

# South Hams Development Management Committee



<b>Title:</b>	<b>Agenda</b>										
<b>Date:</b>	<b>Wednesday, 18th January, 2017</b>										
<b>Time:</b>	<b>10.00 am</b>										
<b>Venue:</b>	<b>Council Chamber - Follaton House</b>										
<b>Full Members:</b>	<p style="text-align: center;"><b>Chairman</b> Cllr Steer</p> <p style="text-align: center;"><b>Vice Chairman</b> 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
Cllr Bramble	Cllr Hodgson										
Cllr Brazil	Cllr Holway										
Cllr Cane	Cllr Pearce										
Cllr Cuthbert	Cllr Rowe										
Cllr Hitchins	Cllr Vint										
<b>Interests – Declaration and Restriction on Participation:</b>	Members are reminded of their responsibility to declare any disclosable pecuniary interest not entered in the Authority's register or local non pecuniary interest which they have in any item of business on the agenda (subject to the exception for sensitive information) and to leave the meeting prior to discussion and voting on an item in which they have a disclosable pecuniary interest.										
<b>Committee administrator:</b>	Kathy Trant Senior Case Manager 01803 861185										

- 1. Minutes** **1 - 10**

To approve as a correct record and authorise the Chairman to sign the minutes of the meeting of the Committee held on 23 November 2016;
- 2. Urgent Business**

Brought forward at the discretion of the Chairman;
- 3. Division of Agenda**

to consider whether the discussion of any item of business is likely to lead to the disclosure of exempt information;
- 4. Declarations of Interest**

Members are invited to declare any personal or disclosable pecuniary interests, including the nature and extent of such interests they may have in any items to be considered at this meeting;
- 5. Public Participation**

The Chairman to advise the Committee on any requests received from members of the public to address the meeting;
- 6. Planning Applications**

To see Letters of Representation and further supplementary information relating to any of the Applications on the agenda, please select the following link and enter the relevant Planning Reference number:  
<http://www.southhams.gov.uk/searchlanding>

  - (a) 0771/16/OPA** **11 - 38**

Outline planning application for planning permission to erect up to 65 dwellings (including market, affordable and retirement housing) landscaping and associated works.  
Land at SX 791 430, To Rear Of Green Park Way, Chillington
  - (b) 1879/16/HHO** **39 - 44**

Householder application for proposed extension to ground floor, remodelling and raising of roof height  
Kynance, Higher Broad Park, Dartmouth
  - (c) 1623/16/FUL** **45 - 52**

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

- (d) **0745/16/FUL** **53 - 58**
- 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

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

- (e) **3230/16/COU & 3204/16/FUL** **59 - 66**
- 3230/16/COU: Change of use from retail (Class A1) to coffee shop (Mixed A1/A3 Class)  
3204/16/FUL: Modifications to shopfront and installation of 1 air conditioning unit on side wall  
5-9 Victoria Road, Dartmouth
- (f) **3205/16/ADV** **67 - 70**
- Advertisement consent for 1 x fascia sign and 1 x projecting sign  
5-9 Victoria Road, Dartmouth
- (g) **1372/16/FUL** **71 - 90**
- Construction of 5no. DDA-compliant dwellings and change of use of land  
Land at The Fairway, Newton Ferrers, PL8 1DP
- (h) **2992/16/FUL** **91 - 100**
- Demolition of existing house and building of new dwelling with associated works  
The Rough, Devon Road, Salcombe
- (i) **3599/16/VAR** **101 - 108**
- Application for variation of condition of granted planning application 44/1852/13/F. To replace drawings SN:11:52A & 53B and SN:55,56,57  
Combe Cottage, Slapton, Kingsbridge
- (j) **1648/16/FUL** **109 - 114**
- Application for small extension to existing beach cafe building to provide storage and toilet facilities for staff.  
Beachhouse Café, South Milton Sands, South Milton

**(k) 3542/16/VAR**

**115 - 122**

Application variation of condition numbers 2, 3 and 4 following grant of planning permission 51/2045/03/F to allow changes to approved plans Ferris Builders Yard (Plot1), Bay View Estate, Stoke Fleming

**7. Planning Appeals Update**

**123 - 124**

**8. Planning Performance Indicators**

**125 - 128**

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

<b>Members in attendance</b>			
* 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 Bastone, Birch, Brown, Green, Pennington, Smerdon and Wright

**Officers in attendance and participating:**

Item No:	Application No:	Officers:
All agenda items		COP Lead Development Management; Planning Specialists, Deputy Monitoring Officer and Senior Case Manager (Strategy and Commissioning)
Item 7		Specialist – Natural Environment

**DM.39/16 MINUTES**

The minutes of the meeting of the Committee held on 26 October 2016 were confirmed as a correct record and signed by the Chairman.

**DM.40/16 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 M Hodgson declared a personal interest in application **1623/16/FUL**: 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 by virtue of knowing one of the objectors. She remained in the meeting for the duration of this item and took part in the debate and vote thereon.

**DM.41/16 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.42/16 **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:

**1333/16/FUL                      Lantern Lodge Hotel, Hope Cove**

**Parish: South Huish**

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

Case Officer Update:            N/A

Speakers included:              Supporter – Mr Mark Evans: Parish Council –  
Cllr Jo Hocking: Ward Members – Cllr Pearce  
(statement read out) and Cllr Wright

Recommendation:              Conditional Approval subject to completion of  
s106 legal agreement

During discussion on this item a number of Members expressed their concern over the loss of a tourism asset in a prime position, and the impact that this would have on the local economy. Members had found the site inspection helpful. Whilst appreciating that the hotel needed investment, the independence of the submitted viability assessment was called into question. There was also concern that the proposed housing would not be affordable for local people and the proposal was described as opportunism at the expense of the local community. Members felt that all options for the site had not yet been explored and they could not support the proposal. Members also felt strongly that an affordable housing contribution should be made. In line with the Written Ministerial Statement, the Council recognised the guidance for planning obligations set out in the PPG. However, Members expressed the opinion that the site presented exceptional circumstances to the extent that Affordable Housing contributions should be sought in line with the adopted SPD.

Committee Decision:            Refusal

**Reasons:**

1. The application proposes the loss of a valued tourist facility in a prime location without any explanation of why an alternative solution cannot be found to maintain a business providing tourist services and some local employment. The loss of such a facility would be harmful to the purposes of the AONB designation and is contrary to policies DP12, DP14 of the South Hams Development Policies DPD and the National Planning Policy Framework

2. Wording regarding the lack of financial contribution towards affordable housing provision to be delegated to the COP Lead Development Management in consultation with the Chairman and Vice Chairman of Development Management Committee

[Post Meeting Note: In line with the debate, the second reason for refusal is confirmed as follows:

The proposed development does not provide affordable housing provision in an area with an exceptional and demonstrable local need. No justification has been provided by way of submission of a suitable viability study that indicates that such provision would compromise the overall viability of the development. As such the proposed development is considered contrary to South Hams Core Strategy Policy CS6 and the provisions of the South Hams Affordable Housing SPD].

