacement Boathouse.

Water Edge, Lower Street, Dittisham

For Letters of Representation and further supplementary information select the following link:
<http://www.southhams.gov.uk/planningdetails?RefType=APPPlanCase&KeyNo=0&KeyText=160326>
- (d) 1623/16/FUL** **35 - 42**
Construction of a new three storey private residence on a brownfield site currently occupied by three garages on a site on the outskirts of Totnes.

Garages 1-3 adjacent to 1A Christina Park, Totnes

For Letters of Representation and further supplementary information select the following link:
<http://www.southhams.gov.uk/planningdetails?RefType=APPPlanCase&KeyNo=0&KeyText=161677>
- (e) 0039/16/FUL** **43 - 46**
Conversion of domestic garage with first floor storage into separate into separate dwelling together with associated parking

Queshills, Ware Hill, Ugborough

For Letters of Representation and further supplementary information select the following link:
<http://www.southhams.gov.uk/planningdetails?RefType=APPPlanCase&KeyNo=0&KeyText=160098>

(f) 0745/16/FUL

47 - 52

Retrospective change of use from Agricultural to Equestrian. Plot 1, Field subdivided with fencing & 2 stables on skids, for horses and two areas fenced for dog exercising & training use and new access provision.

Land at Westerland, Totnes Road, Marldon

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

<http://www.southhams.gov.uk/planningdetails?RefType=APPPlanCase&KeyNo=0&KeyText=160801>

- | | | |
|------------|--|----------------|
| 7. | Application to work on Trees subject to a TPO | 53 - 58 |
| 8. | Planning Appeals Update | 59 - 60 |
| 9. | Planning Performance Indicators | 61 - 66 |
| 10. | Review of Site Inspection Protocol | 67 - 74 |

MINUTES OF THE MEETING OF THE DEVELOPMENT MANAGEMENT COMMITTEE HELD AT FOLLATON HOUSE, TOTNES, ON WEDNESDAY, 26 OCTOBER 2016

Members in attendance			
* Denotes attendance			
∅ 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)
*	Cllr P W Hitchins	*	Cllr R J Vint

Other Members in attendance:

Cllrs Green and Wright

Officers in attendance and participating:

Item No:	Application No:	Officers:
All agenda items		Senior Specialist (Development Management); Deputy Monitoring Officer; and Senior Specialist – Democratic Services
6 (DM.36/16 below refers)	2498/16/HHO and 1319/16/FUL	Senior Case Managers (Development Management)
8 (DM.38/16 below refers)		Specialist Manager

DM.32/16 APPOINTMENT OF VICE-CHAIRMAN

In the absence of the Chairman, the Vice-Chairman introduced the meeting and invited nominations to the position of Vice-Chairman for the duration of this meeting.

It was then:

RESOLVED

That Cllr T R Holway be appointed Vice-Chairman for the duration of this meeting.

DM.33/16 MINUTES

The minutes of the meeting of the Committee held on 28 September 2016 were confirmed as a correct record and signed by the Chairman.

DM.34/16 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 J A Pearce declared a personal interest in application **2498/16/HHO**: Householder application for first floor extension (resubmission of 55/2207/15/F) – 16 Meadcombe Road, Thurlestone by virtue of paying an annual sum to the Mead Association. In stressing that she was not a member of the Association, she remained in the meeting for the duration of this item and took part in the debate and vote thereon;

Cllr R J Foss declared a personal interest in application **2498/16/HHO**: Householder application for first floor extension (resubmission of 55/2207/15/F) – 16 Meadcombe Road, Thurlestone by virtue of knowing one of the objectors and remained in the meeting for the duration of this item and took part in the debate and vote thereon;

Cllr R J Vint declared a personal interest in application **1319/16/FUL**: New dwelling within grounds of existing dwelling – Jackmans Barn, 5 Follaton Farm Barns, Totnes by virtue of knowing one of the objectors and remained in the meeting for the duration of this item and took part in the debate and vote thereon.

DM.35/16 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.36/16 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:

2498/16/HHO 16 Meadcombe Road, Thurlestone

Parish: Thurlestone

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

Case Officer Update: N/A

Speakers included: Objector – Mr Kendrick;
Supporter – Mr Gardner;
Parish Council rep – Cllr Goddard; and

Local Ward Members – Cllrs Pearce and Wright

Recommendation: Conditional Approval

Committee Decision: Refusal

During the debate, a number of Members highlighted the merits of the site inspection and, in particular, the ability to gauge the potential impact on No. 18 Meadcombe Road (the neighbouring property to the west of the application site). The majority of Members felt that the reasons that were cited for the previous refusal decision on this site (that had subsequently been endorsed on appeal) had not been sufficiently overcome to warrant this application being conditionally approved. In particular, the proposals were considered to be overbearing and dominant to No. 18 and were therefore contrary to policy DP3.

Reasons for Refusal:

The proposals would have an overbearing and dominant impact on the rear garden of No. 18 Meadcombe Road and were therefore contrary to DP3. In addition, the proposals would still have a substantial and adverse impact on the street scene that would be untypical of the Mead Estate.

**1319/16/FUL Jackmans Barn, 5 Follaton Farm Barns,
Totnes, TQ9 5NA**

Parish: Totnes

New dwelling within grounds of existing dwelling

Case Officer Update: N/A

Speakers included: Supporter – Mr Jones;
Local Ward Members – Cllrs Green and Vint; and
DCC Highways Officer – Mr Jackson

Recommendation: Refusal

Committee Decision: Conditional Approval

Conditions:

1. Standard time limit;
2. Accord with plans;
3. Unsuspected contamination;
4. Removal of Permitted Development rights;
5. Ecology; and
6. Sensitive light mitigation (ecology).

During the debate, a number of Members made the point that there was a

real need for safety improvements for pedestrians to be made along Plymouth Road and a Member specifically requested that the Totnes Transport Forum be tasked with focusing on a long-term solution for this issue. That being said, it was recognised that there were a number of properties in this area and the impact of one additional dwelling was therefore considered to have a minimal effect on road safety. Some Members also made reference to the distance of the application site from the town centre and that, in reality, the majority of residents would drive and not walk into the town. Finally, some Members also highlighted the innovative and sustainable nature of the design and that the Conservation Officer had raised no objections to this proposal.

Reasons for Conditional Approval:

The Committee felt that there was sufficient pedestrian access (albeit informal) into Totnes town centre.

Members recognised that there had been no serious or fatal accidents at this junction in the last three years and, whilst visibility was far from ideal, the development of one more property in this area was likely to have a very marginal effect on road safety.

DM.37/16 **PLANNING APPEALS UPDATE**

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

DM.38/16 **PERFORMANCE INDICATORS**

The Specialist Manager introduced the latest set of performance indicators related to the Development Management service.

In the ensuing debate, reference was made to:-

- (a) additional performance indicators. Members requested that future reports include additional performance information relating to the number of planning applications to be determined and specifically the current caseload for each officer;
- (b) agreed time extensions. Members repeated their continued concerns at the disappointing levels of performance for those planning applications that had not been subject to an agreed extension. In response, it was noted that these concerns were shared and acknowledged by officers;
- (c) performance measures. Members were of the view that, in future reports, it would be beneficial to illustrate certain indicators with actual numbers as opposed to percentage figures. In acknowledging that this reporting process was still in its infancy, a Member also requested that related indicators (e.g. Major applications determined in time that were

including and excluding extensions) should be superimposed onto one graph;

- (d) planning enforcement. The Committee was advised that the Council would expect between 100 and 150 enforcement cases to be live and active at any given time. Some Members made a specific urgent request for officers to address a specific enforcement case relating to a wall on Ashburton Road. In response, the Specialist Manager gave a commitment that he would progress this matter and ensure that the concerned Members were kept updated in this respect.

It was then:

RESOLVED

That the latest set of performance indicators be noted.

(Meeting commenced at 2.00 pm and concluded at 4.05 pm)

Chairman

Voting Analysis for Planning Applications – DM Committee 26 October 2016

Application No:	Site Address	Vote	Councillors who Voted Yes	Councillors who Voted No	Councillors who Voted Abstain	Absent
2498/16/HHO	16 Meadcombe Road, Thurlestone	Refusal	Cllrs Brazil, Bramble, Hitchins, Hodgson, Holway, Pearce, Rowe and Vint (8)	Cllrs Cane and Foss (2)	None	Cllrs Cuthbert and Steer (2)
1319/16/FUL	Jackmans Barn, 5 Follaton Farm Barns, Totnes	Conditional Approval	Cllrs Brazil, Bramble, Cane, Hitchins, Hodgson, Holway, Pearce, Rowe and Vint (9)	Cllr Foss (1)	None	Cllrs Cuthbert and Steer (2)

PLANNING APPLICATION REPORT

Case Officer: Matthew Jones

Parish: South Huish **Ward:** Salcombe and Thurlestone

Application No: 1333/16/FUL

Agent/Applicant:

Miss B Harris
15 Cumber Close
Malborough
Kingsbridge
TQ7 3DE

Applicant:

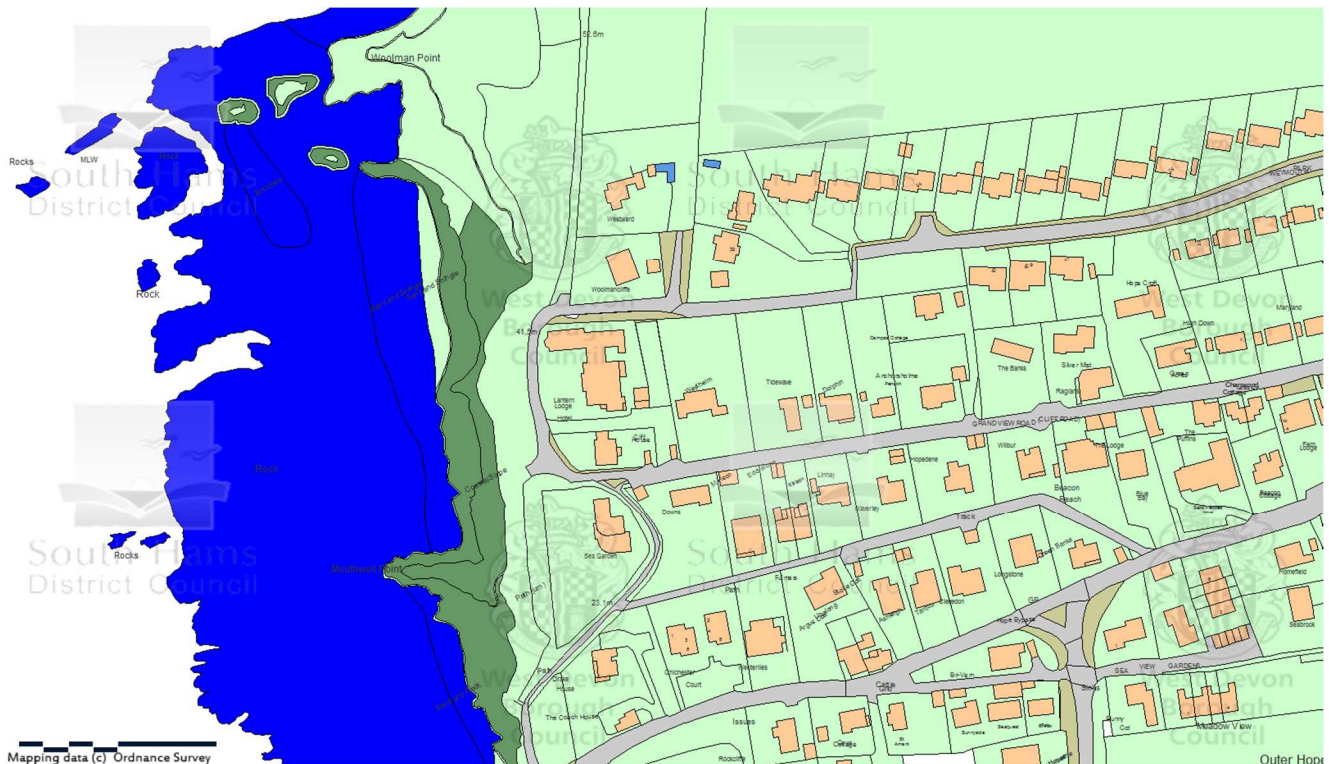
The Hope Group
Reston Kiln
Higher Oakshott
Hawley
Nr Liss
Hants
GU33 6LR

Site Address: Lantern Lodge Hotel, Grand View Road, Hope Cove, Devon, TQ7 3HE

Development: Planning permission for demolition of the Lantern Lodge Hotel and construction of 5 Dwellings

Reason taken before Development Management Committee:

The ward members have requested that this application be determined by Development Management Committee as this is a prominent development in the AONB and undeveloped coastal area and due to concerns regarding potential conflict with policy DP12.3 which relates to the loss of a tourist asset



Recommendation: Conditional approval subject to completion of S106 legal agreement

Conditions

Time

Accord with Plans

Joinery details prior to installation

Roof specification and sample prior to installation

Cladding sample prior to installation

Stonework detail and sample prior to installation

Eaves and verges details prior to installation

External attachments and rainwater goods prior to installation

Drainage details prior to commencement

Landscape plan prior to commencement

Lighting scheme prior to commencement

Porthole windows obscure glazed and fixed shut

Privacy screen walls fully complete prior to occupation

Retention of parking to serve dwellings

Accord with recommendations within ecological report

Removal of Permitted Development Rights for alterations, outbuildings, fences

Construction Environment Management Plan prior to commencement

Unsuspected contamination

Key issues for consideration:

The main issues are the loss of the employment use and tourist asset, the social benefit of providing dwellings on the land, the visual impact of the proposal and any impact on the South Devon AONB, drainage, ecology, access and parking, and any impact on the amenity of neighbouring properties

Site Description:

The application site is a detached hotel located within the village of Hope Cove. The site is adjacent to the South West Coastal Path, which is to the west, with vehicular access from Grand View Road which is the south. The main bulk of the existing building is two storeys under a pitched roof which runs parallel to the coastline with three gables protruding towards the sea.

The nearest properties to the proposal are Cliff House, immediately to the south and surrounded by the application site on three sides, Westhelm, which is directly to the east, and two detached properties to the north and north east, which are separated from the site by an access track.

Existing finish materials are terracotta tiles to the roof with render and upvc or wooden joinery. To the rear is a range of two storey flat roof extensions which generally house utility spaces and toilets for the rooms. Parking is located to the rear with the main external amenity area on the seaward side. This area also houses a swimming pool.

The application site is within the Hope Cove Development Boundary and is also within the South Devon Area of Outstanding Natural Beauty

The Proposal:

Planning permission is sought for the demolition of the Lantern Lodge Hotel and the construction of 5 residential dwellings. The proposed dwellings are set back from the existing principal seaward elevation of the hotel and are over three storeys, including accommodation within the roof. The proposed buildings are clad in a mixture of render, timber under a natural slate roof with upvc and metal joinery. Parking is retained in the area to the east of the new units and the vehicular access is also retained.

Consultations:

- County Highways Authority

No objection subject to CEMP condition (concerns raised regarding northernmost parking spaces)

- DCC Education Authority

Request £26,600 Primary School Pupils, £3,040 Secondary School pupils and associated legal costs

- South Huish Parish Council

Objection -

- *'The application contravenes the policy that states that no hotels in Hope Cove can be converted to homes or apartments*
- *Contrary to NPPF para 28 'plans should support sustainable rural tourism and leisure developments that benefit businesses in rural areas', this proposal would mean both the loss of a tourist establishment and employment for local people. It is a policy of this Parish Council to support local businesses*
- *We dispute most of the supporting claims; in particular that the hotel is not viable and that adjacent properties do not have main views overlooking the site*
- *The site lies in an AONB, a Coastal Conservation Area and borders the South West Coastal Footpath*
- *The Parish Council have had large response from parishioners objecting to the development including 10 letters of objection and none of support*
- *Currently 75% of homes in the parish are holiday homes. We need businesses to sustain our local economy'*

Representations:

Approximately 30 letters of objection have been received at the time of writing this report. Material concerns raised within the submitted letters are summarised as follows:

- Could lead to further loss of hotels within the village
- Will lead to loss of employment
- The proposal is out of character with the existing area
- The existing hotel is viable
- The existing building warrants retention
- There is a lack of hotels in the wider area
- Would not meet local need as would be unaffordable and probably second homes
- Structural issues associated with the development and its construction and the adjacent cliff
- There are misleading statements within the submission
- The number of proposed units is excessive
- Privacy screening should be provided
- Access for emergency vehicles should be maintained and enhanced
- The access is too restrictive
- There is a restrictive covenant on the land
- The plans are misleading
- The scheme will adversely impact the amenity of neighbouring properties
- The northern boundary treatment should not be so high as to affect the neighbouring property

Relevant Planning History

The Cottage Hotel, Hope Cove, Kingsbridge TQ7 3HJ - Development and extension of hotel to provide 56 bedrooms, 3 staff and 1 owners accommodation, new parking facilities plus new restaurant, bar, lounge and function room – Conditional approval

2015 – A pre-application enquiry was submitted to the Council which did not involve engagement with the potential unviability of the Lantern Lodge Hotel

Analysis

Principle of Development

The site is within the Hope Cove Development Boundary where the principle of new residential development is accepted. However, the current hotel is a tourist and employment asset and the retention of the hotel land use is managed through planning policies DP12 and DP14 which state respectively, where relevant, that:

‘Proposals involving the loss of tourist or leisure development, including holiday accommodation, will only be permitted where there is no proven demand for the facility and it can no longer make a positive contribution to the economy’

And

‘Development proposals that result in the loss of employment land, including Use Classes B1 (Business), B2 (General Industrial) and B8 (Storage and Distribution) and other employment generating uses, such as the marine economy, will only be permitted where it can be demonstrated that:

- a. the employment use of the site is no longer viable, and has no prospect to becoming so; or*
- b. there is a sufficient supply and variety of alternative available employment uses to provide a range of employment opportunities in the local area; or*
- c. the use is no longer appropriate in its context and there is a suitable replacement site available in the same locality; or*
- d. the nature of the employment provided at the site is not of strategic importance to the wider economy nor has locational requirements that could not be met elsewhere.*

Where the change of use of an employment site is considered acceptable, mixed use development will be sought. Where necessary, the proposal will only be permitted if the scheme contains an element of employment which, as a minimum, provides for the same number of jobs.’