**1879/16/HHO**

**Kynance, Higher Broad Park, Dartmouth**

**Parish: Dartmouth**

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

Case Officer Update: An error in the report was corrected, the proposed roof will be 29cm higher than Sutherlands Loft, not 10cm as stated

Speakers included: Objector – Mr John Firmin: Supporter – Mr Ben Inghim

Recommendation: Conditional Approval

Committee Decision: Defer for Site Inspection

**0268/16/HHO**

**Water Edge, Lower Street, Dittisham**

**Parish: Dittisham**

**Householder application for replacement Boathouse**

Case Officer Update: N/A

Speakers included: Objector – Ms Olivia Loewendahl: Supporter – Mr Peter Coxon: Parish Council – Cllr Michael Faulkner: Ward Member – Cllr Tucker

(statement read out)

Recommendation: Conditional Approval

Committee Decision: Conditional Approval

Conditions: (please refer to report for conditions in full)

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
12. No external lighting unless previously agreed in writing by the LPA

**1623/16/FUL Garages 1-3 adjacent to 1A Christina Park, Totnes**

**Parish: Totnes**

**Construction of a new three storey dwelling**

Case Officer Update: N/A

Speakers included: N/A

Recommendation: Conditional Approval

Committee Decision: Defer for Site Inspection

**0039/16/FUL Queshills, Ware Hill, Ugborough**

**Parish: Ugborough**

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

Case Officer Update: N/A

Speakers included: Parish Council – Cllr Fletcher: Ward Member – Cllr Holway

Recommendation: Refusal

During discussion on this item, a number of Members did not agree that the



proposal justified a refusal on Highways grounds, particularly as there was already a garage on the site. In addition, Members felt that this was an opportunity for construction of a small dwelling in a village location. Members discussed the Highways implications in detail, but concluded that the proposal should be supported.

Committee Decision: Authority delegated to COP Lead Development Management in consultation with the Chairman of DM Committee, to approve the application and set out conditions to apply to the planning consent

**0745/16/FUL**                      **Land at Westerland, Totnes Road, Marldon**  
**Parish: Marldon**

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

Case Officer Update:            N/A  
Speakers included:              Ward Member – Cllr Pennington  
Recommendation:                Conditional Approval  
Committee Decision:              Defer for Site Inspection

DM.43/16            **APPLICATION TO WORK ON TREES SUBJECT TO A TPO**

**2347/16/TPO**                      **46 Barton Brake, land of Leyford Close, Wembury**  
**Parish: Wembury**

**Request to fell T2 - Sycamore**

Case Officer Update:            N/A  
Speakers included:              Parish Council – Cllr Packer: Ward Member – Cllr Brown (statement read out) and Cllr Cane  
Recommendation:                Conditional Approval  
Committee Decision:              Refusal

In discussing this application the Members noted the potential impact on the AONB and the detrimental impact on biodiversity.

DM.44/16 **PLANNING APPEALS UPDATE**

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

DM.45/16 **PERFORMANCE INDICATORS**

The COP Lead Development Management introduced the latest set of performance indicators related to the Development Management service. During the discussion on this item, the Solicitor advised that an up to date list of current s106 Agreements would be circulated for Members information.

It was then:

**RESOLVED**

That the latest set of performance indicators be noted.

DM.46/16 **REVIEW OF SITE INSPECTION PROTOCOL**

Members were presented with a report that presented a review of the current Site Inspection Protocol, as suggested in the Action Plan that had arisen from the Planning Peer Review.

In discussing the report, Members appreciated that the intention was to improve the efficiency of decision making by speeding up the process. By 'front loading' the site inspection process, it should prevent presented applications from being deferred to the next Committee date, other than in the most exceptional circumstances.

It was then:

**RESOLVED to RECOMMEND to Council:**

1. That the revised Site Inspection Protocol as presented at Appendix A to the report be adopted; and
2. That authority to make minor amendments be delegated to the COP Lead Specialist Development Management, in consultation with the Chairman of DM Committee.

(Meeting commenced at 11.30 am and concluded at 5.30 pm)

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Chairman

## Voting Analysis for Planning Applications – DM Committee 23 November 2016

Application No:	Site Address	Vote	Councillors who Voted Yes	Councillors who Voted No	Councillors who Voted Abstain	Absent
1333/16/FUL	Lantern Lodge Hotel, Grand View Road, Hope Cove	Refusal	Cllrs Bramble, Brazil, Cane, Hodgson, Holway and Rowe (6)	Cllrs Foss, Hitchins and Steer (3)	None	Cllrs Cuthbert, Pearce and Vint (3)
1879/16/HHO	Kynance, Higher Broad Park, Dartmouth	Site Visit	Cllrs Bramble, Hitchins, Hodgson, Holway and Rowe (5)	Cllrs Steer and Cane (2)	Cllr Foss (1)	Cllrs Brazil, Cuthbert, Pearce and Vint (4)
0268/16/HHO	Water Edge, Lower Street, Dittisham	Site Visit	Cllrs Holway, Hitchins and Rowe (3)	Bramble, Foss, Hodgson, Cane and Steer (5)	Cllr Brazil (not in attendance for officer presentation) (1)	Cllrs Cuthbert, Pearce and Vint (3)
0268/16/HHO	Water Edge, Lower Street, Dittisham	Conditional Approval	Cllrs Bramble, Foss, Hodgson, Cane and Steer (5)	Cllrs Hitchins and Holway (2)	Cllr Brazil (not in attendance for officer presentation) and Cllr Rowe (2)	Cllrs Cuthbert, Pearce and Vint (3)
1623/16/FUL	Garages 1-3 adjacent to 1A Christina Park, Totnes	Site Visit	Cllrs Bramble, Hitchins, Hodgson, Holway, Steer and Foss (6)	Cllrs Brazil and Cane (2)	Cllr Rowe (1)	Cllrs Cuthbert, Pearce and Vint (3)
0039/16/FUL	Queshills, Ware Hill, Ugborough	Conditional Approval	Cllrs Bramble, Brazil, Cane, Hodgson, Holway, Hitchins, Foss and Rowe (8)	Cllr Steer (1)	None	Cllrs Cuthbert, Pearce and Vint (3)
0745/16/FUL	Land at Westerland, Totnes Road, Marldon	Site Visit	Cllrs Bramble, Brazil, Cane, Hodgson, Holway, Hitchins, Foss, Steer and Rowe (8)			Cllrs Cuthbert, Pearce and Vint (3)
2347/16/TPO	46 Barton Brake, Wembury	Refusal	Cllrs Hodgson, Brazil, Bramble, Rowe and Cane (5)	Cllrs Steer, Foss, Hitchins and Holway (4)		Cllrs Cuthbert, Pearce and Vint (3)



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## PLANNING APPLICATION REPORT

**Case Officer:** Wendy Ormsby

**Parish:** Stokenham **Ward:** Stokenham

**Application No:** 0771/16/OPA

**Agent:**

Hunter Page Planning  
18 High Street  
Cheltenham  
GL50 1DZ

**Applicant:**

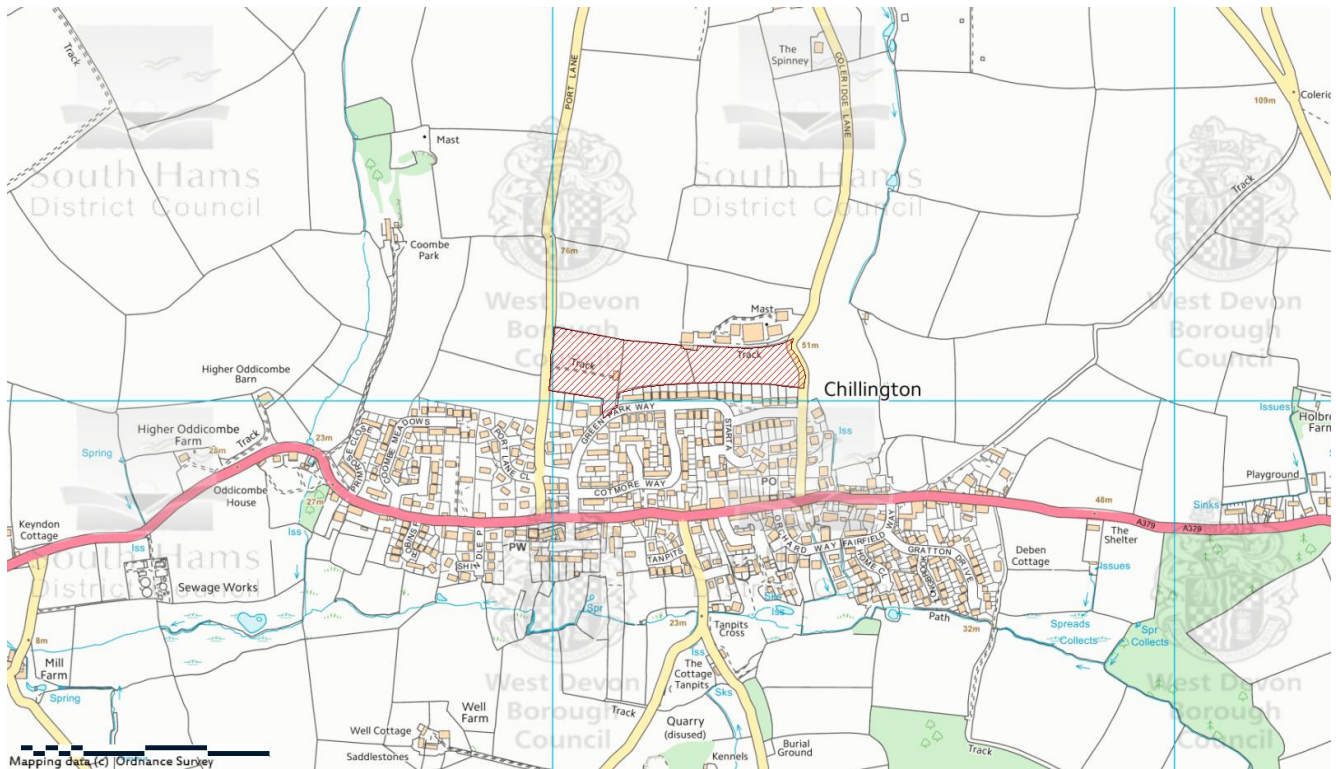
Acorn Property Group

**Site Address:** Land at SX 791 430, To Rear Of Green Park Way, Chillington, Devon

**Development:** Outline planning application for planning permission to erect up to 65 dwellings (including market, affordable and retirement housing) landscaping and associated works

**Reason item is being put before Committee:** Cllr Brazil has the following concerns:

- Strength of local feeling
- No infrastructure
- Drainage
- % of affordable
- Visual effect on AONB
- Neighbour amenity



**Recommendation:** That delegated authority be given to the Community of Practice Lead to grant Conditional Approval subject to a Section 106 Agreement to secure the following:

- 35% provision of on-site affordable housing, 50% of these being affordable rent and 50% shared ownership.
- £300.00 per dwelling towards sustainable travel vouchers and the provision of a travel and welcome pack for new residents.
- Public Transport Contribution of £100,00 towards bus service enhancement
- £71,612 towards the provision of cirl bunting habitat.
- The provision of onsite equipped play space and/or an offsite commuted sum towards the play space at Chillington Playing Field – provision to be in accordance with quantity standard of at least 0.3ha equipped play space per 1,000 persons if onsite, or Table 6 if calculating an offsite contribution, with number of persons calculated using Table 3 – Tables from the 2006 OSSR SPD and to be used once the dwelling mix is detailed at Reserved Matters stage).
- The provision of an offsite Open Space, Sport and Recreation commuted sum towards improvements to Chillington Playing Field, and/or the extension of the Church graveyard, and/or the purchase of land for allotments to serve the residents of Chillington – the sum to be calculated in accordance with Tables 3 and 6 of the 2006 OSSR SPD once the dwelling mix is detailed at Reserved Matters stage.
- Securing public access (free of charge) in perpetuity to Public Open Space within the proposed development.
- Securing management and maintenance of Public Open Space in perpetuity (in accordance with a Landscape and Ecology Management Plan).
- Education: Primary school contribution request is £2,840 per dwelling and the Secondary education contribution is £2,736 per dwelling
- Secondary school transport : £2,441.50 per pupil generated (rounded up)
- An age restrictions on dwellings to be secured in perpetuity
- The provision of a sustainable urban drainage scheme including management and maintenance responsibility and arrangements

**Conditions** (listed in full at end of the report)

- Time (commencement and submission of reserved matters)
- Details of reserved matters of landscaping, appearance, layout and scale to be submitted and agreed.
- Tree protection, Arboricultural Methodology Statement and Mitigation measures to be agreed and implemented.
- Prior to commencement submission of a Landscape and Ecological Management Plan (to detail habitat creation, management and maintenance and protected species mitigation, compensation and enhancement measures, covering construction and post-construction phases).
- Prior to commencement submission of a Lighting Strategy (reflecting sensitive lighting measures to mitigate impact on protected species).
- Unsuspected contamination
- Highway feature construction details and provision
- Prior to commencement – phasing programme to be agreed
- Site compound and car park to be constructed as first part of development
- Pre commencement - Construction management plan to be agreed
- Parking strategy to be agreed
- Drainage Strategy to be agreed relating to site surface water
- Car parking/garaging to be retained
- Barn owl survey to be undertaken (details to be submitted and approved prior to commencement)
- Renewable energy/energy efficiency (details pre-commencement)



- Provision of ducting for fibre optic broadband.
- Removal of PD rights

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

Given the location of this unallocated site outside the development boundary it is considered that, taking into account paragraph 49 of the NPPF, the initial issue to be considered is whether South Hams District Council can demonstrate a five year housing land supply. If a five year housing land supply cannot be demonstrated, relevant planning policies for the supply of housing should not be considered up-to-date and the key issue is whether the proposal represents sustainable development and if it is, whether there are significant and demonstrable adverse impacts that would outweigh its benefits.

Given the issues that have been raised in connection with the application, the potential adverse impacts on the following matters are considered to be the key issues:

Flood Risk  
Highways/Traffic  
Landscape  
Ecology  
Neighbouring Amenity

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

It is estimated that this development has the potential to attract New Homes Bonus of **£77,155** per annum, payable for a period of 6 years. Members are advised that this is provided on an information basis only and is not a material planning consideration in the determination of this application.

### **Site Description:**

Chillington is located approximately 7km east of Kingsbridge, 2km east of Frogmore, 1.5km west of Stokenham, and 3km west of the coast and Torcross. The Kingsbridge Estuary is also nearby.

Chillington is centred on the A379 which is the main route from the coast at Torcross to Kingsbridge. The historic centre of the village sits either side of the road and more modern development has spread north and south of the main road. The road is the boundary of the South Devon Area of Outstanding Natural Beauty, which lies to the south of the road.

Chillington has a small village shop and post office, a doctors surgery, a village hall and a pub. A primary school is located in nearby Stokenham. The village is on the No. 3 bus route from Dartmouth to Kingsbridge.

The site is situated on the northern edge of Chillington. To the north, east and west of the site lie open fields, to the south are the residential dwellings of the village, with the dwellings of Green Park Way adjoining the southern site boundary

The 3 hectare site consists of three agricultural fields which sit behind the houses on Green Park Way, and are currently used for keeping horses. The site's boundaries are formed by a mix of trees and hedgerows, fences and stone walls. There are also trees and hedges of varying quality along the field boundaries within the site.

The site is sloping, rising from south to north. To the north east of the site is a group of commercial buildings. There is one existing building within the site which will be demolished.

## **The Proposal:**

The application is in outline with only access to be agreed, however an illustrative layout plan has been submitted with the application. This shows a development of mainly detached dwellings with some semi-detached, mostly accessed off private driveways.

It is proposed to build 65 dwellings within the site, with the vehicular and principal pedestrian access being taken from Green Park Way, leading on to a central road which runs east - west across the site. Informal pedestrian access is indicated as being possible in the location of the existing field gates along the western boundary of the site, and in the north eastern corner, although it is not clear if these can be successfully delivered so they may not come forward as part of any reserved matters scheme.