Tourist asset

Policy DP12 seeks to retain uses which provide a positive contribution to the economy but this is expanded upon within the policy’s preamble which states that *‘It would not be reasonable to insist on all tourist and leisure facilities remaining in that use if they are unviable, therefore the policy offers scope for some change of use. In such circumstances it will be necessary to prove the tourist and leisure facility has been effectively marketed at a fair market price for at least 1 year. Evidence will also need to be provided of occupancy rates for at least 2 years. Where the use is considered to make a positive contribution to the economy, or where it is suspected that a tourist use has been allowed to run down, then it may be necessary to get an independent assessment of applicants’ evidence.’*

The planning statement accompanying with the application submits that:

- The property has been marketed at a fair price for four years
- Occupancy rates for the last two years are below 50% (with 75% required to achieve viability)
- The hotel has made a loss for four of the last five years
- Prohibitive maintenance costs are predicted which renders the retention of the building unviable

The planning statement is appended with the following evidence:

- Appendix 1 - Summary of Business Accounts;
- Appendix 2 - A summary of the professional surveyor's report including letters from professional pool and sauna suppliers Appendix;
- Appendix 3 - Letter corroborating the refurbishment figures from a professional hotelier, the owner of the Whitehouse boutique hotel in Chillington.

Further to the planning statement, the applicants have also sought the advice of a commercial hotel specialist who has not only verified the submissions within the planning statement, but concluded that necessary investment is in excess of that originally predicted. The Savills report states that the hotel has been marketed at a fair, competitive market price but that the degree of investment required to bring the site up to a modern four star standard is unviable. Indeed, the professional surveyors report describes such an investment as 'financial suicide'.

Officers have carefully considered the statements made within the submission and the corroboratory evidence and conclude, on this basis, that the current Lantern Lodge Hotel is not a viable enterprise. An hotel which is failing to generate an acceptable income and has a low occupancy rates below 50% will still provide a degree of economic benefit. However, the applicant has evidenced that the hotel is faltering, has no prospect of viable survival and will therefore reach a point where it no longer provides an economic benefit.

Officers are also mindful that there are extant permissions for significant redevelopments and extensions to existing hotels within Hope Cove which will add additional competition if implemented, which could potentially further jeopardise the viability of the Lantern Lodge Hotel.

Policy DP12 rightly points out that it is not reasonable for the planning system to insist upon the retention of an unviable enterprise, and it provides the opportunity for the loss of the facility to be justified on that basis. That necessary justification, as required by the policy, is considered by officers to be met within the submission. As such, officers do not believe that its retention can be insisted upon and therefore that its loss and change of use is subsequently supported in principle.

A formal offer has been made during the life of the application on 8 August 2016. However, although officers acknowledge that a formal offer has been made and acknowledge the genuine aspirations of the interested third party, making a formal offer requires no legal or financial commitment, nor any requirement to demonstrate viability, and, on this basis, less weight can be attributed to the offer during consideration of the viability of the current building. The interested third party has made an assessment of the existing site but this is not to the same degree, depth or professional standard as that provided by the applicant. The work undertaken by the applicant allows the conclusion that, should the offer be successful, the site would remain unviable as a hotel regardless.

The third party has submitted a representation which questions the accuracy of a degree of the agent's planning statement accompanying the application, but that planning statement is appended by evidence which officers believe corroborates the statements made and is now joined by the Savills report.

Employment asset

The policy consideration for the viability of the site as an employment asset is along the same lines as policy DP12, with policy DP14 offering within its preamble that:

'Development that would lead to a loss of employment opportunities will only be permitted where an employment site is no longer viable or is not necessary to meet the area's current or longer term economic development strategy. Proposals will have to provide evidence that employment use of the site is no longer viable through relevant marketing information, and feasibility or viability studies. This will include a viability assessment, copies of accounts for the last 5 years, and evidence that the site has been marketed for an agreed length of time for an appropriate market value/rent. Where there is

evidence that a business has been allowed to run-down, an independent viability assessment may be required.'

For the reasons outlined within the above analysis, this part of the policy is also considered to be met within the submission.

The policy does require that a mixed use scheme replaces the unviable facility and this is not presented within the proposal, leading to a degree of conflict with Policy DP14. However, the scheme does provide a social benefit through the provision of housing, with the Council currently unable to demonstrate a five year land supply, and it is envisaged that occupation of the proposed dwellings will accrue an indirect economic benefit through investment into other existing economic assets within the village.

Design, siting and massing

The current building presents its unattractive and utilitarian rear elevation to the roadside and is viewed as the site is approached along Grand View Road, leading to a negative impact within the streetscene. Although tired in appearance, the seaward elevation features elements of the vernacular, such as the pitched roofs, and therefore renders a neutral impact when viewed from that direction, including from the SW Coastal Path. The current building is not considered to be of sufficient architectural quality to warrant its retention.

The proposed buildings maintain a similar massing and also presents a traditional appearance. The landward elevation is considered an enhancement on the utilitarian and ad hoc design of that existing elevation. Architecturally, officers are of the opinion that, with high quality materials secured through condition, the design response is acceptable within this context.

Landscape character and the AONB designation

What does weight significantly in favour of the scheme is that the proposed footprint of the dwellings is set back further towards the rear of the site, further inland. This will reduce the visual impact and prominence of the built form when viewed both from the water and from the SW Coastal Path. This presents an enhancement with regard to the character and appearance of the AONB and the undeveloped quality of the coastline and mitigates the small increase in height of the ridge compared to the existing hotel.

In addition, the proposal provides the opportunity for the Local Planning Authority to secure a scheme for lighting, to, so far as reasonable, control and manage light pollution into the landscape. Light pollution from the current hotel is unrestricted.

Overall, the proposal is not considered to have a harmful impact upon the character of the landscape, undeveloped coast and the AONB designation.

Neighbour Impact

The nearest properties to the proposal site are Cliff House, immediately to the south and surrounded by the site on three sides, Westhelm, which is directly to the east, and two detached properties to the north and north east, which are on higher land and are separated from the site by an access track.

The row of first floor windows on the existing east elevation gives the impression of intense overlooking towards Westhelm but this is reduced to an extent due to the fact that a number of the windows are obscure glazed. Nonetheless, there is an existing situation of overlooking from the hotel towards that property. The proposal will provide additional overlooking from the first floor and roof windows. Overall, the intensification of the existing degree of overlooking is not considered to lead to material harm towards the property 'Westhelm' to the extent that a reason for refusal can be justified or sustained at any subsequent appeal. This is on the basis that the portholes within the gables are restricted to an obscure glaze finish, preventing new overlooking from second floor level.

The proposed dwellings will bring the overall massing of buildings on the site closer to the neighbouring dwelling Cliff House. However, the retained separation is considered to prevent an unacceptable degree of dominance towards that property, and the proposed dwelling's siting due north of the neighbour will prevent a material loss of daylight of sunlight. There will be additional overlooking from the first floors towards the rear garden but this will be oblique and not unacceptable within the context of Hope Cove, where high levels of mutual overlooking prevail.

The access track, the physical separation between the new buildings and the properties to the north and north east, the relief of the land, combined with the fact that the main aspects from the development are east and west, will prevent any materially harmful impact on their amenity. The height of proposed boundary treatments can be secured through a condition requiring submission of a landscape plan prior to the commencement of development.

Overall the proposal is considered to render an acceptable impact upon the amenity of neighbouring properties.

Access and parking

The proposal generally maintains the existing parking arrangements and is considered by officers to provide adequate levels of onsite parking. The highways officer has registered a degree of concern regarding the layout of the spaces at the northern end of the site, but concedes that this is a small detail which does not warrant refusal of the application on highways grounds. The highways officer is not objecting to the proposal and the parking provision, access and impact on highways infrastructure are considered acceptable.

Drainage

The site is considered to provide adequate land to site proportionate soakaways and the full specification of the soakaways can be reasonably secured through the imposition of a planning condition. Foul water will be dealt with through the existing sewer connection.

Ecology

The submitted ecological survey indicates that the demolition of the existing building will not prejudice the welfare of any protected species or wildlife. Ecological enhancements can be secured through adherence to the recommendations outlined in the submitted ecological report and this is secured through planning condition.

Planning obligations

The scheme attracts the payments requested by the education authority as listed in the consultees section. As the scheme is for only five units, the proposal avoids the need for a financial obligation towards affordable housing.

Other matters

The potential loss of other hotels within the village would require planning applications which would be considered on their own individual merits. Privacy screens are integral to the buildings and a condition will require their construction prior to occupation of any of the units. Any existing covenants on the land relate not to planning but to civil law.

With regard to land instability, this is a brownfield site with an existing large building and there is no specific constraint identified on the land with regard to its structural integrity. In any case, the NPPF makes it clear that '*Where a site is affected by contamination or land stability issues, responsibility for securing a safe development rests with the developer and/or landowner.*'

Conclusion

For the reasons outlined above this application is considered acceptable and broadly 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 Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Planning Policy

South Hams LDF Core Strategy

CS1 Location of Development
CS7 Design
CS9 Landscape and Historic Environment
CS12 Tourism

Development Policies DPD

DP1 High Quality Design
DP2 Landscape Character
DP3 Residential Amenity
DP5 Conservation and Wildlife
DP6 Historic Environment
DP7 Transport, Access & Parking
DP12: Tourism and Leisure
DP14: Protection of Employment Land

South Hams Local Plan

SHDC 1 Development Boundaries

Considerations under Human Rights Act 1998 and Equalities Act 2010

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

Planning 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).

2. The development hereby permitted shall be carried out in accordance with the approved plans and documents to be listed on the decision notice.

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. Prior to installation, full details of all new joinery shall have been first submitted to and approved in writing by the Local Planning Authority. Such details shall be at full or half scale and shall include cross-sections, profiles, reveal, surrounds, materials, finish and colour in respect of new

windows, doors and other panels. The work shall thereafter be carried out in accordance with the approved details and shall thereafter be permanently retained in that form unless otherwise agreed in writing with the Local Planning Authority.

Reason: In the interests of the appearance of the development and the surrounding area.

4. The roofs of the buildings shall be clad in natural slates, fixed in the traditional manner with nails rather than slate hooks. Hips shall be finished with a close mitre or narrow cement fillet rather than hip tiles. Prior to installation, a full roofing specification including the types and sizes of natural slates to be used, together with the type, colour and the profile of the ridge tiles, shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that the development displays good design practice and to allow the Local Planning Authority to assess the details of the scheme to ensure that their character is maintained.

5. Prior to installation, details of the colour and finish of the timber cladding, including a sample, shall have been first submitted to and agreed in writing with the Local Planning Authority.

Reason: To ensure that the development displays good design practice and to allow the Local Planning Authority to assess the details of the scheme to ensure that their character is maintained.

6. All areas of new stone walls shall be constructed of natural random stone laid traditionally on its quarry bedding and pointed in a mortar finish recessed from the outer face of the walls. A sample panel or not less than two square metres shall be provided for inspection and written agreement by the Local Planning Authority prior to the construction of any of the new walls.

Reason: To enable the Local Planning Authority to consider the details of all stonework to be constructed as part of the development hereby permitted in order to ensure that the development displays good design

7. Prior to installation, constructional details at a scale of 1:20 of all eaves and verges shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that the development displays good design practice and to allow the Local Planning Authority

8. Prior to installation, full details of all ducts, flues, rainwater goods, vents and other external attachments shall have been first submitted to and approved in writing by the Local Planning Authority. The work shall thereafter be carried out in accordance with the approved details and shall thereafter be retained in that form unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of the appearance of the development and the surrounding area.

9. Notwithstanding the submitted details, the development hereby permitted shall not be commenced until:

Percolation testing in accordance with BRE digest 365 will be required to support the use of soakaways. The report should include the trial logs and calculate the infiltration rate. SuDS to be designed for a 1:100 year event plus 30% for climate change.

If the Local Planning Authority concludes that the method of drainage approved as part of this permission is undermined by the results of the percolation tests, a mitigating drainage alternative shall be agreed with the Local Planning Authority. The drainage scheme shall be installed in

strict accordance with the approved plans, maintained and retained in accordance with the agreed details for the life of the development.

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

10. No development shall take place until there has been submitted to and approved by the Local Planning Authority a scheme of landscaping, which shall include indications of all existing trees and hedgerows on the site and details of any to be retained, together with measures for their protection in the course of development, details of areas of hardstanding and all means of enclosure

All planting, seeding, turfing or hardsurfacing comprised in the approved landscaping scheme shall be carried out by the end of the first planting and seeding seasons following the occupation of the buildings or completion of the development, whichever is the sooner. Any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species unless the Local Planning Authority gives written consent to any variation. The landscaping scheme shall be strictly adhered to during the course of the development and thereafter.

Reason: To ensure the provision of an appropriate landscaping scheme in the interests of the visual amenities of the locality and to assimilate the development into its surroundings

11. Prior to the commencement of the development hereby authorised details of any external lighting (including security lighting) to be erected, placed or operated on the site shall be submitted to and approved in writing by the Local Planning Authority. The work shall thereafter be carried out in accordance with the approved details and under no circumstances shall it cause light pollution nor shall external illumination be operated on the site other than in accordance with the approved scheme.

Reason: In the interests of the amenities of the occupiers of neighbouring residential properties.

12. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re enacting this Order) the second floor porthole windows hereby approved on the approved drawings shall be glazed in obscure glass, be fixed closed, and thereafter so maintained.

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

13. Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 2015 (or any Order revoking and re-enacting this Order), prior to the occupation of any of the units hereby permitted, the privacy screening shall be erected in accordance with the positions and heights as shown on the approved drawing and subsequently maintained in those fixed positions and heights. It shall not be demolished/removed, lowered or raised in height, in whole or in part, without the prior written approval of the local planning authority

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

14. The hardstanding parking area as shown on the approved plan hereby permitted shall remain available in perpetuity for the parking of motor vehicles in association with the use of the dwelling.

Reason: To ensure that the off-street parking facilities remain available in the interests of highway safety.

15. Notwithstanding the details set out on the submitted drawings, the development hereby permitted shall be carried out in accordance with the comments and recommendation set out in the Bat Survey

Reason: To safeguard the welfare of a protected species of wildlife, in the interests of the amenity of the area and the Conservation (Natural Habitats) Regulations 1994 and the 1981 Wildlife and Country Act (as amended)

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

- (a) Part 1, Class A (extensions and alterations)
- (d) Part 1, Class E (a) swimming pools and buildings incidental to the enjoyment of the dwellinghouse
- (c) Part 1, Class F (hardsurfaces))
- (d) Part 2, Class A (means of enclosure) and;

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

17. No development hereby permitted shall be commenced until a Construction Management Plan (CMP) has been submitted to and approved in writing by the Local Planning Authority. The CMP shall include details of:

- (a) the timetable of the works;
- (b) daily hours of construction;
- (c) confirmation (by means of a site location plan) of the route(s) to and from the site to be used by delivery and construction traffic exceeding 7.5 tonnes
- (d) any road closure;
- (e) hours during which delivery and construction traffic will travel to and from the site, with such vehicular movements being restricted to between 8:00am and 6:00pm Mondays to Fridays inc.;
- (f) the number and sizes of vehicles visiting the site in connection with the development and the frequency of their visits;
- (g) the compound/location where all building materials, finished or unfinished products, parts, crates, packing materials and waste will be stored during the demolition and construction phases;
- (h) areas on-site where delivery vehicles and construction traffic will load or unload building materials, finished or unfinished products, parts, crates, packing materials and waste with confirmation that no construction traffic or delivery vehicles will park on the County highway for loading or unloading purposes, unless prior written agreement has been given by the Local Planning Authority;
- (i) hours during which no construction traffic will be present at the site;
- (j) the means of enclosure of the site during construction works;
- (k) details of wheel washing facilities and obligations;
- (l) photographic evidence of the condition of adjacent public highway prior to commencement of any work; and
- (m) site management arrangements, including the site office and developer contact number in the event of any construction/demolition related problems, and site security information.