The existing hedgerows which run north - south and divide the site into 3 parcels will be maintained as far as possible to create green corridors within the scheme, along with the trees which lie on the northern boundary, to the south of the employment development.

A cluster of 15 retirement dwellings is indicated within the scheme, around a central semi-private green space. The precise number of age restricted dwellings is to be agreed at reserved matters stage but will be a minimum of 10 and will be age restricted to the over 60's.

Development throughout the site is proposed to vary from 1.5 storey to 2 storey

35 % of the homes are proposed as Affordable homes and it is stated that they will be of the same design as the market housing.

The application has been supported by the following documents:

- Design and Access Statement (Turley Acorn)
- Planning Statement (Hunter page))
- Statement of Community Involvement (SyvretMedia)
- Landscape and Visual Impact Assessment (The Richards Partnership)
- Tree Survey (Aspect Tree Consultancy)
- Ecological Assessment (CSA Environmental)
- Transport Assessment (Cole Easdon)
- Flood Risk Assessment (Cole Easdon)
- Ground Conditions Report (Geo Consulting Engineering)
- Heritage Assessment (CgMS)
- Utilities Report (Upstream Utility Infrastructure Solutions)

## **Consultations:**

- County Highways Authority – No objection subject to 106 obligations to require the following:
  - £300.00 per dwelling towards sustainable travel vouchers.
  - Travel pack
  - Welcome Pack
  - Public Transport Contribution of £100,000 towards bus service enhancement

The following planning conditions are also recommended: construction details, phasing programme, provision of site compound and car park, CMP parking strategy and drainage strategy.

- Environmental Health Section – No objection. Recommends unsuspected contamination condition.
- South West Water – no objection but comments as follows:

- No development permitted within 3m of water main.
  - Foul sewage – (and no other drainage) shall be connected to the public foul or combined sewer
  - Surface Water – Proposed method of ground infiltration is acceptable and meets with the Run-off Destination Hierarchy
- Barn Owl Trust – Records suggest that the surrounding habitat is suitable for Barn Owls. A Barn Owl survey should be undertaken before a decision is reached if it has not already been done, if evidence of occupation is found mitigation and enhancement measures will be necessary. Permanent accessible nesting spaces for Barn Owls should be provided within the development irrespective of survey results.
  - Affordable Housing Officer - The Affordable Housing team have scrutinised this appraisal and are in agreement that the level and type of affordable housing is appropriate for this site. Chillington is a sustainable location benefiting from a shop, school and transport links and as such can support the delivery of more affordable housing.
  - SHDC Landscape - No objection to the principle of the development. The illustrative layout is not supported and parts of the site may need to be limited to 1.5 storey development, particularly to the eastern end of the site, however these issues will be addressed at reserved matters stage.
  - AONB Unit – Neutral response – principal of development is accepted but would object to current layout as it is not sufficiently protected-landscape led.
  - SHDC Trees – no objection subject to conditions
  - DCC Archaeology - no comments to make
  - DCC Flood Risk – no objection subject to conditions (detailed comments may be updated verbally)
  - Natural England – Initially Natural England raised concerns about the development, requesting that additional information be submitted, in particular to address potential impact on the Kingsbridge Estuary SSSI from run-off pollution. Further information was submitted and Natural England have removed their objection.
  - SHDC Ecology – No objection subject to financial contributions of £71,612 towards the provision of cirl bunting habitat.
  - Open, space, sport and recreation – No objection subject to financial contribution and conditions as follows:
    - The provision of onsite equipped play space and/or an offsite commuted sum towards the play space at Chillington Playing Field – provision to be in accordance with quantity standard of at least 0.3ha equipped play space per 1,000 persons if onsite, or Table 6 if calculating an offsite contribution, with number of persons calculated using Table 3 – Tables from the 2006 OSSR SPD and to be used once the dwelling mix is detailed at Reserved Matters stage).
    - The provision of an offsite Open Space, Sport and Recreation commuted sum towards improvements to Chillington Playing Field, and/or the extension of the Church graveyard, and/or the purchase of land for allotments to serve the residents of Chillington – the sum to be calculated in accordance with Tables 3 and 6 of the 2006 OSSR SPD once the dwelling mix is detailed at Reserved Matters stage.
    - Securing public access (free of charge) in perpetuity to Public Open Space within the proposed development.

- Securing management and maintenance of Public Open Space in perpetuity (in accordance with a Landscape and Ecology Management Plan).
  - Prior to commencement condition: submission of a Landscape and Ecological Management Plan (to detail habitat creation, management and maintenance and protected species mitigation, compensation and enhancement measures, covering construction and post-construction phases).
  - Prior to commencement condition: submission of a Lighting Strategy (reflecting sensitive lighting measures to mitigate impact on protected species).
- Police Architectural Liaison Officer – the area to the south of the site labelled ‘drainage attenuation’ is poorly overlooked and could attract antisocial behaviour, adverse impact on residential amenity and security problems. If these features are to be retained that area should be made inaccessible to the public.
  - DCC Education:

The proposed 65 dwellings, will generate an additional 16.25 primary pupils and 9.75 secondary pupils if all dwellings are considered family-type i.e any non-retirement housing consisting of 2 bedrooms and above.

Both the primary school (Stokenham Area) and secondary school (Kingsbridge Academy) are at capacity and Devon County Council will seek a contribution towards provision of both primary and secondary school infrastructure with regard to the proposed development. Our Primary contribution request is £2,840 per dwelling (based on the current DfE extension rate of £11,361.50 for Devon) and the Secondary education contribution is £2,736 per dwelling (based on the current DfE extension rate of £18,241 for Devon). Devon County Council will also seek a contribution towards secondary school transport due to the proposed development site being further than 2.25 miles from Kingsbridge Academy. DCC would request a total of £2,441.50 per pupil generated (rounded up) based on the rate of £2.57 per day.

1 Secondary pupil

£2.57 per day x 190 academic days x 5 years = £2,441.50

(The age restricted dwellings would be excluding from these contributions)

- **Frogmore & Sherford Parish Council:**

*Objection because: 1. The development can only add to the flooding problems in the valley. 2. The sewerage system is already overloaded. 3. It was also considered that development could pose a serious flood risk to the existing houses in Green Park Way*

- **Stokenham Parish Council:**

*The Chairman summed up that on the first look through it seemed as though the experts had covered every point. However, once the application was read, the potential of flooding and management of water were of crucial importance and points on which an objection should be raised. The swales need continual maintenance to work, but their location makes this difficult especially when firms were cutting back on maintenance as was the culture of these times so he was suspicious. The element of affordable housing had a severe lack of detail and the infrastructure was insufficient. The design was not in keeping with the area having two storeys behind bungalows. With regard to sewage and its treatments there had been enough information provided tonight as to whether it was adequate and there were huge concerns from the reports. It was a system of such design and age that definitely allowed storm water into it and therefore this must be addressed before ever considering a further 65 dwellings.*

*Then he considered the residential amenity of the 25 houses facing the development on which it would have a significant overlooking and loss of privacy impact, perhaps to include light pollution due to the proposed height of the overlooking new development. Paragraph 17 of the NPPF stated that planning should actively manage public transport, walking, cycling but this proposed development fails this test, with their offer of £20k p.a for a bus on Sundays. They also offered £300 travel vouchers to each property but suggested parking for two cars for each property. Far more sensible would be a shuttle bus to the school to ease congestion. Their transport assessment was totally unconvincing, stating that there would be negligible effect on journey times. They intended paying someone £12,000 pa to write a travel plan for each property but missed enhancing footpaths, cycleways etc and all this funding was only for a period of five years.*

*Paragraphs 32 and 35 (NPPF) dealt with safe and suitable access to a site for all people. Port Lane and Coleridge Lane were far too narrow for people to walk safely. On this point, Devon County Highways had recommended refusal on insufficient details. Paragraph 103 (NPPF) advised development should only be considered in an area at risk if it was flood resilient and resistant but the applicants had not shown that they had currently assessed addressed this. Their Flood Risk Assessment minimised the risks but the spring was unadopted and ran through a 4 inch butt jointed pipe on into a 6 inch which travelled through peoples properties and such open section could pick up surface water and pollute a clear stream. District Environmental Health noted this and currently recommended refusal. County Flood and Coastal Risk Management Team highlighted this and that the stone wall and bund were in people's gardens so what would stop people in future filling them in. County Highways felt a gradient of 1:6 was too steep for run off to be contained.*

*Of note was that Parish Council's earlier request that Acorn incorporated some mitigation for this run-off down Coleridge Lane had been met with 'It is beyond the control of the development to alleviate the existing surface water flooding in the village' so there appeared non co-operation for the good of the community.*

*Paragraph 50 (NPPF) noted planning authorities should plan for a mix of housing. Higher than average house prices in this area was contributing to the hollowing out of communities and young people could not afford to rent and that those who could afford these properties might spend part of the year here and thus there was no inherent interest in the wellbeing of this community. This proposal was below the 55% affordable which ought to be allocated on this site, and even the offer of 17% was well below the 35% originally mentioned. This was not promoting a sustainable mixed community and therefore parish council OBJECTED.*

*Objection due to the overbearing and unneighbourly overlooking of this two-storey design which was out of keeping with the adjacent bungalow area and would lead to a loss of privacy. The Flood Risk Assessment raised serious questions and was not felt to address the issues raised by residents with regard to its discharge and possible contamination of a nearby stream. The swale to be contained in private gardens at a higher level to the current properties was introducing a future maintenance problem and it had been suggested that there would be an increase in property insurance of all properties that sat below. This proposal was also felt to affect and harm the setting of the amenity value of this Area of Outstanding Natural Beauty sitting prominently on the skyline adjacent to an Area of Outstanding Natural Beauty.*

*The proposal suggested that there would be negligible effect on local road networks whereas with a dependence on the car due to its location few living in Chillington could concur. The presumption to provide pedestrian and cycle access via Port Lane and Coleridge Lane gave insufficient detail and it was questioned whether the proposal met 'safe and suitable' requirements.*

*The statements with regard to sewage were questioned as residents provided actual events when the current system had not coped and it was felt that further properties would exacerbate this problem. With only 17% of affordable housing being offered on an unallocated site any local need for such development could not be shown. Chillington had already taken up enough development and the wellbeing of the community needed time to settle and regroup.*

*Should SHDC be minded to ignore the wishes of the parish council and recommend approval parish council insist on an examination and response on specific concerns from any the Reserved Matters meeting with the developers.*

### **Representations:**

Over 235 letters of objection have been received from residents (although many residents submitted more than one representation). The reasons for objection include the following:

- Increased traffic will impact upon pedestrian safety
- There is no safe place to cross the A379 in the village and the road is dangerous, with little space to add pavements or improve visibility
- The development is not within walking distance to the village amenities and would be a car-dependant site
- The village is already congested and there is a lack of parking in the village centre and at the school
- Only one access point is proposed into the new development, and Coleridge Lane is not suitable for any increase in traffic
- More than 50% of the internal roads will be unadopted
- Increased pollution
- Additional traffic and construction vehicles could damage 19<sup>th</sup> century Bowcombe Bridge
- The road at Torcross to Slapton is vulnerable in the winter and further damage would leave one transport link into the village
- Not enough car parking for dwellings- will lead to illegal parking and more congestion
- Inadequate public transport in the village
- Offer of £50 towards a bike is laughable as road is too dangerous and narrow for cyclists
- The majority of the village wants no further development
- 65 houses is not a modest development
- 62 houses have been permitted in the village in recent years
- Houses recently built have been struggling to sell, so is there a need for more housing?
- If allowed, every village in the district will be open to inappropriate development
- No infrastructure improvement plan
- The primary school and GP surgery are full, and there are no proposed plans to increase capacity
- Does not meet the social or economic needs of the community
- If development is necessary, only ten dwellings for families should be permitted- larger schemes should go to bigger towns
- If the second homes in Chillington and nearby villages were 'reclaimed' there would be no need for additional housing to be built
- Stokenham has had no development recently but has more suitable sites- why always Chillington?
- Level of affordable housing proposed has been reduced since pre-application discussions and is now too low- developers profit coming before local need
- Affordable Housing on the site should be at least 50% and no second-homes should be allowed
- A recent application in Kingsbridge was refused because it did not meet the 50% affordable housing criteria
- Adverse landscape impact and visual intrusion into the countryside
- Site is outside of the development boundary and established rural edge of the village
- The site was rejected under the Rural Areas Site Allocations DPD in 2011 due to significant constraints relating to the impact on the landscape character
- A single dwelling was refused near the site in 2008 due to landscape impact

- Suburban development, not suitable for rural village on the edge of the AONB- does not conserve or enhance the natural beauty
- Two-storey buildings not appropriate on site which already slopes above the village
- Most properties in Green Park Way are bungalows- development does not respect local context and scale is out of character with the local environment
- 25 properties along the site boundary will be overlooked and lose privacy
- Views of the countryside from Green Park Way will be lost and property value will decrease
- The village has always had problems with flooding- increased flood risk from site surface water runoff and reduction in amount of agricultural land to absorb rainfall
- Unclear if developers have discussed SUDs/management plan with DCC
- Previous planning assessments in the village have noted the lack of sewer capacity, and South West Water have said there was limited capacity- why are SWW therefore raising no objection now?
- In June 2016, sewage flowed out into the road in Tanpits Lane, shows that the system is already under pressure- contaminated water will end up in Frogmore Creek
- Nearby properties should not have to accept surface water run-off from the site
- Who will monitor and maintain individual soakaways and swales ? Management Companies cannot be relied on.
- Email from South West Water (20<sup>th</sup> July 2016) is erroneous
- Surface water flow routes are confined to drainage routes- no consideration has been given to inundation or exceedance events
- The Flood Risk Assessment is flawed, and drainage information provided questioned
- Refusal of neighbours to give discharge consent into freshwater spring running through their land
- Freshwater spring and pipework will not cope with additional water
- No street lighting is mentioned
- Light pollution to residents and wildlife
- The site entrance/exit will cause disturbance to nearby residents
- Humans rights violations
- The site is important in terms of biodiversity, with important hedgerows, as well as evidence of crickets, slow worms, cirl buntings, dormice, badgers, bats, hedgehogs and barn owls within or near to the site
- The site is subject to several 'Prescriptive Rights of Way'
- Overdevelopment
- The radio mast at Coleridge Lane overlooks the site- full health implications of living so close to these masts is not yet fully understood
- Applicant has failed to provide sufficient funds under S106 order to ameliorate the loss of amenity
- Insufficient time has been given to respond to the revised drainage details
- Council is facilitating development for lucrative purposes.

Some of the letter received did not comment on the proposed development, but were from residents whose properties include the freshwater spring pipe. These letters simply stated that these residents would refuse discharge consent of water from the site into the spring and pipework which ran through their land.

Seven letters in support of the application have also been received. The reasons for support are as follows:

- Advantages for the local community and businesses- increased trade and potential for new business and employment to emerge
- Enables local people to stay in the village
- New houses could encourage younger people/families into the village, to address the current imbalance of retired residents
- Any affordable housing should be welcomed

- The location of the site at the edge of the village is a logical extension of the last estate built (Green Park Way) and simplifies the road connection required

## Relevant Planning History

53/1659/08/O: OPA

Land between 15 & 17 Green Park Way, Chillington, Kingsbridge TQ7 2HY

Erection of a dwelling

Refusal: 23 Apr 09

53/0642/81/1: OPA

Part O.S. 0006 0700 1600 land off Green Park Way, Chillington

18 dwellings

Refusal: 28 May 81

## ANALYSIS

### Principle of Development/Sustainability:

This is an Outline planning application for the development of the site for up to 65 dwellings. Although an indicative plan has been provided, which demonstrates how the site could be developed it is illustrative only and does not form part of any subsequent permission that may be granted. The only matter of detail to be considered is access. The key issue in the determination of the application is therefore whether the development of the site is acceptable in principle.