This CMP shall be strictly adhered to during the construction of the development hereby permitted, unless variation is approved in writing by the Local Planning Authority.

Reason: In the interests of residential amenity, public convenience and highway safety and preventing inconvenient obstruction and delays to service vehicles and to emergency vehicles.

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

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

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

PLANNING APPLICATION REPORT

Case Officer: Sara de Barros

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

Application No: 161933 1879/16/HHO

Agent/Applicant:

Mr Robert Burford
Sunny Slope
Bicton Villas
Exmouth
Devon
EX8 1JW

Applicant:

Mr Michael Clarke
Knowlecroft
Knowle Village
Budleigh Salterton
EX9 6AP

Site Address: Kynance, Higher Broad Park, Dartmouth, Devon, TQ6 9HA

Development: Householder application for proposed extension to ground floor, remodelling and raising of roof height

Reason item is being put before Committee **Reason item is being put before Committee**
Councillor Bastone has requested the item is brought before the committee for the following reasons:

1. *Loss of light to Sunderlands Loft*
2. *Overdevelopment*
3. *Massing*
4. *Unneighbourly*



Recommendation:

Conditional approval

Conditions (see end of report for full wording)

Time Limit

Accordance to plans

Materials to match existing

Remove PD

Contaminated land

Obscure Glazing

Key issues for consideration:

The main issues with this application relate to the principle of development and whether or not the erection of the development would have a significant detrimental impact upon the site and neighbouring amenities

Site Description:

The application site comprises a modest detached bungalow which has small lower ground floor area at the rear, set on a hillside location within the Dartmouth Development Boundary and the South Devon Area of Outstanding Natural Beauty.

The lower ground floor area gives the impression of a 2 storey building when viewed from the rear, from the road it appears as a modest bungalow. There is a terrace over the lower ground floor element.

The properties in the immediate locality are of varied styles and comprise of a mix of two storey, three storey and a few single storey properties. The immediate adjacent properties are of two storey dwellings

Due to the sloping gradient of the land the site is visible from public viewpoints.

The application site includes a garage on Lower Broad Park with parking and off road parking on Higher Broad Park.

The Proposal:

The proposed development incorporates the raising of the existing roof to the existing dwelling to provide accommodation within the roofspace. The increase in height is 2.2m and the roofline will be similar to that of other development along Higher Broad Park.

The new roof will include a glazed gable incorporating a first floor balcony in the rear and rear facing dormer window. A small decking area will be added at the rear that will be level with the dining/living area, this will then step down to a larger terrace in the position of the original

The clients carried out a pre-application consultation prior to the submission of this application; during the course of this application the application has been amended to include a hip on the south west side of the roof ridge to reduce the impact on the neighbour.

Consultations:

- County Highways Authority – standing advice applies
- Environmental Health Section - recommend uncontaminated land condition.
- Dartmouth Town Council - Recommend refusal on the grounds of overdevelopment, loss of light, loss of amenity and unneighbourly. It was suggested that if the bulk of the roof was reduced by

employing at either end of the building full hiping, this may go some way to lessen the impact of the proposed development.

Representations:

Objections from 5 local residents have been received. The reasons for the objections include the following:

- Overbearing and dominant to neighbours
- Conflicts with the original design principles of the surrounding area
- Not good design
- Loss of light
- Increase in parking and creation of congestion
- Not in keeping and resulting in a tall building
- Addition of first floor will have a significant effect
- Overlooking
- Out of character with the area
- Loss of view
- Will create 2 dwellings

Relevant Planning History

15/1193/01/F -Alterations and extension to dwelling –Conditional approval

1480/16/PRH - Pre-application - HOUSEHOLDER - to include extension to ground floor, remodelling and raising of roof height

ANALYSIS

Principle of Development/Sustainability:

The principal of residential development within a Development Boundary is acceptable.

Design

It is considered that the design, scale and proposed materials would not have a detrimental impact upon the AONB or character of the area. The increase in ridge height of 2.2m is duly noted to be a significant increase in height, however it will respect the rooflines of residential properties within the immediate area. The resulting roofline of the proposed development would sit slightly below that of the adjacent property known as Steepside and approx 10cm above Sutherlands Loft which would appear as a minimal difference in height.

Several properties in the area host varied style of extensions.

The scale and proportions of the development overall are considered acceptable, the development would not compromise useable amenity space. The design is acceptable, its scale appears moderate in size relative to the area and in context would appear to sit comfortably within the site and street scene

Landscape

Due to the siting of the proposed development, the extension would be visible from public areas. However the site is viewed in the context of the built up area of this part of Dartmouth and as such there would be no significant impact on the landscape character and quality of this part of the AONB.

Neighbour Amenity:

Concern has been raised about potential loss of light to the neighbouring property, Sutherlands Loft which is located to the south west of the application site. This property has a single storey side extension with roof lights and a side facing window to a stairway that faces the application site. Having regard to the orientation of the affected windows of Sutherlands Loft, the distance between the properties and the hip that has been added into the roof ridge, it is considered that the any loss of light will not be significant.

Concerns have also been raised regarding overlooking. The rear elevation includes a glazed gable which, at first floor level opens onto an inset balcony. It is proposed to have glazing in the north east side of the gable balcony; to prevent overlooking to the neighbour it is proposed that a condition be applied requiring the glazing to be obscure. Views from the balcony will be restricted to the south east, across the road, Broad Park. Existing screening and the distance between properties will prevent any significant overlooking from the rear facing windows and balcony to the property located to the south east.

Two velux windows are proposed in the south west roof slope facing Sutherlands Loft, it is proposed that these be obscure glazed to prevent overlooking unless they are high level (sited a minimum of 1.7m above finished floor level).

Objections have also been raised on the ground that the extended dwelling will have an overbearing impact on neighbours. While the dwelling will be significantly larger the footprint is not changing significantly. The increase in scale comes from the added height and bulk of the roof. The roof ridge will be slightly lower than that of the neighbouring property known as Steepside and approx 10cm higher than the neighbour, Sutherlands Loft.

The relationship between the extended dwelling and its neighbours will be typical of many such relationships within urban areas and Officers do not consider the extended dwelling would be unduly overbearing.

The impact of the proposed development upon neighbour amenity has been fully assessed and it is considered that the proposed development is not considered to have a dominant effect upon the immediate area or result in a significant loss of light or loss of privacy currently enjoyed by neighbouring properties.

A condition is to be imposed to ensure no further windows are installed to the first floor to protect the privacy and amenities of neighbouring properties.

The application is considered to be compliant with Development Plan Policy DP3 which states that 'Development will be permitted provided it does not have an unacceptable impact on the living conditions of occupiers of nearby properties'.

Highways/Access:

Concerns have been raised about lack of parking causing highway congestion; it has been stated that the intention is to subdivide/rent out part of this property giving rise to additional demand for parking. The application as proposed is for extensions to a single dwelling house and floor plans do not indicate that the property could be used by more than one household. The application should be assessed on its merits as proposed.

There are 2 off street parking spaces at present which will be retained; the property will increase from a 2 bed to a 3 bed dwelling. Two parking spaces are adequate for this size of dwelling within a town.

Others

Objections have been raised regarding loss of a view; this is not a material planning consideration

Conclusion:

The proposed development is considered to present an attractive design, without resulting in a detrimental impact on the surrounding landscape or the character of the area

It is acknowledged that the proposal would have a degree of impact upon neighbours, but this is not considered to be unacceptable.

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

5. Any roof lights with a cill height below 1.7m above finished floor level within the south west facing roof slope and the glazing with the north east facing side of the first floor gable extension shall be obscure glazed and fixed shut unless otherwise agreed in writing by the Local Planning Authority. The glazing shall be retained as such in perpetuity.

Reason: In the interests of the amenity of neighbours.

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

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

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

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

Planning Policy

Development Policies DPD

DP1 High Quality Design
DP2 Landscape Character
DP3 Residential Amenity
DP7 Transport, Access & Parking

South Hams Local Plan

SHDC 1 Development Boundaries

South Hams LDF Core Strategy

CS1 Location of Development
CS7 Design
CS9 Landscape and Historic Environment

National Planning Policy Framework

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: Lucy Hall

Parish: Dittisham **Ward:** West Dart

Application No: 0268/16/HHO

Agent/Applicant:

Mr Jonathan Heighway
34 West Street
Marlow
Buckinghamshire
SL7 2NB

Applicant:

Mr Peter Coxon
Quay House
Manor Street
Dittisham
TG6 0EX

Site Address: Water Edge, Lower Street, Dittisham, Devon, TQ6 0HY

Development: Householder application for replacement Boathouse.

Reason item is being put before Committee *At the request of Cllr Tucker who considers that the proposed development will be an intrusion into AONB.*



Recommendation: Conditional Approval

Conditions

1. Standard three year time limit for commencement
2. Development to be carried out in accordance with approved plans
3. Construction Environmental Management Plan
4. Details regarding light spill
5. Details of proposed slip way
6. Ancillary use
7. Proposal to adhere with recommendations set out within ecology report
8. Landscaping recommended in ecology report to be adhered to
9. Restriction on creation of additional floor space
10. Details of materials to be submitted
11. Removal of PD rights for Class E

Site Description:

The application site is situated off Lower Street on the north western side of the village of Dittisham and the southern edge of Dittisham Mill Creek. The dwelling house sits at the southern end of an elongated rectangular plot with the existing boathouse situated close to the water's edge at the bottom (northern edge) of the garden. The present arrangement consists of a relatively low key open fronted timber boathouse with a flat roof, set back slightly from the waters edge.

The site of the boathouse is outside of the development boundary and within the countryside (with the rear elevation of the dwelling forming the boundary). The site is also within the South Devon Area of Outstanding Natural Beauty.

The Proposal:

The application seeks planning consent to replace the existing boathouse which is a fairly low key open ended timber building with a felt roof. Its footprint measures approximately 23 square metres.

The replacement building would take the form of a rectangular block clad in horizontal timber boards set under a timber roof. The lower ground floor would be open with provision for the storage of boats with studio accommodation above, comprising living room with kitchen facilities, shower and toilet facilities. The internal footprint of this space is approximately 33 square metres.

A series of openings are proposed including, two central roof lights (providing light into the river room below), entrance door and windows on the south elevation (facing the main dwelling), full height glazing to the apex serving the studio on the south elevation and a series of smaller openings on the east and west elevations.

The height of the building is staggered with a maximum height of 4.5 metres to the eaves and 7 metres to the ridge when measured from the foreshore and from within the garden 2 metres to the eaves and 4.8 metres to the ridge. It would have a maximum width of 5.3 metres and length of 8 metres, excluding the log store proposed to the rear which extends the footprint by an additional metre, and projecting balcony to the front which adds approximately 0.5 metres to the overall length.

The building would feature a boat store and ancillary accommodation above with a living area, kitchen, toilet and shower facilities.

The southern elevation of the boathouse would be around 45 square metres from the rear elevation of the main dwelling house.

This proposal constitutes a revised scheme with the original submission for a building extending to a maximum height of 9 metres, measured from the foreshore. The original proposal also include a larger footprint (additional 0.6 metres to the length and width) with boat store under and two levels of accommodation above comprising lounge, gallery kitchen and bathroom with master bedroom above. The total internal footprint of the accommodation was around 58 square metres.

Consultations:

Dittisham Parish Council Objection

- Note height has reduced but footprint remains the same
- Proposal is akin to a new dwelling not replacement boathouse
- Dominant and negative effect on the character of the landscape
- Approval would set undesirable precedent
- Approval would be contrary to policy

Landscape No objection 'no significant harm to the AONB'

AONB Estuaries No objection subject to conditions

- Construction Environmental Management Plan
- Details of how light spill from the property will be minimised
- Details of materials for proposed new slipway

Dartmouth & Kingswear Society Objection

- proposal is for a new dwelling
- Unacceptable development within this sensitive location with harm to the AONB

Environment Agency No objection, informatives recommended

Ecology – initial concerns about light spillage from proposed studio accommodation removed following submission of ecology survey.

Representations:

Letters of raising an objection to the proposal have been received: -

- Proposal is tantamount to a new dwelling and not replacement boat house
- Approval would set an undesirable precedent
- Proposal would cause unacceptable harm within a beautiful, sensitive & unspoilt area.
- Constitute pronounced 'blot' on the landscape.
- Light pollution with potential harm to bird habitats.
- Balcony is unacceptable
- Revised have not addressed concerns raised previously
- Increased traffic from second dwelling
- Substantially larger compared with the existing boathouse
- Balcony would cause harm to amenity (give impression that adjacent beach is private)
- Unsympathetic to conservation area

One letter of support for the proposal has been received: -

- Sensitive design with appropriate materials, boathouse will blend into the landscape
- Welcome reduction to ridge height
- Add to quality of existing boathouses within the area

Applicant's response to objections raised: -

- Both ridge height and overall area and volume have been reduced
- Balcony is not a new proposed feature and was included in original plans
- Current scheme is not opened ended but has one open side for easy access of boats
- Overall increase is not three times the size as suggested
- Proposed design attempts to mirror many aspects of the adjacent boat house
- Number of existing boathouses within the area

Relevant Planning History

18/2328/89/3, Erection of pitched roof, Waters Edge, Conditional Approval

18/2225/89/6, Conservation Area Consent for alterations, Waters Edge, Conditional Approval

18/2226/89/3, Minor alterations to approval 9/18/0605/89/3 in respect of swimming pool changing accommodation, Waters Edge, Conditional Approval

18/1929/88/3, Indoor swimming pool, sauna and changing room, Waters Edge, Refusal

18/0903/74/2, Erection of boatshed and slipway adjoining existing dock handling and storing boats, Water Edge, Conditional Approval

18/1578/03/F, Amendment to approved plans for alterations to the dwelling and workshop and erection of boathouse (relocation of dormers and rooflight to north elevation), Herongate, Lower Street, Dittisham, Conditional Approval

ANALYSIS

Principle of Development/Sustainability

The application site lies outside of the village development boundary and within the open countryside, although located at the bottom of a residential garden officers would argue that it is well related to the existing dwelling. The southern elevation of the proposed boathouse is around 45 metres from the rear elevation of the dwelling house and the approximate location of the edge of the Development Boundary. Although the Council's policies aim to restrict development within the countryside, as stated within Policy DP17 residential extensions are permitted providing they are subordinate in scale to the original dwelling. The principle of development is therefore acceptable although in considering this proposal careful regard must be afforded to a range of considerations including the appropriateness of the overall scale and design of the building, its impact on the wider landscape which lies within the South Devon Area of Outstanding Natural Beauty, ecology, impact on the amenity of neighbouring occupants and the Conservation Area.

Design

Overall officers consider that the proposed construction is architecturally pleasing. The building is simple in its form and the proposed timber cladding is felt to be an appropriate and robust material which is recessive in appearance and will weather over time. The ridge height of the original proposal was around one metre higher than that which is currently

proposed. Officers felt that this resulted in a building of awkward proportions and appeared top heavy. It could be argued that a reduction in scale or removal of the balcony and further solidity within the ground floor element of the north elevation would have benefited the overall design. However, after careful deliberation it was felt that on balance the harm created by these elements and in particular the balcony was so significant that a recommendation of refusal could be justified.

The proposal includes ancillary accommodation. With the original proposal this was arranged over two levels with master bedroom, kitchen, living area and bathroom. The total internal footprint created was around 58 square metres. Officers were concerned that this arrangement was tantamount to a new dwelling. It could easily be occupied without any reliance on the main dwelling. In response to officer concerns the scale of building has been reduced. Excluding the balcony the internal footprint created is around 33 square metres and includes a living area (river room) and bathroom. The building would be situated within a residential garden and therefore the principle of ancillary accommodation is acceptable. On balance officers are satisfied that these revisions have gone far enough to satisfy planning officers that the use ancillary. The building includes a roof void which arguably could include additional floor space. Officers feel that the dual pitch roof is an important part of the design, which would be compromised with a flat roof. A planning condition is however recommendation to restrict additional floor space being created within the building (without the benefit of planning consent having been first obtained).

The scale of the building is comparable with the neighbouring boathouse at Herongate situated to the west of the site. As illustrated on drawing number 1418/09 Rev C, the footprint occupied by the proposed construction is similar and although the building would be around one metre higher than the building it replaces it would be lower than that of its neighbour. Within its context, the overall scale of the building is considered to be acceptable. The building would be partially set into the sloping shore line with the boat store located at lower ground floor dug into the bank. This will help to reduce its visual impact. The building would be situated at the northern end of a generous garden plot and could in no way be considered as an overdevelopment of the plot.

Conservation

Officers are satisfied that the proposed development would preserve the historic environment. For the reasons previously discussed the building is considered to be a well-designed proportioned structure and within its context would be seen against a backdrop of modern development.

Landscape

The site is located within the South Devon Area of Outstanding Natural Beauty. Paragraph 115 of the National Planning Policy Framework states that great weight should be afforded to conserving the landscape and scenic beauty within AONBs which are considered to have the highest status of protection (in addition to National Parks and the Broads). The proposal has been assessed against the policies outlined within Section 5.1.1 of the South Devon Area of Outstanding Natural Beauty Management Plan 2014 – 2019 and planning officers, in consultation with landscape specialists are satisfied that the development would have a neutral impact on the Area of Outstanding Natural Beauty. The building would occupy an edge of settlement location on the banks of the Mill Creek. Although the building would occupy a shoreline position, from distance views looking south towards the site, it would be seen within an established context buildings within the area and in particular against a backdrop of residential development of varying scales and designs. In this context officers are satisfied that it would not appear out of place. The building would be read with the

adjacent boat house at Herongate. Although this boathouse is set back further, the proposal, for reasons previously discussed conforms to the overall scale and simple rectangular form of the neighbouring building and does not unacceptably harm the visual or other amenity qualities of the area.

The Council's AONB estuaries officer has not raised any objections and welcomes the steps taken to reduce the scale of the proposed building. Further details are sought on the demolition of the existing and the construction of the replacement building, management of light spill, proposed waste water treatment & how bacterial loading on the waters used for wet recreational sports will be minimised in addition to the appearance of the new slipway. Conditions are recommended to address these issues.

Ecology

The application has been accompanied by a preliminary ecology appraisal. Overall it was considered that providing the recommendations are adhered to the proposal is unlikely to kill, injure or disturb protected species and there are no significant wildlife issues associated.

Bats

1. No evidence of the presence of bats were found in existing boathouse. Proposed demolition unlikely to cause disturbance to bats.
2. Bat licence will not be required
3. Proposed building will not result in significant change to existing lighting regime and unlikely to affect commuting or foraging behaviour of greater horseshoe bats. Consider proposal will result in improved habitat structure for commuting bats.
4. New hedge planting along top of existing retaining wall recommended to provide cover and improve conditions for commuting bats.

Nesting Birds

1. No evidence of recent nesting but old swallow nest found in boathouse. Evidence of night time roosting (by unconfirmed species) and potential nesting habitat (for garden birds) noted below the boathouse.
2. Redevelopment of the site has potential to disturb nesting birds, recommendations include potentially disturbing activities to be carried out outside of nesting season, provision of new nest sites for swallows & hedge planting.

Reptiles and Amphibians

1. Proposed development is considered unlikely to have a long term impact on the distribution or abundance of local populations.
2. Limited area of potential slow worm habitat noted at northern end of boathouse.
3. Recommendations include careful clearance of favourable habitats.

Flood Risk

The submitted flood risk assessment confirms that the flood risk associated with the residential element of the development is limited. The Environment Agency has not raised any objection but requests that the LPA consider how the building would be exited in the event of a flood. The FRA provides details on the construction. With the exception of the balcony, the first floor element of the building is not considered to be situated within the flood zone. There is a door proposed on the south elevation which allows direct access onto the garden, which is also outside of the flood zone.

Neighbour Relationship

No concerns are envisaged with regards to neighbouring occupants.

Planning balance

There is no objection in principle with the replacement of the existing boathouse. Despite reservations regarding the balcony overall officers consider that the proposed building a well-proportioned and architecturally pleasing building which will sit comfortably within the site without dominating it or causing harm to the AONB. On balance officers are satisfied that the steps taken to reduce the scale of the building will ensure that its use remains ancillary.

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

Planning Policy

South Hams LDF Core Strategy

CS1 Location of Development

CS7 Design

CS9 Landscape and Historic Environment

CS10 Nature Conservation

Development Policies DPD

DP1 High Quality Design

DP2 Landscape Character

DP3 Residential Amenity

DP5 Conservation and Wildlife

DP6 Historic Environment

DP15 Development in the Countryside

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.

Planning Conditions and Informatives

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).

2.The development hereby approved shall in all respects accord strictly with drawing numbers 1418/09 Rev C received by the Local Planning Authority on 4th October 2016.

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 details submitted with the application, prior to the commencement of demolition works a Construction Method Statement shall be submitted to and approved in writing by the Local Planning Authority. Details shall include: the method of demolition and how debris will be removed from the site; how building materials will be brought to the site and

where they will be stored; works undertaken to protect the estuary from the impacts and how the proposed waste water treatment and the bacterial loading on the waters used for wet recreational sports will be minimised.

The work shall thereafter be carried out in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

Reason: To enable the Local Planning Authority to consider these details which were not submitted as part of this application.

4. Notwithstanding the information submitted, prior to the commencement of development details of how light spill from the property will be minimised should be submitted and approved in writing by the Local Planning Authority. The work shall thereafter be carried out in accordance with the approved details and retained in that form unless otherwise agreed in writing by the Local Planning Authority.

Reason: To enable the Local Planning Authority to consider details which could have an adverse impact on the surrounding area including ecology.

5. Prior to installation of the slipway hereby approved details of the external finishing materials to be used for this part of the development shall be submitted to and agreed in writing by the Local Planning Authority.

Reason: To assimilate the development into the landscape and to preserve the appearance and character of the area.

6. The unit of accommodation hereby permitted shall remain ancillary to the main dwelling and shall not be used for any business or commercial activity.

Reason: To safeguard the amenity and character of the surrounding area.

7. Notwithstanding the details set out on the submitted drawings, the development hereby permitted shall be carried out in accordance with the comments and recommendation set out in the Bat Survey dated 3rd October from Butler Ecology including the provision of new access for bats, guidance on timber treatment, precautions during building works and timing of operations. The approved accesses shall remain in place and the openings kept unobstructed thereafter.

Reason: To safeguard the welfare of a protected species of wildlife, in the interests of the amenity of the area and the Conservation (Natural Habitats) Regulations 1994 and the 1981 Wildlife and Country Act (as amended)

8. All planting, seeding, turfing or hardsurfacing comprised in the approved landscaping scheme as detailed within section 7.5 (Hedge Planting Specification) of the ecology report and shown on drawing number 1418/09 Rev C shall be carried out by the end of the first planting and seeding seasons following the occupation of the buildings or completion of the development, whichever is the sooner. Any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species unless the Local Planning Authority gives written consent to any variation. The landscaping scheme shall be strictly adhered to during the course of the development and thereafter.

Reason: To ensure the provision of an appropriate landscaping scheme in the interests of the visual amenities of the locality and to assimilate the development into its surroundings.

9.No additional floorspace shall be created within the building hereby permitted unless otherwise agreed in writing by the Local Planning Authority.

Reason: To restrict the intensity of use and ensure its use remains ancillary to the main dwelling.

10.Prior to installation a schedule of materials and finishes, and samples of the materials to be used in the construction of the external surfaces, including roofs, have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out only in accordance with the details so approved.

Reason: To enable the Local Planning Authority to consider the details of the materials.

11.Notwithstanding the provisions of Article 3 of The Town and Country Planning (General Permitted Development) (England) Order 2015 ((and any Order revoking and re-enacting this Order), no development of the types described in Part 1, Class E shall be undertaken without the express consent in writing of the Local Planning Authority other than those expressly authorised by this permission:-

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

Informatives

Any developer of the site should be aware that any development or works below Mean High Water Springs tidal height 4.9m (Above Chart Datum) or 2.28m (Above Ordnance Datum) is likely to require a Marine License from the Marine Management Organisation.

In view of the potential flood risks in this locality, we would advise that any developer of this site gives consideration to the use of flood resilient construction practices and materials in the design and build phase. Choice of materials and simple design modifications can make the development more resistant to flooding in the first place, or limit the damage and reduce rehabilitation time in the event of future inundation. Detailed information on flood proofing and mitigation can be found by referring to the CLG free publication 'Improving the Flood Performance of New Buildings'. Please see the link below:

http://www.planningportal.gov.uk/uploads/br/flood_performance.pdf

It would also be advisable for the applicant to prepare a flood plan which outlines how they will respond to a flood. Further advice on this can be found in the following link:

<https://www.gov.uk/prepare-for-a-flood>

We would also strongly recommend that the applicant registers with our flood warning service at: <https://www.gov.uk/sign-up-for-flood-warnings>

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PLANNING APPLICATION REPORT

Case Officer: Gemma Bristow

Parish: Totnes **Ward:** Totnes

Application No: 1623/16/FUL

Agent/Applicant:

Mr Rud Sawers
Rud Sawers Architects
1 Dartmouth Close
The Plains
Totnes
TQ13 7QU

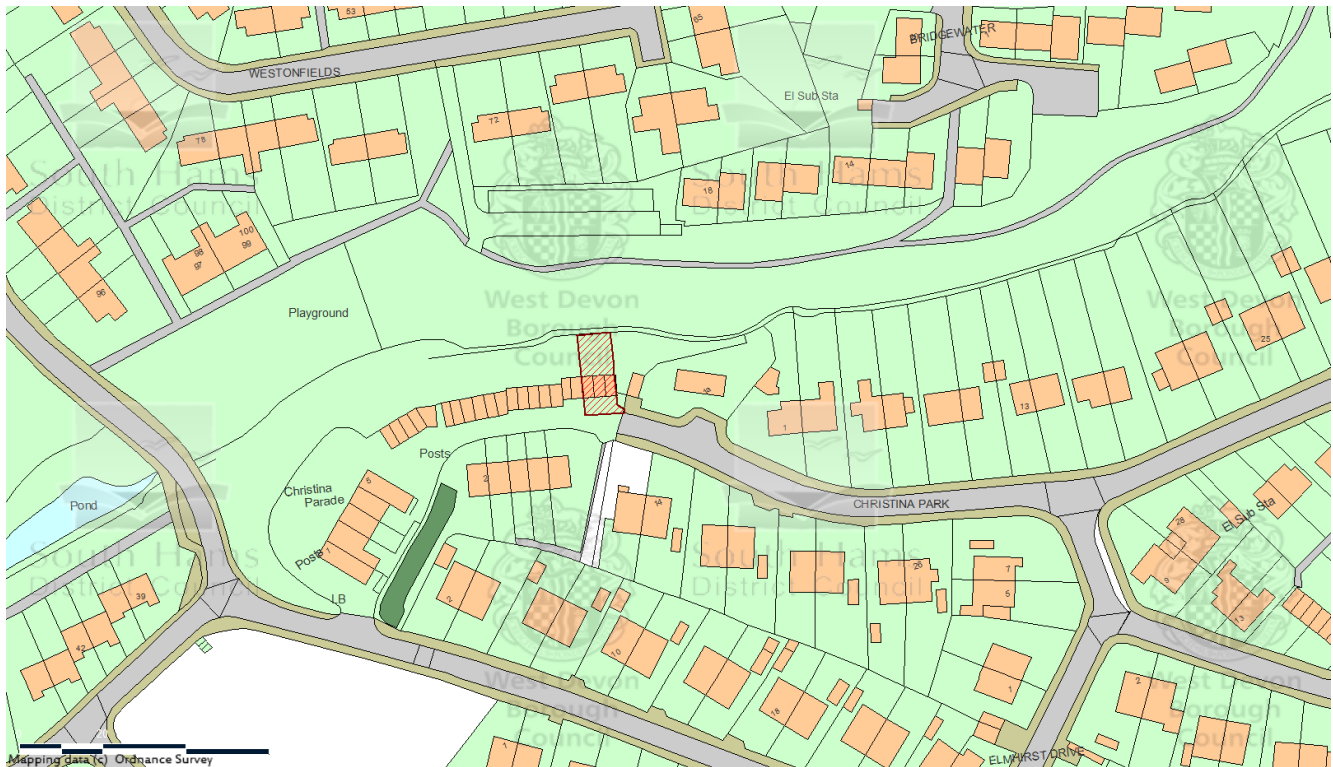
Applicant:

Ms Julie Cole
Oggy Oggy
30 Fore St
Totnes
TQ9 5RP

Site Address: Garages 1-3 adjacent to 1A Christina Park, Totnes

Development: Construction of a new three storey dwelling.

Reason item is being put before Committee: At the request of Cllr Birch in the light of planning concerns raised by the Town Council.



Recommendation: Conditional approval

Conditions

- Time limit
- Accordance with plan
- Land affected by contamination
- Surface water drainage in accordance with submitted details
- Details and samples of external materials
- All windows in east elevation to be obscure glazed
- No external lighting
- Details of tree planting along northern boundary of the site
- Remove PD rights

Key issues for consideration:

Principle, design, amenity, highways

Site Description:

Site comprises three adjoining single-storey garages and land to the rear, located at western end of Christina Park. To the east is no.1a Christina Park and adjoining further single-storey garaging to the west. Ground level falls to north of the site.

Within a critical drainage area and the land to the north is Bridgetown designated Green Corridor.

The Proposal:

Construction of a new three-storey four bedroom dwelling, comprising two bedrooms and en-suites at lower ground floor level, living accommodation at ground floor and two further bedrooms and bathrooms at first floor. Front elevation 5.4m high and 9.2m at the rear due to the drop in ground level and the pitched roof rising towards the rear of the proposed dwelling.

Materials: vertical stained larch timber cladding, aluminium windows, brick chimney flue, timber decking with brick retaining walls, seamed metal roof.

Amendments: Projecting raised ground floor terrace at the rear removed, and side windows facing over existing garaging removed.

Consultations:

- County Highways Authority – standing advice
- Environmental Health Section – Following additional information submitted, ES have requested a universal condition on contamination.
- Totnes Town Council – Address is incorrect and misleading, clarification of landownership needed, design not in keeping, subsidence concerns, impact on wildlife, tree felled in 2015, and safety of school children during building works. Generally considered a good site for development of smaller and in keeping housing.
- Specialist drainage – Revised drainage details acceptable.

Representations:

9 letters of objection on the grounds:

- Incorrect address
- Private road – so owners would need permission from 5 houses

- Owners felled a large oak tree in 2015 and have left site untidy
- Impact on badgers, setts illegally filled in.
- Design is out of keeping
- Subsidence
- Highways safety during building works
- Parking pressure
- Overdevelopment of the site
- Drainage capacity issues
- Impact on wildlife corridor
- Loss of privacy to 10 Christina Park
- Legal rights over the land in front of the garages is disputed

Relevant Planning History

None.

ANALYSIS

Principle of Development/Sustainability:

The principle of development on this site is considered acceptable as it falls within the development boundary Totnes, subject to the considerations below.

Design/Landscape:

The proposed building has a modern appearance with a reverse pitched roof, large windows and timber cladding which would introduce a new architectural style to the existing street scene. Christina Park is characterised by single-storey dormer bungalows that are predominantly rendered with tiled roofs. Nevertheless, it is noted that the adjoining property to the east no.1a Christina Park is a two-storey dwelling with a red brick ground floor, and there is a terrace of five two-storey dwellings facing the application site. Subject to a condition on samples of materials, the introduction of the new materials proposed to the streetscene are considered to add a positive diversity and visual interest, particularly given that they would replace poor quality garaging.

Given the fall in ground level the application site would be set at a lower level than the surrounding housing, and the reverse pitched roof would pull the bulk of the building away from the street frontage onto Christina Park. The height and bulk of the building is therefore considered to sit comfortably within the streetscene and in relation to the heights of the surrounding housing. It is acknowledged that due to the fall in land, and the reverse pitched roof, the rear of the building would effectively appear as three-storey which would be a significant change to the single-storey garaging. However, with the bulk at the rear of the site this would not impact on the streetscene of Christina Park.

The design was amended to remove windows within the west elevation facing over the existing garaging to enable further sites to be developed along this run without prejudicing the amenity of the proposed house.

Neighbour Amenity:

In terms of amenity, the principle neighbour is no.1 Christina Park located to the east of the site, however it should be noted that this property faces slightly away from the application site and is situated on higher ground. On the western boundary of no.1 Christina Park is a timber shed and at a higher level a single-storey garage which a blank side elevation facing the application site. In this context, the increased bulk of the proposal on the boundary with no.1 Christina Park is not considered to cause significant loss of amenity.

In terms of privacy, two windows are proposed in the east elevation facing no.1 Christina Park, and one of which would serve a utility room and is annotated as obscure glazed. The window in the rear part of the proposed house would provide secondary light/outlook to the living area, and while the levels indicate this window would have limited views towards the adjoining house, given its position close to the boundary it is considered necessary that this window is also conditioned to be obscure

glazed. The proposed house would introduce new elevated windows to the rear of the site, however given the separation from the houses on Westonfields this is not considered to result in significant loss of privacy. Equally, the new windows that would face over Christina Park are not considered to result in unacceptable loss of privacy given this cross street relationship and the oblique angles between the properties.

Highways/Access:

One parking space would be provided at the front of the property which given the constrained nature of the site is considered acceptable in this location within the settlement of Totnes. While it is acknowledged that the application would result in the loss of three garages, the benefit of providing an additional home within this accessible location is considered to outweigh the loss.

Ecology:

The ecology report submitted by the applicant states that the site has no evidence of protected species and due to the site being cleared prior to the submission of the application it is considered of low conservation/ecological value.

Nevertheless, it is noted that the lower part of the plot forms part of the continuous tree lined stream which is likely to be of key significance to commuting or foraging bats and so it is important that the integrity of this tree lined feature is maintained. While no further trees are proposed to be felled (due to the existing site clearance) it is recommended that a landscape condition is imposed to request that tree planting is introduced at the lower level of the site to provide some screening from the light spill of the proposed house. In addition, a further condition restricting any external lighting is also imposed to limit further light spill to the rear.

It is noted that the felling of the tree in 2015 is also outside the remit of this application, and not considered a breach of planning as this site is not subject to a TPO or within a conservation area.