The application site is not allocated for development in the South Hams local Development Framework and is located adjacent to but outside the Chillington development boundary

Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that, regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts. The determination must be made in accordance with the plan unless material considerations indicate otherwise. In the case of residential development paragraph 49 of the NPPF states that '*Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.*' The first key question therefore is whether the Council can demonstrate a five-year housing supply.

An appeal relating to a site in Kingsbridge in 2014 (ref APP/K1128/A/13/2210602) considered this issue in detail and the Inspector concluded that "...*the Council has failed to demonstrate a 5 year supply of deliverable housing sites.*" As a consequence of this lack of a 5 year supply the relevant policies for the supply of housing should not be considered up to date.

In light of this it is accepted that, at present, the Council cannot demonstrate a five-year housing supply. As such, the current position is that an assessment as to whether the proposed development is sustainable has to be undertaken. If it is, the presumption in favour set out in paragraph 14 of the NPPF will apply and planning permission should be granted where the development plan is absent, silent or relevant policies, as in this case, are out-of-date unless 'any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF as a whole.' However, if it was concluded that the proposal would not result in sustainable development, the presumption in favour would not apply.

The main issue, therefore, in respect of whether the development is acceptable in principle, in the absence of a five year supply of deliverable housing land in the District, is whether the proposal represents sustainable development and if it is, whether there are significant and demonstrable adverse impacts that would outweigh its benefits.



## **Sustainable Development**

LDF Core Strategy Policy CS1 - Location of Development sets out where development is acceptable in principle subject to detailed material planning considerations. Chillington is included as one of the districts' Local Centres and is therefore covered by policy CS1. Local Centres have an important function in providing some services and facilities for their rural hinterlands and complement the role of Area Centres. Chillington is therefore a sustainable location for additional development to take place.

Paragraph 7 of the Framework identifies three dimensions to sustainable development – economic, social and environmental – whilst Paragraph 12 sets out twelve core planning principles that should underpin planning decisions. These two paragraphs set the context in which to consider sustainability. The three dimensions stated in Paragraph 7 are considered below:

### **The Economic Role**

Housing development is recognised as an important driver of economic growth and there would be economic benefits to the construction industry from the proposed development. Once the dwellings were occupied there would be an increase in the level of disposable income from the occupants which would be likely to be spent in the local area with some increase in the demand for local goods and services.

The development will result in the loss of some 3 hectares of agricultural pasture land; the land however in more recent years has been used for the grazing of horses and as such is not used for commercial purposes.

There is no evidence that the development would result in any significant adverse economic impact. Economic benefit will be derived from the construction process and from spending of future residents. In respect of this element of sustainable development the balance is considered to be in favour of the development.

### **The Social Role**

#### **Provision of housing including affordable housing and age restricted dwellings.**

The principle social benefit of the proposed development would be the provision of additional housing, including 35% of the homes being affordable. These affordable homes will be 50% social rented and 50% shared ownership which are the most accessible forms of affordable housing.

A number of age restricted dwellings are also proposed for the over 60's, the number has been indicated as 15 but this figure remains flexible, set at a minimum of 10. These dwellings would be designed to accommodate the needs of older residents and will provide a range of housing that is less available in the area.

Given the NPPF priority to significantly boost the supply of housing the additional dwellings to be provided must carry significant weight in this balance. In the District wide Strategic Housing Market Needs Assessment (SHMNA) undertaken in 2013, the identified need for affordable housing across the District was 242 affordable homes needed every year. The applicant has submitted a viability appraisal with the offer of 35% affordable housing. This offer was increased from an initial offer of 17%. The Affordable Housing team have scrutinised this appraisal and are in agreement that the level of affordable housing is now appropriate for this site. Chillington is a sustainable location benefiting from a shop, school and transport links and as such can support the delivery of more affordable housing.

In respect of the social aspect of sustainability a number of objections have been raised including the pressure on local services with the primary school and doctors being oversubscribed, added congestion on highways that are already dangerous and impacts on existing residents who live adjacent to the site.

### Impact on existing Infrastructure

Consideration has been given to these concerns. Devon County Council have confirmed that both the local primary school and the nearest secondary school are at capacity; as such financial contributions have been requested to provide additional infrastructure to mitigate the additional demand. DCC do not object to the proposal.

The issue of congestion is considered elsewhere in the report and it is concluded that the development will not result in any significant impact upon the traffic levels in the area. The proposed new vehicular access is acceptable to the Highway Authority and meets current highway standards.

The site is within a short walk of the A379 where there is the No 3 bus route which provides a bus service to Kingsbridge. There are pedestrian links from the site to the local services in Chillington. The Travel Plan includes actions and aims to encourage walking and cycling together with the use of bus service as an alternative to car usage.

### Impact upon Neighbours

The layout plan submitted with the application is for illustrative purposes only. The application does not formally include details of the siting and design of the proposed dwellings and the relationship between the proposed dwellings and those that exist around the boundary of the site. However it is considered that there is sufficient area to accommodate the development with a layout that will not have any significant adverse impact on the residential amenity of the neighbouring dwellings. An assessment of the relationship of the proposed dwellings with existing properties will be undertaken at the Reserved Matters stage when the detailed plans have been submitted.

### Social Dimension Balance

Substantial weight that must be given to the provision of additional market, affordable and age restricted housing. The site is well related to the settlement of Chillington with good access into the village centre and its facilities to ensure social integration. The social benefits of the proposed development outweigh any dis-benefits and weigh in favour of the development.

### The Environmental role

With respect to the environmental role of sustainable development, the elements that are considered to be especially relevant to the proposed development are impacts on the landscape including the AONB; ecology and bio-diversity; heritage assets and surface and foul water drainage.

### **Landscape Impact**

The application has been carefully considered and evaluated by Officers within the Natural Environment and Recreation Team who have assessed the scheme as follows:

### **Landscape Character and Visual Amenity**

*A Landscape and Visual Impact Assessment has been prepared by on behalf of Acorn Properties Ltd (Richards Partnership – ref: 15-10-CR01 Land at Green Park Way, Chillington – dated 22.01.2016). This has been reviewed and considered with reference to the site and schematic layout. The viewpoints have been discussed and verified. On the basis that officers broadly concur with the submitted report which is comprehensive, well-reasoned, has clear baseline information and draws*

*appropriately considered conclusions, the following consultation response contains a brief appraisal of landscape character and visual effects, and considers the impacts through an evaluation of the outline development proposal. The proposed development is outside of the South Devon AONB (the boundary is to south of the A379) but within the setting; on this basis due consideration has been given to the South Devon AONB and its management plan as required by the NPPF (para. 115).*

*Involved in pre-application discussions, a clear approach was established around the proposal being landscape led given the sensitivity of the location close to the SD AONB. Opportunities should be sought to improve the existing urban edge and ensure the context of any schemes relate well to the existing built form through enhanced design quality. The submitted LVIA was scoped and agreed.*

*The site is within Devon Character Area 53 – Start Bay Coastal Hinterland; locally this is Landscape Character Type – 3B: Lower rolling farmed and settled slopes. Key characteristics can be summarised as:*

- Gently sloping, south-facing, small to medium sized pastoral fields, bound by banked hedgerows and trees (the fields are currently under equestrian use for grazing)*
- Several strong hedgerows, with a linear tree presence, run north-south across the site.*
- Visible from the south as part of the rising undulating landscape above the settlement at Chillington but related to it*
- Forming part of a broadly open landscape, with woodland and enclosure on lower slopes, and larger, predominantly arable fields on the gently undulating hills above.*