Other Matters:

The site falls within a critical drainage area, however the drainage strategy has been revised in line with recommendations of the Council's specialist drainage engineers and an acceptable solution proposed.

The concerns raised regarding rights of access are a separate legal matter outside the remit of this application.

Conclusion

The principle of developing this brownfield site within the development boundary of Totnes is considered acceptable. While the design and materials are acknowledged to have a modern appearance that would introduce a new architectural style, this is considered to add to the visual interest of the streetscene. The bulk and mass of the proposal is also considered acceptable in the context of the surrounding housing and would not have a significant impact on the amenity of the adjoining neighbours. Ecological issues are considered acceptable subject to conditions.

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
DP3 Residential Amenity
DP4 Sustainable Construction
DP5 Conservation and Wildlife
DP6 Historic Environment
DP7 Transport, Access & Parking

South Hams Local Plan (please delete as necessary)

SHDC 1 Development Boundaries
TP 7 Environment in Totnes

Considerations under Human Rights Act 1998 and Equalities Act 2010

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

Conditions

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

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

2. The development hereby approved shall in all respects accord strictly with drawing numbers 207-P(--)-004(A), 207-P(--)-010(A), 207-P(--)-012(A), 207-P(--)-013(A), received by the Local Planning Authority on 1 July 2016, and drawing numbers 207-P(--)-001(B), 207-P(--)-002(B), 207-P(--)-003(A), 207-P(--)-005(B), 207-P(--)-006(A), 207-P(--)-007(A), 207-P(--)-008(B), 207-P(--)-009(B), received by the Local Planning Authority on 17 August 2016, and drawing number 207-SK(--)-001(A), received by the Local Planning Authority on 6 October 2016.

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

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

4. Prior to the commencement of development, the following components of a scheme to deal with the risks associated with contamination of the site shall be submitted to and approved, in writing, by the Local Planning Authority. That scheme shall include all of the following elements unless specifically excluded, in writing, by the Local Planning Authority.
 1. A preliminary risk assessment/desk study identifying:
 - All previous uses
 - Potential contaminants associated with those uses
 - A conceptual model of the site indicating sources, pathways and receptors

- Potentially unacceptable risks arising from contamination at the site
2. A site investigation scheme, based on (1) to provide information for an assessment of the risk to all receptors that may be affected, including those off site.

3. The site investigation results and the detailed risk assessment (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

4. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these agreed elements require the written consent of the Local Planning Authority. The scheme shall be implemented as approved.

Reason: The submitted contamination reports identifies potential sources of contamination and suggests an intrusive investigation is needed to determine any potential contamination linkages that may exist. The condition covers the full range of measures that may be needed depending on the level of risk at the site. If the LPA is satisfied with the information submitted with the application they can decide to delete any of elements 1 to 4 no longer required. The LPA may still decide to use the whole condition as this would allow them to declare the information no longer satisfactory and require more or better quality information if any problems are encountered in future.

5. The drainage scheme shall be installed in strict accordance with the approved plans and maintained and retained in accordance with the agreed details for the life of the development.

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

6. No external lighting shall be installed unless agreed in writing by the local planning authority.

Reason: to ensure the ecological corridor to the north of the site is not disturbed.

7. Details of boundary planting along the northern edge of the site shall be submitted and approved by the local planning authority. The scheme submitted shall be fully implemented in the planting season following the completion of the development and the plants shall be protected, maintained and replaced as necessary for a minimum period of five years following the date of the completion of the planting.

Reason: to help protect the ecological corridor to the north of the site from light spill from the new dwelling.

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

Reason: In the interests of visual amenity.

9. Prior to commencement of development, details of privacy screening to the first floor balcony shall be submitted to and approved by the local planning authority. Prior to occupation the screening shall be installed and maintained permanently unless agreed in writing by the local planning authority.

Reason: To protect the privacy of the adjoining neighbour

10. All windows within the east side elevation shall be obscure glazed and maintained as such permanently unless agreed in writing by the local planning authority.

Reason: To protect the privacy of the adjoining neighbour

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Agenda Item 6e

PLANNING APPLICATION REPORT

Case Officer: Gemma Bristow

Parish: Ugborough **Ward:** Erme Valley

Application No: 0039/16/FUL

Agent/Applicant:

Mr Graham Jones
3 The Crescent
Plymouth
PL1 3AB

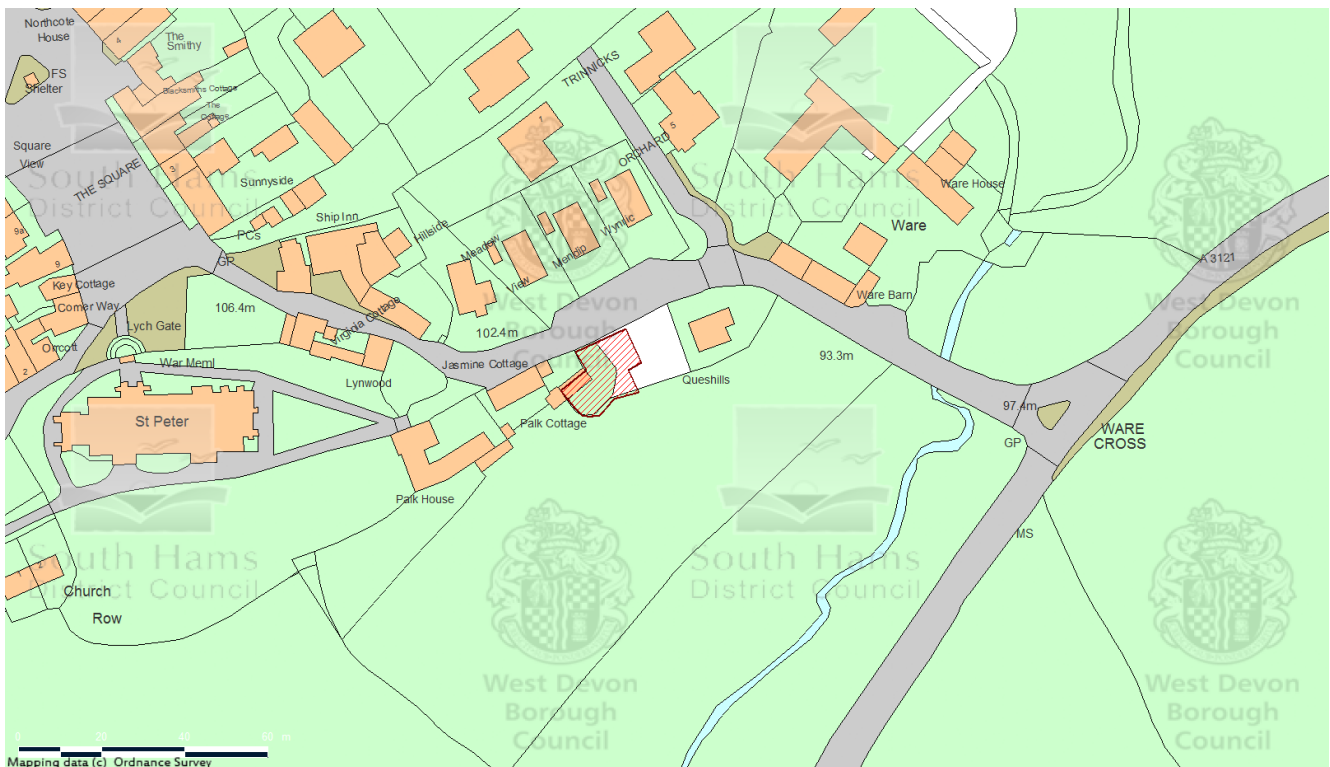
Applicant:

Mrs Unthank
Queshills
Ware Hill
Ugborough
PL21 0NZ

Site Address: Queshills, Ware Hill, Ugborough, Devon, PL21 0NZ

Development: Conversion of domestic garage with first floor storage into separate dwelling together with associated parking

Reason item is being put before Committee: Cllr Holway does not agree that it should be refused on highway safety grounds.



Recommendation:

Refusal

Reason for refusal:

The proposed development would result in danger to highway safety by an increase in the volume of traffic entering and leaving the Class C County Road through an access which does not provide adequate visibility from and of emerging vehicles, contrary to paragraph 32 of the National Planning Policy Framework and policy DP7 of the Development Management Policies Document.

Key issues for consideration:

Principle, design, amenity, parking and access

Site Description:

Barn located on the south side of the road leading into Ugborough from the A3121. Barn located to the west of the dwelling house to which it currently relates and on the southern edge of the Development Boundary of the village of Ugborough. Located on the edge of the Ugborough Conservation Area.

The Proposal:

Conversion of domestic garage with first floor storage into separate dwelling together with associated parking. Conversion would involve insertion of windows/doors to north-east elevation.

Parking created for two vehicles assorted with the proposed dwelling and a further two spaces associated with Queshills main dwelling. Widening of existing access to 4.2m wide.

Consultations:

- County Highways Authority - The proposals include a new dwelling within the existing curtilage of Queshills with associated parking. It is noted the existing access, which will form the vehicle access for both the existing and proposed dwelling is substandard in terms of the available visibility splay at the access. Having driven past the site it is estimated vehicle speeds are in the region of 15 - 20mph. Currently the visibility at the access is restricted by a 1.5m wall to the east of the existing access and a third party 1.5m high wall to the west. As the proposals will be likely to double the existing traffic using the access from around six movements to 12 daily the proposals will be likely to further endanger existing road users. It may be possible to relocate the access to the east slightly and provide a visibility splay to the following dimensions - 20m 'y' distance (to the nearside of the road) x 2.4m 'x' distance x 20m 'y' distance (to the nearside of the road) x 750mm height. If this is possible the application should be dealt with as a standing advice application by the Planning Officer, however if this is not possible the Highway Authority would wish to pursue an objection on road safety grounds.
- Town/Parish Council – support provided to be used ancillary to main house

Representations:

2 letters of objection received on the grounds:

- The site notice was not displayed in the logical location close to the application site
- Park Cottage was restricted from inserting rooflights in the side extension to this property in 2015
- Roof extension is out of keeping and on a prominent roof slope
- Loss of the garage will lead to further parking problems
- The building should remain ancillary to the main dwelling
- The building is very close to Park Cottage so request no services or outlets within the north or west facing elevations.
- Loss of the boundary wall within the conservation area

Relevant Planning History

57/0471/06/F Conversion of garage/store to dwelling unit - Withdrawn June 06

ANALYSIS

Principle of Development/Sustainability:

The existing barn is within the development boundary of Ugborough so the principle of development is considered acceptable in line with policy CS1, subject to the considerations below. In addition, given the Government agenda to allow the conversion of disused buildings to dwellings the principle of the conversion of the barn in question is accepted. It is noted that the Parish have requested that the building would be ancillary to the main dwelling Quehills, however as the proposal as all the facilities necessary for independent living, is of a sufficient size and is physically divisible from the main house it could not be considered ancillary.

Design/Landscape:

The proposed conversion of the building would not involve alterations to the south-west and north-west elevations that face directly onto the adjoining property of Park Cottage. The existing rooflights within the south-east elevation would be replaced by conservation rooflights and a further ground floor window is proposed, and further windows and doors are proposed within the north-east elevation that would face over the proposed parking area. These alterations are considered acceptable in terms of design and would preserve the character and appearance of the conservation area. It is noted that the dormer roof extension initially proposed within the south-east roofslope has been removed from the proposal.

The existing access has been widened to increase the visibility splay which would result in the loss of a small section of the historic boundary wall. While this boundary wall forms an important part of the character of the conservation area on entering Ugborough, it is considered that subject to reconstructing the entrance pillars this small amendment to it is not considered to cause significant harm that would warrant a refusal.

Neighbour Amenity:

The barn is acknowledged to have a very close relationship the adjoining dwelling of Park Cottage. However, with no windows proposed in either elevation facing this property it is not considered to result in significant loss of privacy or noise disturbance.

Highways/Access:

Devon County Highways has assessed the widened access arrangement and concluded that the increase in vehicular movements associated with the creation of the new dwelling and additional parking for Quehills would pose an unacceptable risk in terms of highway safety. While the applicant has indicated an assumed edge of carriageway by a dashed line on the plan, this is not accepted by the Highways Authority as it cannot be guaranteed vehicles will be parked along the nearside of the lane and if a lorry needed a pass a car that line would be encroached upon. Therefore, despite the proposed increased width of access, due to the height of the amended boundary wall it would severely limit the driver's visibility when existing the parking area. The driver would have to edge out into the carriageway before gaining sight of whether any vehicles were passing, in so posing a danger to all highway users. It should be noted that the access arrangements of the adjacent properties are set back from the carriageway and so do not incur the same issues with visibility. While officers acknowledge that there are likely to be other properties within Ugborough with historic poor visibility at accesses, this is not a reason to permit a further substandard arrangement that could result in a traffic accident.

Other matters

It was noted that the site notice was not displayed in the most logical position which may have resulted in neighbours missing the proposal. It is acknowledged that the notice was displayed adjacent to the main dwelling of Quehills which is located to the east of the barn, however given the

barn falls within the curtilage of Quehills and the absence of other suitable locations to attach the notice this is considered acceptable.

Conclusion:

There is no principle objection to the conversion of the historic barn to a new dwelling within the development boundary of Ugborough, and the proposed alterations are also considered acceptable and would preserve the character of the conservation. Nevertheless, due to the narrow existing access arrangements and the importance of the historic boundary wall to the conservation area, the possible visibility splays are still unacceptable and pose a danger to road users. While public benefit of the provision of an additional dwelling, and the preservation of this historic barn needs to be weighed against the highways objection, it is considered the risk to highway safety has to be given supremacy in the decision making. It is for this reason that the application is recommended refusal on highway safety grounds.

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

Planning Policy

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
DP3 Residential Amenity
DP4 Sustainable Construction
DP5 Conservation and Wildlife
DP6 Historic Environment
DP7 Transport, Access & Parking
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

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: Marldon **Ward:** Marldon

Application No: 0745/16/FUL

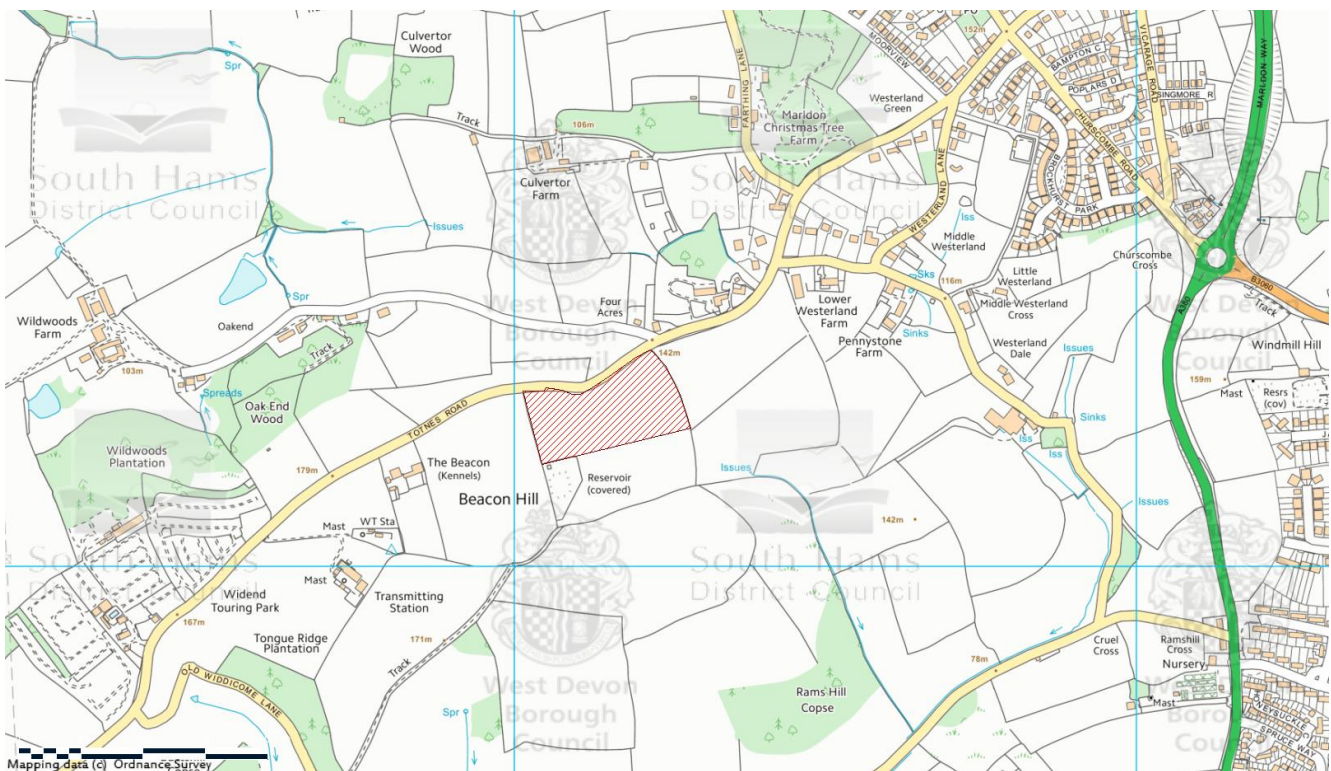
Agent/Applicant:

Mr L Snodgrass
19 Winsu Ave
Preston
Paignton
TQ3 1QG

Site Address: Land at Westerland, Totnes Road, Marldon, TQ3 1RU

Development: Retrospective change of use from Agricultural to Equestrian. Plot 1, Field subdivided with fencing & 2 stables on skids, for horses and two areas fenced for dog exercising & training use and new access provision.