*The site is consistent with the rural, farmed landscape which abruptly meets the built form of Chillington; it also contributes to the wider setting of the SD AONB to the south, and overall scenic qualities of the prominent valley character. The broader character is of a high quality, where settlements are sensitively located in a linear form along the prominent route of the A379. There are opportunities to enhance the quality of these further through sympathetic treatment of boundary development whilst ensuring the scale and form is not adversely affected. This can be achieved through high quality design of buildings and limiting overall heights to a minimum to ensure a positive transition is achieved from the existing fringe. There is potential to adversely impact on the setting of the AONB by elevating the presence of development so sensitive design and layout will be fundamental to securing a final scheme at Reserved Matters.*

*The visual influence of the proposed site is relatively limited given its position below and away from the ridge line of the main valley, on the lower slopes associated with the existing village. Visual impacts on views from the AONB will need to be mitigated in the context of the existing built form, and it is acknowledged this will be challenging; however it can be minimised by retaining the key existing landscape features including the retention of vegetation bordering and running through the site. Boundary planting to the north should be strengthened, with space within the site allowing for further planting. Development should be limited to 1.5 storeys and at a reduced density than the existing development at Chillington in order to avoid significantly changing the perception of development in these open views from the south. High quality design and materials, utilising stone and dark/muted roof finishes would also help reduce visual impact. Lighting should be minimised in this rural location.*

*In terms of the current schematic layout (noting this is outline), specific concerns are raised over the scale and massing of the development to the eastern end. This should be addressed at Reserve Matters stage; the current scheme is not supported but officers are satisfied that an acceptable scheme could be achieved that will ensure that the overall landscape character and visual amenity is conserved and enhanced.*

*(Further clarification has indicated that the Officer does not consider that the entire site needs to be 1.5 storey, however it may be necessary for some of the development to be of this scale to minimise landscape impact, this will be addressed at reserved matters stage).*

### **Protected Landscape**

The site is located on the north side of the A379 and abuts the principally developed area, whilst remaining below the valley ridgeline. It is within the setting of the South Devon AONB.

Key relevant South Devon AONB Special Qualities:

- Deeply rural rolling patchwork agricultural landscape with settlements on lower slopes
- Deeply incised landscape that is intimate, hidden and secretive away from the plateau tops

In terms of the South Devon AONB Management Plan (2014-2019), due consideration has been given in particular to part 5.1 and the policies therein. The proposal will be retained below the skyline and seen in close association with the existing build form minimising intrusion. Given the deeply rural character of the setting, officers are satisfied that overall the special qualities and character will be conserved.

### **Arboricultural Impacts**

The AIA is noted (Aspect Tree Consultancy – 04396 TCP 15.05.2015) - Key features are to be retained and protected with boundary landscape elements; most trees are category B trees, principally of elm, hawthorn and ash. Overall impacts are limited and retention can be achieved under RM - No objection raised.

Due to the sites proximity to the AONB the AONB Unit were consulted and have commented as follows:

*The South Devon AONB Unit **has a neutral position** to planning application 0771/16/OPA.*

*The application site lies outside of the AONB boundary but contributes to the setting of the South Devon AONB in the Chillington area. The applicant's evidence demonstrates the potential for some development to be accommodated at this location without compromising AONB special qualities, natural beauty, distinctive characteristics and key features. However, were the applicants to come forward with a full application containing the current layout and distribution of proposed illustrative housing types, we would be likely to object. Insufficient priority appears to have been given in the layout and design at this outline stage to landscape and visual impacts, in particular consideration of how the development would be read in the landscape within views out from the protected landscape of the AONB. For these reasons a neutral position is being adopted in relation to this proposal given that it is currently at outline stage. However, please note the points of concern outlined below that accompany this conclusion.*

### **Reasons for response**

#### **National Planning Policy Framework (NPPF) and Planning Practice Guidance (PPG)**

*As the application site is located outside of the AONB, the provisions of NPPF paragraph 116 cannot be applied in this instance.*

*Footnotes 9 and 10 to NPPF paragraph 14 restrict the normal presumption in favour of sustainable development and given the site's location in the setting of the South Devon AONB, effectively transfer the starting point for assessing this application to NPPF paragraph 115. Great weight should therefore be given by the Planning Authority to conserving landscape and scenic beauty in the AONB when weighing the planning balance for this application. NPPF para 109 reinforces this approach "The planning system should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes...".*

## **Duty of regard and the AONB purpose**

*In considering this planning application, the Planning Authority is reminded of its overriding statutory duty of regard for the purpose of conserving and enhancing the natural beauty of the AONB (Countryside and Rights of Way Act 2000, s 85) and of the policies in the Council's adopted statutory management plan for the South Devon AONB.*

*The duty is relevant in considering development proposals such as this one that are situated outside the AONB boundary, but which might have an impact on the setting of, and implementation of the statutory purpose of, the AONB.*

## **South Devon AONB Management Plan and Planning Guidance Annex**

*The South Devon AONB Management Plan 2014-19 is a statutory document and a material consideration in determining this application. The AONB Management Plan assists decision-takers in applying the provisions of the NPPF and in responding to the legal duty of regard for the AONB purpose. Information is provided within the Plan and its Annexes to enable decision-takers to fully understand:*

- what makes the South Devon AONB a valued landscape;*
  - aspects of landscape and scenic beauty to be conserved and enhanced;*
  - AONB special qualities;*
  - forces for change acting on the AONB;*
  - the AONB policy framework and priorities for action;*
  - and emerging AONB Planning Guidance, currently in post consultation draft form.*
- Particularly relevant policies from the South Devon AONB Management Plan include:*
- **Lan/P1** The special qualities, distinctive character and key features of the South Devon AONB landscape will be conserved and enhanced.*
  - **Lan/P2** The use of landscape and seascape character assessments and historic landscape and seascape characterisation will be advocated so that land use and marine planning and management decisions respect, maintain and where possible enhance the special qualities of the South Devon AONB.*
  - **Lan/P4** Levels of tranquillity throughout the South Devon AONB will be maintained, and where practicable enhanced, in order to ensure this special quality is not further devalued. (particularly in respect of lighting and natural nightscapes)*
  - **Lan/P5** The character of skylines and open views into, within and out of the South Devon AONB will be protected. Suitable alternatives to infrastructure responsible for visual intrusion will be sought together with improvements to reduce the visual impact of unsightly past development. Priorities include protection against intrusive energy generation, transmission and communications infrastructure; external lighting that creates night time scenic intrusion; and visually dominating buildings that are inconsistent with landscape character. (particularly in respect of lighting and natural nightscapes)*
  - **Plan/P2** Development management decisions give great weight to the purpose of conserving and enhancing the natural beauty of the South Devon AONB; and support development that is appropriate and proportionate to its setting within or adjacent to the South Devon AONB*

## **AONB Special Qualities**

*The AONB special qualities most pertinent to this application are considered to be:*

- *Deeply rural rolling patchwork agricultural landscape.*
  - *Deeply incised landscape that is intimate, hidden and secretive away from the plateau tops.*
  - *Iconic wide, unspoilt and expansive panoramic views*
  - *A variety in the setting of to the AONB formed by the marine environment, Plymouth City, market and coastal towns, rural South Hams and southern Dartmoor.*
- The applicant's evidence demonstrates that the location has the potential to accommodate some development that may not cause unacceptable levels of harm to the AONB special qualities found in the Chillington area. However in its present form, the indicative design, layout and housing types do not sufficiently respect the site's location in the setting of the South Devon AONB.*

### ***Landscape, Visual Impacts and Scenic Beauty***

*The outline layout and design of indicative housing types does not suggest that the strong pre-application steer for a landscape led scheme has been sufficiently followed. Direction should be given to address those design aspects that would otherwise increase the conspicuousness of new build elements when viewed from within the AONB. This should include due consideration of:*