Reason item is being put before Committee: At the request of Cllr Pennington on the grounds that the proposed access onto Totnes Road is unsafe for road users.



Recommendation:
Conditional approval

Conditions

1. In accordance with plans
2. Details of entrance gate to be submitted and approved within 4 months and implementation of new access within 4 months, unless otherwise agreed
3. Restriction on use of existing access
4. In accordance with ecology report
5. Maintain access to public footpath
6. No mud or rocks on highway

Key issues for consideration:
Principle, amenity, access

Site Description:

Land located to the south of Totnes Road, located to the west of the settlement of Marldon including an access track that runs perpendicular with the Totnes Road to the east of the application field. Site is currently accessed at the north eastern corner of the field.

The Proposal:

Change of use of agricultural land to equestrian, including field subdivided with fencing & two stables on skids, for horses and two areas fenced for dog exercising & training use. New access provided to east of the site at end of the access road that runs perpendicular with Totnes Road.

Consultations:

- County Highways Authority: The Highway Authority has had discussions with the applicant on site relating to potential alternative access arrangements. It was discussed any increase of the existing unclassified road with the C11 classified road would be inappropriate noting the lack of visibility to the north at the junction. It was suggested the applicant employs a highway design expert to design the a new access arrangement located to the south west of the existing junction as this was the only suitable point noting the levels etc safe access could be achieved.

It is noted the applicant cannot offer to stop up the existing vehicle access due to the fact it serves a third party. However, a planning condition could be imposed ensuring any equestrian or dog business associated traffic uses a new access if it can be proven to operate safely.

The applicant has now provided sufficient detail to demonstrate a large car and horse box trailer can safely enter and exit the site in the form of a topographical survey and auto track swept path analysis. Drainage is also shown for the access with a soakaway design that is at least 5m from the public highway. The Highway Authority is therefore content this level of detail is now sufficient to remove its previous concerns.

- Parish Council: objection on the grounds there is nowhere to park safely for those using the facility. Threat to public footpath. Not desirable to change from agriculture to equestrian.

Representations:

4 letters of objection on the grounds:

- Noise and disturbance from dog training and walking
- Safeguards should be put in place in the height of the hedge as the site is elevated
- Objection to the use of the track along Totnes Road for business, will incur maintenance costs from potential damage to boundary fencing.
- The new vehicle access will expose the surrounding land to further road noise
- Loss of historic section of hedgebank that contains protected species

- Request new entrance is gated to prevent walkers assuming it is the public footpath

Relevant Planning History

None.

ANALYSIS

Principle of Development/Sustainability:

The principle of changing this agricultural land to equestrian and dog training is considered acceptable as it is a compatible rural use that would provide a diversity to the rural community. It is also noted that the dog training facility would not be a suitable use within a settlement due to potential noise conflicts so this edge of settlement location is appropriate.

Design/Landscape:

In terms of the mobile field shelters these are modest in size and considered acceptable in appearance within this existing agricultural field, and appropriate for their intended equestrian use. It is acknowledged that there is quite a bit of fencing associated with dividing the equestrian and dog training uses, and from the necessity to retain the access along the public footpath that passes through the equestrian field, however all the fencing is low level and so has limited visibility. It is therefore not considered reasonable or necessary to impose a condition on the height of the surrounding boundary hedging.

The proposed new access would require the removal of a 7.5m section of established hedgebank which is unfortunate. Nevertheless, this opening has been designed to be the minimum necessary to allow towing vehicles to enter and exit safely, reducing the potential opening size from 11m wide. While the loss of any hedging will have some impact on the rural setting, the benefit of providing a safe access onto this road is considered to outweigh the harm. It is also noted that the ecology report submitted by the applicant states this section of hedge has low potential for dormice and no evidence of their presence was identified during the survey, in addition there was no evidence of breeding birds or badgers. With a condition that the removal of the hedge is carried out in line with the recommendations of the ecology report this is considered acceptable.

Neighbour Amenity:

In terms of the potential noise disturbance from the dog training facility it is noted that the nearest dwellings are Four Acres and Roots that are located on the opposite side of Totnes Road off a lane that runs down towards Wildwoods Farm. It is therefore considered that given the existing level of traffic noise generated by Totnes Road the potential increase in noise levels from the new facility would not be significant.

Highways/Access:

There has been extensive discussions with the Highways Authority to find an acceptable access solution to serve this site. The applicant employed highway consultants who proposed a new access to the east of the main facilities and the highways authority has confirmed this new access is now acceptable in terms of providing sufficient visibility sightlines onto Totnes Road.

Other Matters:

Access has been maintained through a number of gates to the public footpath that passes through the centre of the equestrian field. A condition is also imposed to ensure that this access is maintained at all times.

It has been noted that the public footpath that passes through the application site is poorly signposted and this has led to conflict with walkers using the track alongside Totnes Road and the animals kept in the adjoining field. There is concern that in the creation of a new entrance from Totnes Road this will be taken as the public footpath route, and so a condition is imposed to request details of a field gate to secure this entrance from unauthorised access. The applicant will need to demonstrate that

the gate allows sufficient space for towing vehicles to pull safely off the highway to not impede traffic movement.

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
DP3 Residential Amenity
DP4 Sustainable Construction
DP5 Conservation and Wildlife
DP6 Historic Environment
DP7 Transport, Access & Parking
DP15 Development in the Countryside

South Hams Local Plan (please delete as necessary)

SHDC 1 Development Boundaries

Considerations under Human Rights Act 1998 and Equalities Act 2010

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

Conditions

1. The development hereby approved shall in all respects accord strictly with drawing number 237/05 received by the Local Planning Authority on 06/05/16 and drawing number 1038-004 and Field Access received by the Local Planning Authority on 27/10/16.

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.

2. Within four months of this decision details of an entrance gate to the new access point shall be submitted and approved by the local planning authority and shall be implemented as per the approved details within four months, unless agreed in writing by the local planning authority.
Reason: to prevent the public using the new access to join the route of the public footpath, and in the interests of visual amenity.
3. Users of the hereby approved equestrian and dog training facilities shall not use the old vehicle access at any time which exits onto the unclassified road leading to Lower Westerland or that to the north of the site that exits onto Totnes Road.

Reason: in the interests of highway safety.

4. Access to the public footpath that passes through the site shall be maintained free of obstruction and hazards at all times.

Reason: to ensure this public amenity is not restricted

5. No mud, stones, water or debris shall be deposited on the public highway at any time.

Reason: In the interests of highway safety.

7. The recommendations, mitigation and enhancement measures of the Ecological Report, by Peter Nuttal on 6 May 2016, shall be fully implemented prior to the commencement of the use hereby approved and adhered to at all times. In the event that it is not possible to do so all work shall immediately cease and not recommence until such time as an alternative strategy has been agreed in writing with the local planning authority.

Reason: To safeguard the interests of protected species

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Application to work on Trees subject to a Tree Preservation Order Assessment and Recommendation



Tree Preservation Order : 897

Site Address: 46 Barton Brake (Land off Leyford Close), Wembury PL9 0BJ

Application Register No : 2347/16/TPO

Proposed works: T2 – Sycamore - FELL

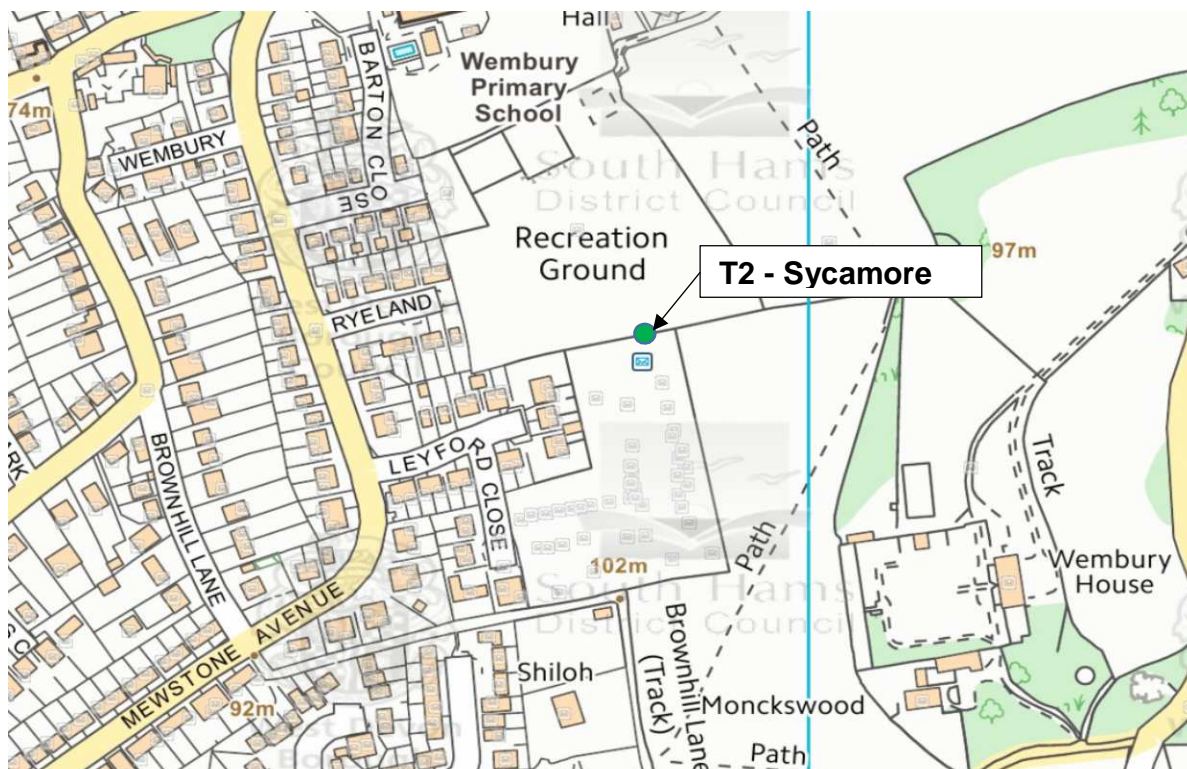
Date of Application : 22/07/2016

Target Decision Date : 16/09/2016

Reason item is being put before DM Committee: The Ward Member notes the objections from Wembury Parish Council and the local tree warden and requests that the application is considered by the Development Management Committee

Site assessed by : Alex Whish

Date : 03.06.2016/re-visited on 07.11.2016



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Recommendation: Conditional approval

Conditions:

1. Works to BS 3998:2010
2. Replacement planting – 1no. Field Maple

Key issues for consideration:

The impact on the local amenity and character of the area if T2 - sycamore (single tree) is felled and replaced with a Field maple.

The proposal:

The Tree Preservation Order application seeks to fell a single sycamore tree from within TPO 897. The tree is located on the boundary of No. 46 Barton Brake, within the recently completed development on land off Leyford Close, Wembury. It is within the South Devon Area of Outstanding Natural Beauty. To the immediate north of the boundary is the recreation ground.

The tree is impacting on the applicant's proposal to strengthen the hedgerow boundary and plant fruit trees within the garden. The applicant is required to replace the felled tree and has agreed to plant a Field maple. The applicant also intends to thicken up the existing hedgerow with native planting to improve its quality and security.

Consultations:

- Wembury Parish Council – Objection – this tree contributes significantly to the screening of the new development at Barton Brake and protecting the South Devon AONB.
- Wembury Tree Warden- Objection – the tree is located within one of the country's most highly designated landscapes, and is covered by the highest level of protection for arboricultural features, provide significant environmental functions including biodiversity, visual screening and green infrastructure and were granted this protection prior to the purchase of the property and thus with the full knowledge of the new owner

Relevant Planning History

- (58/0176/13/O) - Outline planning application for residential development comprising up to 48 dwellings, highway access and other incidental development – Conditional Approval
- (58/1267/14/RM) - Application for approval of reserved matters (appearance, landscaping, layout and scale – Conditional Approval
- (58/0793/16/TPO) - Removal of 4 Sycamores, as indicated on plan as A, B, C & D – Refusal
- Pre-application advise – applicant advised over reducing the number of trees being sought for removal in the context of the planning history and taking a phased approach to managing the trees in transition from the dominant sycamores to native hedgerow trees and a rejuvenated hedgerow.

Analysis

The tree has been assessed and considered in its context, and the planning history noted. Three trees within the TPO (T1, T2 and T3 – all sycamores) are located along the boundary of 46 Barton Brake and form part of the important mitigation measures that screen of the edge of the development from the adjacent public open space and wider views. The presence of the trees is however effecting the quality of the existing hedgerow which has been overshadowed by the trees and as a consequence is sparse and thin in places. It is the officer view that by allowing the phased removal with the initial felling of TPO Tree T1 (T2 in application), with better longer term management of the hedgerow, the quality of the screening will improve on the current position. This will allow a stronger boundary to be formed as a hedgerow with trees. This would fully address the concerns being raised by the Tree Warden and acknowledges that screening is important and can be retained in the longer term. A stronger and more diverse hedgerow would also increase its habitat value.

On this basis the officer considers that there will be an overall enhancement of the existing hedgerow with increased tree planting to mitigate the loss of the single sycamore, although it is acknowledged that this will take between 10 to 15 years to mature.

In assessing the application, consideration has also been given to the substantial new planting within the immediate vicinity of the tree, on the edge of the recreation ground. This is a new planting belt which runs along the length of the hedgerow as part of environmental improvements to the recreation ground. These establishing trees and understory plantings will contribute significantly to the screening of Barton Brake in the medium to longer term in combination with the existing boundary hedgerow.

Due consideration has been given to the South Devon AONB Management plan in terms of seeking to conserve and enhance the special qualities of the AONB. Officers are satisfied that the impact of felling the single sycamore and subsequent management of the hedgerow, including a replacement tree, will achieve these key objectives of protecting the amenity and special qualities in the context of the location.

Conclusion

For the reasons outlined above and within the following site assessment, the application to fell the sycamore is considered acceptable. Officers are satisfied that a balance can be achieved between conserving the overall amenity, in consideration of the enhanced hedgerow and adjacent planting already establishing. The longer term outcome is a better, well managed hedgerow by the applicant and retained screening to ensure that the enjoyment by users of the open space is not adversely affected by the development. This application is therefore recommended for approval, subject to appropriate conditions to secure a replacement tree.

On Site Assessment

1.

Are the trees covered by a current TPO?	Yes
Comments: This Order was served in relation to development at land off Leyford Close. The Order was modified and confirmed with individual trees covered and a linear hedge line (A1). The trees were considered to have good amenity and contributed to screening the overall development.	

2.

Are some, or all, of the works exempt from the need for formal consent?	No
---	----

3.

Description of the tree(s) and location. The single tree T2 – Sycamore is located close to the hedgebank. It is part of three trees located along this boundary with the adjacent recreation ground. Whilst contributing to some screening of the new dwelling, its overall condition is fair. It overshadows the adjacent hedgerow which is thin and sparse in places. The adjacent recreation ground has had significant planting carried out along the boundary to the north which establishing well. The applicant has planted a number of new fruit trees within the garden space.
--

4.

What is the amenity value of the tree(s)? please circle	
None: Can't be seen	Some: i.e. Roadside trees and parks
Very Little: Seen with difficulty	Considerable: i.e. Town Centre
Little: i.e. Enclosed rear garden	Great: Significant feature tree
From which public locations can the tree(s) / hedge(s) be viewed? Adjacent public open space Do the trees screen between properties Yes	
Comments: The trees currently screen the dwelling from the adjacent public open space. This screening will be substantially increased by the new planting within the recreation, with continuity also provided by the replacement tree.	

5.

What impact will the works have on local amenity? please circle	
None: Can't be seen	Some: Noticeable but limited
Negligible: Very minor in appearance	Significant: Major impact
Comments: The loss of the individual tree will have an immediate impact in the shorter term but through subsequent re-stocking of the hedgerow (improving its vitality and health) and the replacement field maple (which is more appropriate to a Devon hedge) this will be mitigated in the medium (5years) to longer term. The retention of the other trees will continue to screen the dwelling from other local views	

6.

Do the proposed works accord with good arboricultural or silvicultural practice? **Yes**

7.

Is any damage likely to arise if consent is refused? **No**

Comments: The tree in combination with adjacent trees are overshadowing establishment of a robust hedgerow

8.

Assessment. Give a succinct assessment of the application and appraisal of the proposed works.

T2 – Sycamore – the applicant is seeking to fell a single sycamore close to the boundary hedge line with the adjacent public open space. The proposal is to coppice the tree and manage the regrowth, with the key objective of creating a more robust native hedgerow along the boundary.

Whilst the tree offers reasonable amenity, it does contribute at present to the screening of the new dwelling from views within the recreation ground. However, the applicant will be required to replace the tree with field maple (hedgerow species) and wishes to substantially add to the overall hedgerow with additional native planting to create a more secure and robust hedgerow. The applicant has also planted new apple trees within the garden space.

The new planting within the recreation ground will also substantially add to natural screening in the longer term.

9.

Recommendation (please tick)

Approval - YES

Works:

Conditions: Yes Works to BS 3998 Yes Replacement Planting Yes

No. & Species: Field Maple; Size: Feathered to 120cm; Location: Within hedge line close to stool

10.

Has the application been assessed in relation to Article 1, Protocol 1, Article 2 and Article 8 of the Human Rights Act. **Yes**

Tree Condition, assess and number accompanying plan or refer to submitted application report.

Tree No.	Species	Height (m)	Spread (m) Average	Age Class	Life Expectancy	Condition	Assessment of Stated Reasons for Works
T2	Acer pseudo-platanus	8m	7m	M	M	Fair	Fell – consider acceptable in context of other trees and hedge management

Age Class

Young First 1/3 life expectancy
Middle Age 1/3 to 2/3 life expectancy
Mature Final 1/3 life expectancy

Life Expectancy

S Short (<10 years)
M Medium (10-40 years)
L Long (40 + years)

Condition

Good Free from significant defects with a healthy crown
Fair Some defects, generally healthy crown
Poor Structural defects, poor general health and vigour

South Hams District Council Agenda Item 8
DEVELOPMENT MANAGEMENT COMMITTEE 23-Nov-16

Appeals Update from 14-Oct-16 to 11-Nov-16

Ward Dartington & Staverton

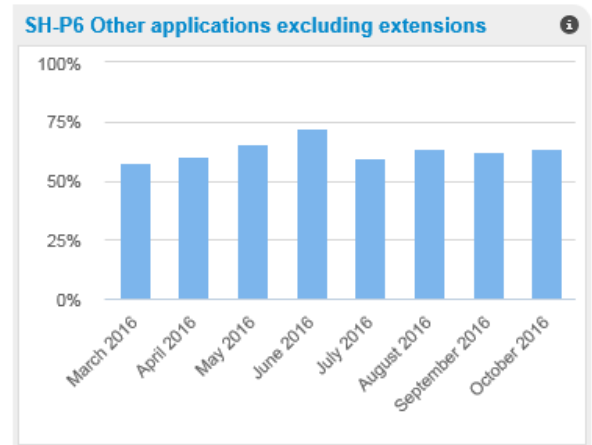
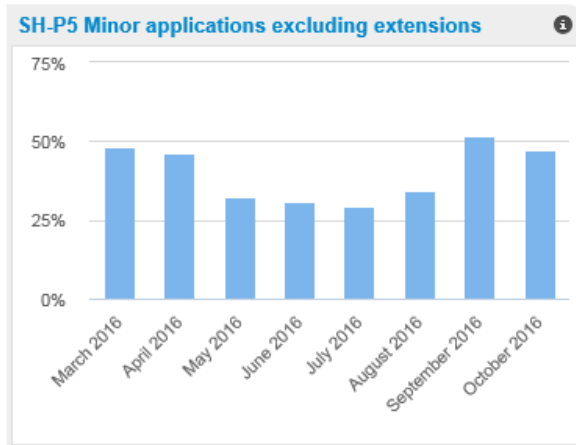
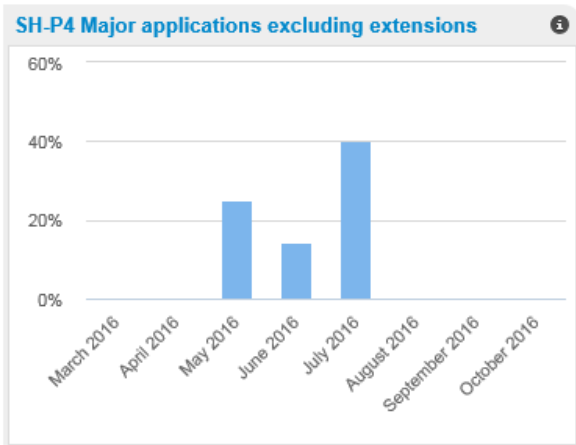
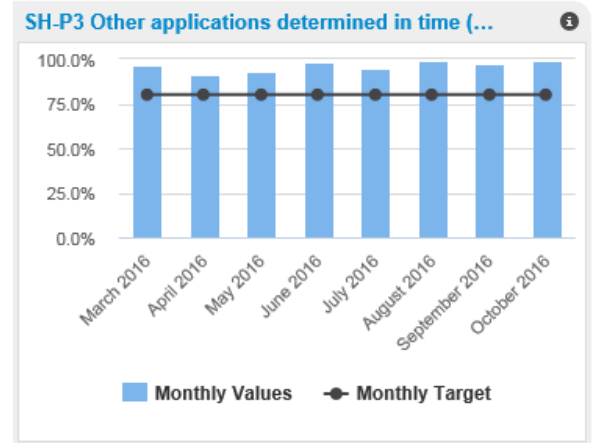
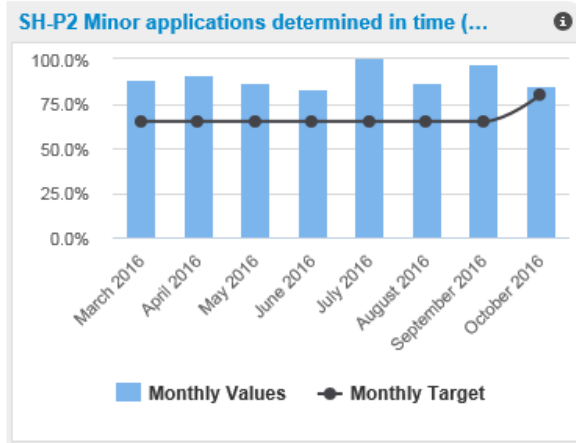
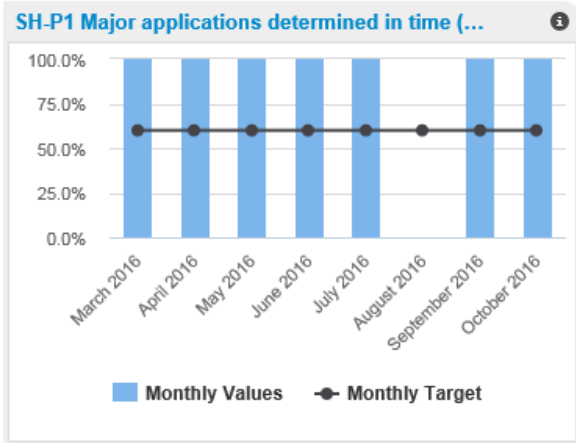
APPLICATION NUMBER : **14/1424/15/VAR** APP/K1128/W/16/3151849
APPELLANT NAME: Dr F Benatt
PROPOSAL : Variation of condition 5 (parking restriction) of planning consent 14/2278/14/F
LOCATION : Lower Allerton Farmhouse, Dartington, Totnes, TQ9 6DY
APPEAL STATUS : Appeal decided
APPEAL START DATE: 19-July-2016
APPEAL DECISION: Upheld (Conditional approval)
APPEAL DECISION DATE: 20-October-2016

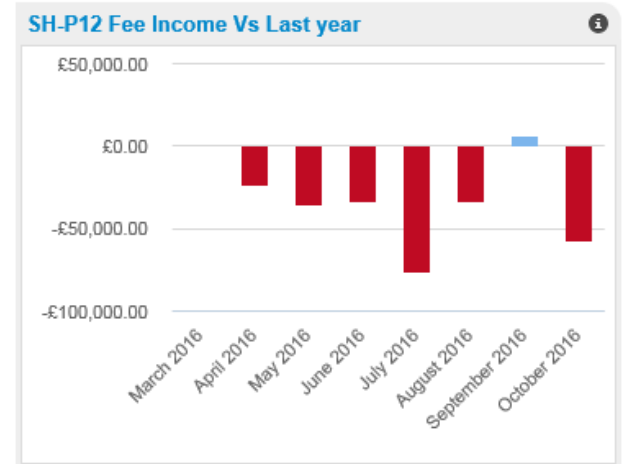
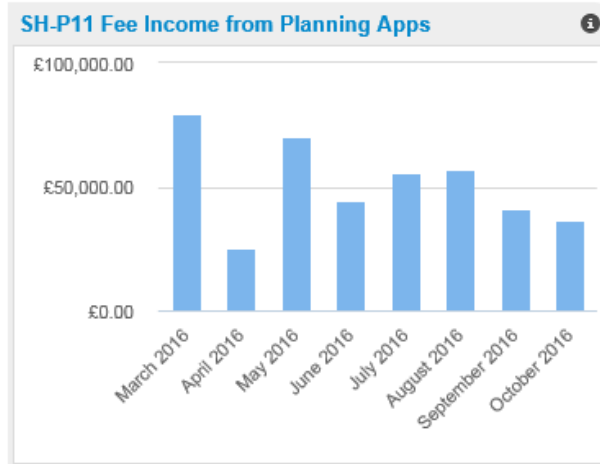
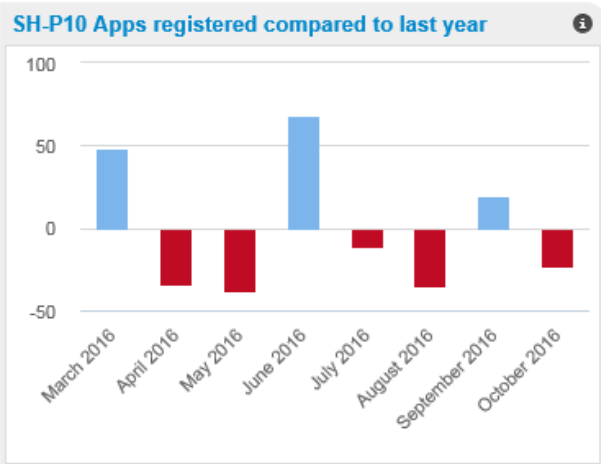
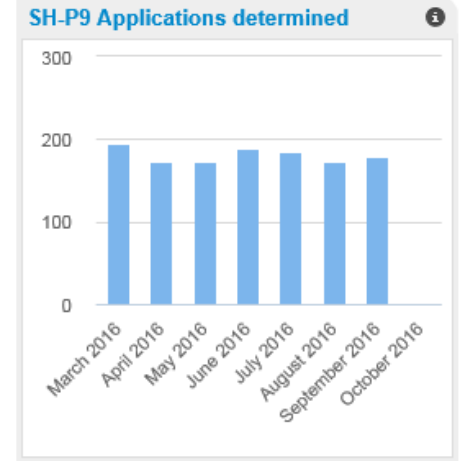
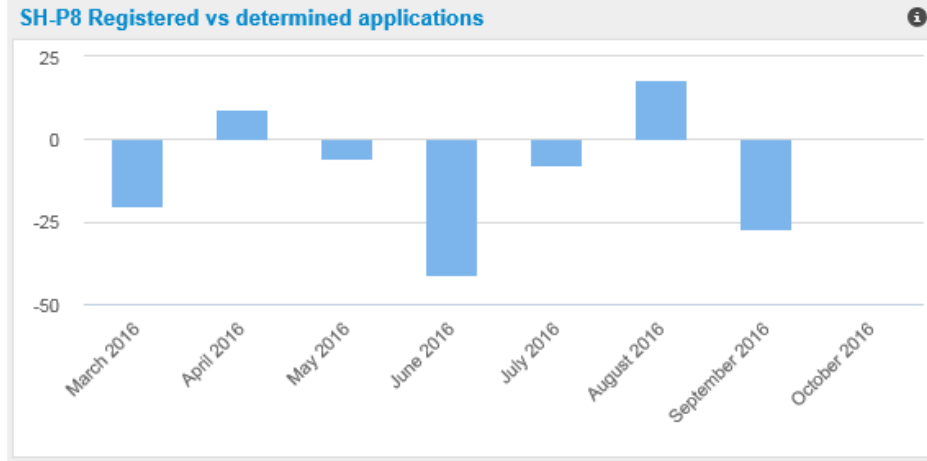
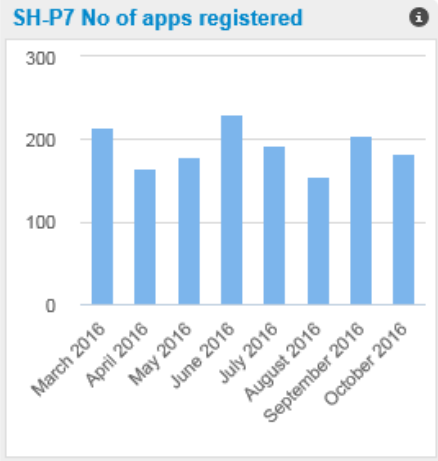
Ward Newton & Yealmpton

APPLICATION NUMBER : **2682/15/FUL** APP/K1128/W/16/3158491
APPELLANT NAME: Ms G Scherr
PROPOSAL : Replacement of existing dwelling with 2 No proposed dwellings.
LOCATION : 59 Yealm Road, Newton Ferrers, PL8 1BJ
APPEAL STATUS : Appeal Lodged
APPEAL START DATE: 04-November-2016
APPEAL DECISION:
APPEAL DECISION DATE:

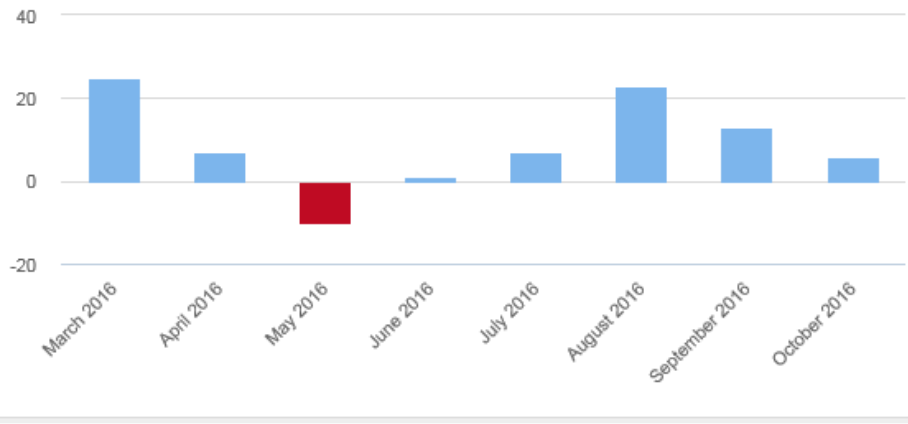
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Planning Performance-

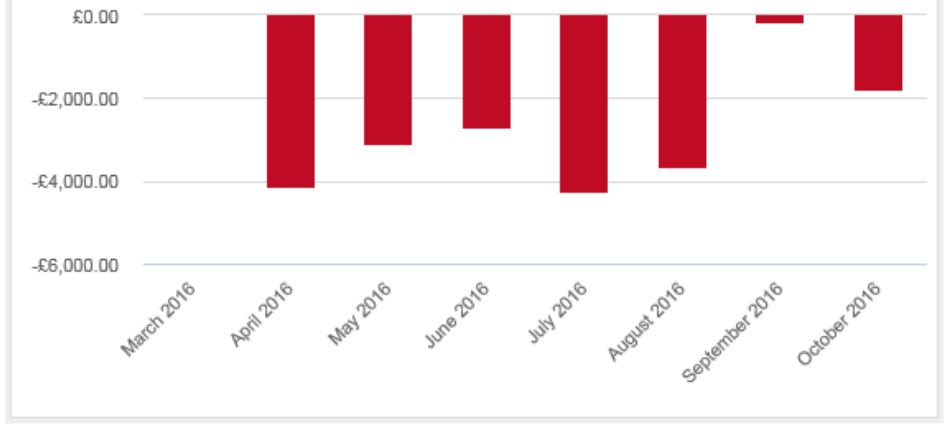




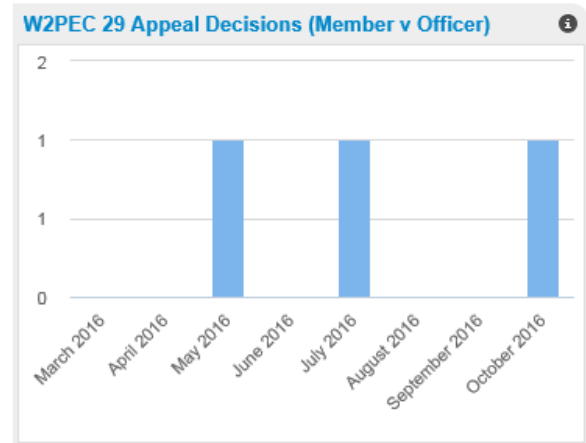
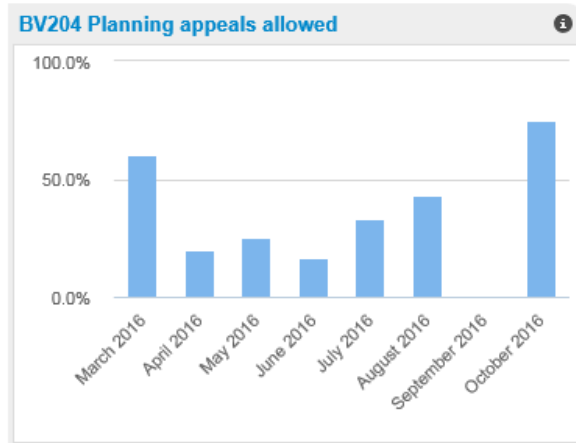
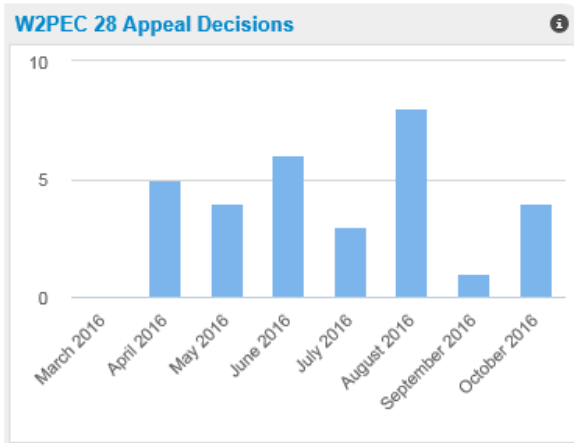
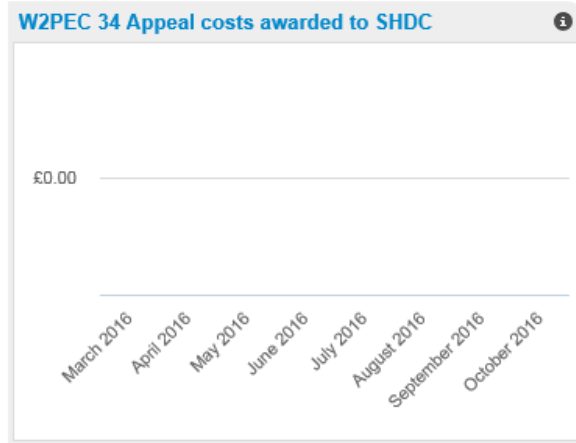
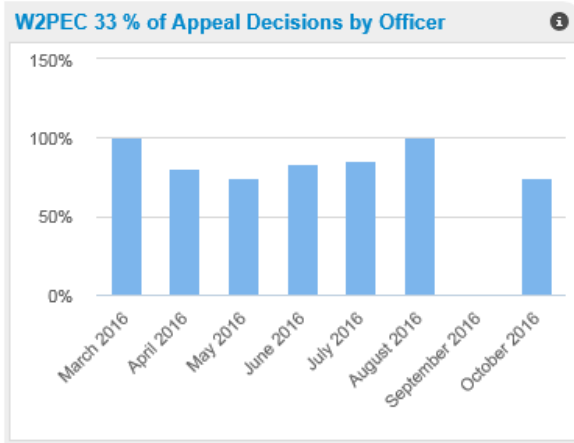
SH-P13 Pre-Apps received compared to last year



SH-P14 Fee Income from Pre-Apps compared to last year

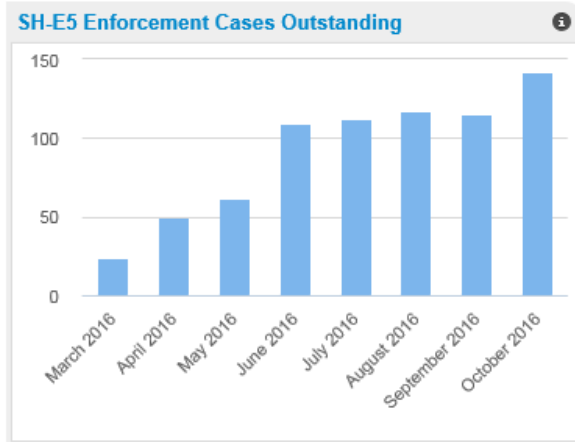
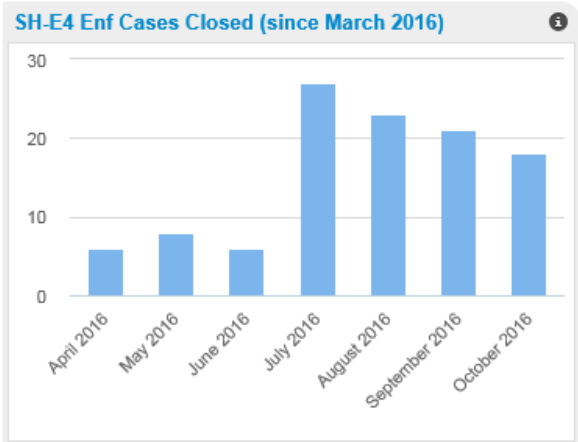
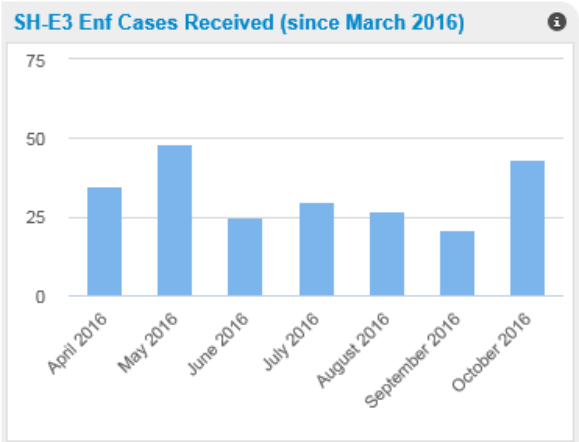
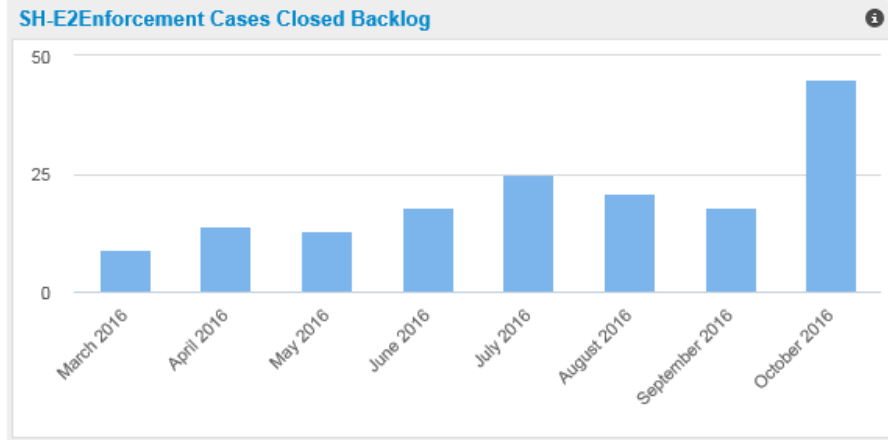
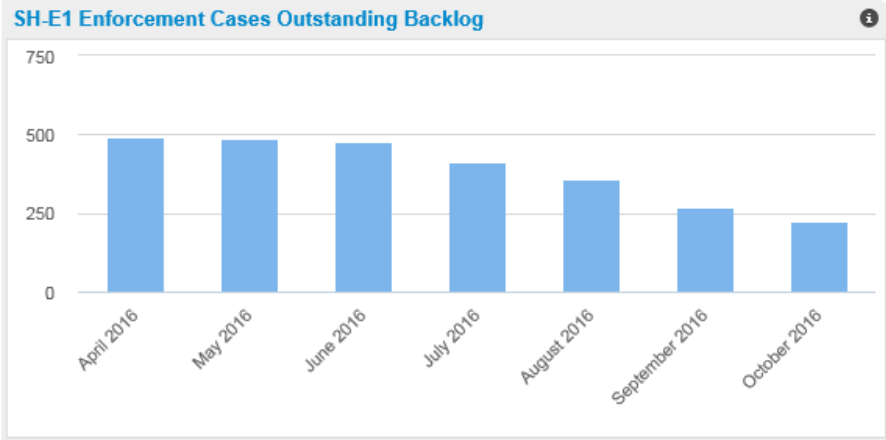


Planning Appeal Performance



NB: W2PEC 33 % of appeal decisions by officer – y-axis value 150% is a known bug and has been raised with Covalent.
 W2PEC 29 appeal decisions (member v officer) y-axis duplicate values as above.

Planning Enforcement-



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Agenda Item 10

Report to: **Development Management Committee**
Date: **23 November 2016**
Title: **REVIEW OF SITE INSPECTION PROTOCOL**
Portfolio Area: **Customer First**
Wards Affected: **All**
Relevant Scrutiny Committee: Overview and Scrutiny Panel

Urgent Decision: **N** Approval and clearance obtained: **Y**

Date next steps can be taken: The Committee recommendations will be presented to the Council meeting on 15 December 2016 for approval.

Author: **Pat Whymer** Role: COP Lead Specialist – Development Management

Kathryn Trant Senior Case Manager

Contact: **Email: pat.whymer@swdevon.gov.uk
kathryn.trant@swdevon.gov.uk**

RECOMMENDATION:

That the Development Management Committee RECOMMEND to Council to adopt the revised Site Inspection Protocol as presented at Appendix A of the report; and

Authority to make minor amendments be delegated to the COP Lead Specialist Development Management, in consultation with the Chairman of DM Committee

1. Executive summary

- 1.1 The Council has an adopted Site Inspection Protocol. Following the Planning Peer Review, an action plan was produced. One of the recommendations from the Review was to 'Review Committee Site Visit protocols to ensure planning decision making is as efficient as possible'.
- 1.2 As a result, a small group of Members was invited to come together as a Working Group to discuss the current Site Inspection Protocol, and make recommendations to amend the protocol to improve efficiency of planning decision making. The resulting amended protocol is attached at Appendix A.

2. Background

- 2.1 South Hams District Council has a Site Inspection Protocol in place that guides Members on how a Site Inspection should be conducted and includes details of who is able to take part.
- 2.2 Currently, the majority of site inspections are referred from the previous Committee meeting, following a presentation of the facts of the application by the Case Officer.
- 2.3 Paragraph 5.10 of the Final Report of the Planning Peer Review states the following:

“In order to aid efficiency in decision making the peer team recommend a review of the site visit protocols at both Councils.’
‘Deferrals for site visits introduces delay, additional costs and continued uncertainty for applicants. Site visits are an important part of the decision making process where appropriate and the Councils could consider their use before Committee with the Chair and Community of Practice Lead discussing a forward agenda list of items that includes the recommending of site visits. The ward councillor (s) could also be invited on these visits, provided they are made aware that it isn’t a lobbying opportunity or the place for a debate of the proposal.”
- 2.4 In line with the Planning Peer Review Recommendations and Action Plan, a Working Group was convened to discuss the existing Site Inspection Protocol and asked to consider possible changes to both the process and the timing of site inspections. The Working Group met on Monday 17 October, 2016 and included Cllr I Bramble, Cllr J Pearce and Cllr R Steer.

3. Outcomes/outputs

- 3.1 Members of the Working Group had a full discussion on the site inspection process. The current protocol was critically assessed to understand where efficiencies could be made.
- 3.2 In terms of process, the Working Group concluded that Site Inspections should continue to be public meetings and that agents or applicants should be in attendance to assist with access. The Group felt strongly that agents/applicants should mark out proposed developments, in particular and whenever possible, by indicating height as well as floor area. In exceptional circumstances, the Chairman may ask the agent/applicant questions of clarity.
- 3.3 In discussing the role of Town and Parish representatives the Working Group felt that whilst members of the Town and Parish Councils could attend, they should not be offered the opportunity to speak, other than to ask questions of or provide answers of clarity. Currently, Town and Parish Council representatives could speak either at the site inspection or at Committee. The Group felt that it was important that any discussion or views expressed by the Town/Parish representative should be heard by all Members in the Chamber at the Committee meeting as part of the debate on the application.
- 3.4 Members of the Group then discussed the timing of the site inspections. A proposal was put forward that when a Member asks for an application to be called to Committee, in line with the Scheme of Delegation, they confirm at that point to the Case Officer if they feel a site inspection will be required. When the Committee Briefing meeting takes place with the Chairman and Vice Chairman, the Chairman and the COP Lead Development Management then decide which of the applications will be included on the Site Inspection Itinerary. The Site Inspection Itinerary will be included with the agenda papers, and the site visits will take place on the Monday prior to the Committee meeting on the Wednesday.
- 3.5 This will facilitate site inspections prior to presentation at Committee, and the significant advantage is that it reduces the time taken to make a decision on the application. This can be demonstrated as follows:

	Currently:	Proposed:
Member requests application to Committee on	23 November	23 November
Application referred for site visit on	9 January	14 November
Application presented back to Committee for decision on	18 January	23 November

- 3.6 The Working Group felt that the time saved in making decisions by holding site inspections prior to the Committee would have a significant impact on performance statistics and should be included in the proposed protocol. However, the new protocol should not preclude an application being referred for site inspection at the Committee meeting in exceptional circumstances.
- 3.7 As a result of their discussions, the Working Group have agreed the proposed Site Inspection Protocol as attached at Appendix A.

4. Options available and consideration of risk

- 4.1 The Site Inspection protocol guides Members on conduct at a site inspection. It is an important part of the planning decision making process. Members have considered a number of ways of making that process more efficient and at the same time considered the associated risks. The process of including Town and Parish Council representatives at the site visit ensures transparency, as does only allowing their views to be expressed at the Committee. Restricting any debate or discussion to the Council Chamber ensures that those empowered to make the decisions hear all of the relevant facts and views.
- 4.2 Whilst the change to the timing of the inspections may cause concern and will require revised dates to be set, the Working Group felt that the significant improvement in time taken to determine applications as a result was worth the change.

5. Proposed Way Forward

- 5.1 Following the support of the Member Group, a revised Site Inspection Protocol has now been produced. The Working Group consider that the proposed amendments to the current protocol will improve efficiency of decision making. Members are therefore requested to approve the revised document.

6. Implications

Implications	Relevant to proposals Y/N	Details and proposed measures to address
Legal/Governance	Y	The Council Constitution includes the ability for Members of the Development Management Committee to attend site inspections. It is best practice for site inspections to be carried out in a lawful and transparent way and a written protocol supports this

Financial	Y	There are no direct financial implications but the revised protocol will deliver efficiencies in both officer and member time
Risk	Y	These are addressed in the body of the report.
Comprehensive Impact Assessment Implications		
Equality and Diversity	Y	These are considered within the planning application process
Safeguarding	N	
Community Safety, Crime and Disorder	N	
Health, Safety and Wellbeing	N	

Supporting Information

Appendices:

1: Proposed Site Inspection Protocol

Background Papers:

Planning Peer Review Action Plan

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Purpose:

The purpose of site visits is to enable Members to view particular aspects of an application in context. No decision is reached on site and there is no debate as to outcome at the site meeting.

Attendees:

In addition to the Council's officers and advisors (eg. County Highways), those who are entitled to attend and take part and who make up the Site Inspection Panel are:

- a. All Development Management Committee Members, and
- b. The SHDC Member(s) representing the Ward in which the site is located

The applicant/agent will be informed of the site inspection arrangements including this protocol. They may attend the site meeting but not participate, however, they will be expected to 'peg out' the proposed development, to include a demonstration of height where appropriate.

The relevant Parish/Town Council will be informed of the site visit arrangements including this protocol. Representatives of the respective Parish/Town Council may attend the site meeting but not participate.

At the discretion of the Chairman, the applicant or agent, and one representative from the Parish/Town Council, may be allowed to answer questions of clarity. Specific requests to view the proposal from a particular place (e.g. objector's home) may be accommodated at the Chairman's discretion.

South Hams Council Planning Site Inspections are public meetings however only Members of the Site Inspection Panel can take part. The Ward Members are able to ask questions of clarity on behalf of residents.

Procedure on Site:

1. The site inspection will be chaired by the Chairman (or in his absence, the Vice Chairman) who will formally open the site inspection with introductions and reinforce the purpose of site inspections. He will then invite the Planning Officer to describe the application
2. The Planning Officer then describes the proposal and relevant site specific considerations, and guides the Members to appropriate vantage points which may be within and/or outside the site
3. The Chairman will invite questions from Members to seek clarification but not opinion from the Planning Officer and advisors. At the Chairman's discretion, and in exceptional circumstances, questions may be asked of the applicant/agent or one representative of the Parish/Town Council
4. Any questions that the Case Officer is unable to answer will be listed and a full response given by the Case Officer at the Committee meeting
5. Chairman formally closes the meeting

To request a site inspection:

The Scheme of Delegation sets out the circumstances when a Member can call an application to Committee. At that point, if the Member feels a site inspection should take place, the request should be made in writing to COP Lead Development Management giving material planning reasons.

At the DM Committee Briefing meeting held the day prior to the publication of the agenda, which is attended by the Chairman, Vice Chairman, COP Lead Development Management and Senior Case Manager (Strategy & Commissioning), the Chairman and Vice Chairman will discuss with the COP Lead Development Management which applications should be referred for site inspection. The final decision on applications to be referred for site inspection will be delegated to the COP Lead Development Management and material planning reasons given for his decisions.

The site inspection itinerary will be prepared by the Senior Case Manager (Strategy & Commissioning) and circulated prior to the site inspections taking place. The itinerary will be included as part of the agenda.

The site inspection will take place on the Monday prior to the Committee date, and Members will receive their agenda prior to the site inspection taking place.