- *The potential impacts arising from the incorporation of large individual glazing expanses and the total area of glazing as a proportion of any southern facing elevations. Recognition of daytime reflective glare from glazed surfaces plus glare and lightspill through glazing from night-time interior lighting use.*
- *The potential impacts arising from the colours and surface areas of rendered elevations drawing attention in views out from the AONB. Development should be limited to 1.5 storeys and use recessive colours on renders. Partly to limit the visual impact of buildings located within the upper slopes of the site, particularly in the northwestern corner, without the benefit of the farm buildings as a backdrop; and partly to break up the potential expanse of render with roofing materials.*
- *Building density. A density and layout should be developed that more closely blends with housing on the slopes below the application site. This approach will ensure that new buildings read as part of the rest of Chillington instead of highlighting this as an obvious add-on that draws attention in views out from the AONB*

*Accepting that this is an outline application with more detail to come through reserved matters, the principle of retaining existing landscape features is sound to enable the field pattern to be read into the future. However, these features will only remain into the future if they are excluded from domestic curtilages, considered more as public realm features and retain their agricultural look and feel. A commitment to an appropriate management plan is sought to cover long term management and maintenance of both perimeter and interior hedgebanks, inclusive of related features including hedgerow trees, stone-facing if applicable and grassy margins.*

*If future reserved matters information is being prepared we would appreciate an involvement to be satisfied that character, visual and lighting impacts upon the AONB have been fully assessed, appropriately considered within design and layout; and mitigated as far as reasonably practicable.*

### ***Summary***

*Although the applicant's evidence at this outline stage demonstrates that the location has the potential to accommodate some development, if a full application were to be submitted following the indicative layout and housing types illustrated, it is likely that we would respond with a formal objection.*

*Our conclusion is reached on the basis that the current proposal's design and layout is not sufficiently protected-landscape led; and that in its current form the proposal, particularly the north-western most up-slope components are likely to cause an unacceptable level of harm that is unlikely to be mitigated. The current indicative layout does not adequately conserve or enhance the natural beauty and special qualities of the AONB found in the Chillington area.*

*A revised approach to layout and building design may overcome these concerns. For the reasons outline above the South Devon AONB Unit has a **neutral position** on this application with the identified caveats concerning layout and design.*

## Biodiversity

The application has been considered by the Councils Ecology and Biodiversity officer who has commented as follows:

### **Onsite biodiversity**

*The application is supported by an Ecological Impact Assessment (EclA) by EAD Ecology (Jan, 2016) which compiles the results of the initial Extended Phase 1 Survey and several further detailed protected species surveys. The site in summary is described as comprising 'three poor semi-improved grassland fields, bordered by hedgerows, stone walls, fences, broadleaved trees, tall ruderal and scrub habitats.'*

*Protected species surveys recorded various protected species using the site, of note including:*

- *Great green bush-cricket using longer grass at margins of the site and adjacent hedgerows*
- *'Low' populations of slow-worm and common lizard mainly along the northern boundary*
- *A range of notable but typical farmland bird species, including a single male circl bunting recorded singing within the site on three of the five surveys. There was no evidence of circl bunting breeding at the site although the hedgerow and scrub habitat on the eastern boundary is thought likely to be on the edge of a single circl bunting territory.*
- *An inactive outlier badger sett*
- *Eight species of bat were recorded (described as moderate diversity) - the number of records from the species other than common pipistrelle and noctule was very low. Hedgerows provided moderate value foraging and commuting habitats although activity levels were low and confined mainly to the southern and western parts of the site. No bat roosts were recorded within any of the buildings or trees within the site.*

*The proposed development would lead to loss of the semi-improved grassland habitat – this habitat is described as 'a widespread and common habitat with low structural and botanical diversity.' Other habitat loss is limited to minor areas of scrub and ruderal habitats, short sections of hedgerow and several mature broadleaved trees.*

*Mitigation is proposed to minimise impacts to protected species and habitats during construction including timing and method of vegetation clearance, and post construction (sensitive lighting strategy).*

*Compensation and enhancement measures have been outlined within the EclA, most notable being a proposed net gain of 865m of species-rich hedgerow, 0.27ha of wildflower grassland and bird and bat boxes .*

*The EclA concludes that the proposal would 'lead to a net biodiversity gain through an increase in wetland (swale), wildflower grassland and hedgerow habitats. There would be beneficial, probable impacts for plants and invertebrates. Impacts to amphibians, reptiles, birds (including circl bunting), hedgehog and bats (if an appropriate public-realm lighting design was produced) would be neutral in*

*the long-term. Impacts to badgers would be adverse, certain and long-term at the Sub-Parish level i.e. not significant and would not detract from the overall delivery of net biodiversity gain.'*

*The details of habitat creation, management and maintenance (including pre and during construction phases), will be agreed within a Landscape and Ecological Management Plan (LEMP) prior to commencement of the development, with adherence secured through the s106 agreement. I note the concern raised by Natural England, and the response from EAD Ecology with respect the wildflower grassland creation and management – this point has been appropriately addressed, and further information will be expected within the LEMP.*

*As the proposed development site falls within a curlew territory and could impact the territory to such an extent that it could become unviable (and these impacts cannot be mitigated onsite), the EcIA has identified that a compensatory offsite payment will be required. This commuted sum will be £71,612 – this being the sum required to provide 1ha of new habitat (the minimum viable area of habitat required to support one pair of curlews). This shall need to be secured within the s106 agreement.*

*The proposal is considered to be in accordance with policy – namely SHDC Core Strategy Policy CS10, and DPD policy DP5, the NERC Act 2006, the NPPF (namely Para 118) and the Birds Directive (2009).*

The Barn Owl Trust have recommended that survey should be undertaken before permission is granted. Officers consider that a planning condition to require a survey prior to the commencement of development with appropriate mitigation measures would be sufficient to protect the interests of this species.

### **Off-site biodiversity**

*Concerns were raised by Natural England with respect the potential for impact from the proposed development on the water quality within Salcombe to Kingsbridge Estuary SSSI. A chain of correspondence between EAD Ecology and Natural England ensued within which further information and clarification was provided (from South West Water and the drainage consultants) which concluded with Julien Sclater of Natural England confirming in his email on 6<sup>th</sup> July that 'I am satisfied at this point and subject to resolving the detail at the appropriate stage, that our concerns regarding potential impacts upon the SSSI can be resolved for both construction and operational phases.' This correspondence is pulled together within the letter dated 8<sup>th</sup> July to Tom Jones from EAD Ecology ref P623/MJ/3364/16.*

### **Heritage**

There are no listed buildings in close proximity to the site, the nearest listed building are located within the historic village centre fronting the A379, set within the Conservation Area. The application includes a Cultural Heritage Assessment which states that:

*This desk-based assessment has established that no designated archaeological heritage assets are present within the study site. Based on the HER evidence, the site is considered to have a low archaeological potential for as yet undiscovered evidence of all archaeological periods.*

*This assessment considers that the proposed development has the potential to impact any below ground archaeological deposits present on the site. However, if present, remains are considered likely to be of no more than local significance and therefore should not preclude development. Should further mitigation be required it recommended this can be secured by a standard planning archaeological condition.*

*This assessment has established that the proposed development has the potential to affect the significance of the Grade II listed Well Farmhouse and the Chillington Conservation Area.*



*However, in both cases any affects would be minimal, with no material impact on the significance of these designated heritage assets.*

DCC Archeology have stated that they do not wish to comment on this application. Officers concur that the development will not have harm the setting of the Conservation Area or of Listed Buildings within the village; the site is sufficiently divorced from the heritage assets, set against a backdrop of modern residential development, that will not significantly change the character of the area.

### **Drainage/Flood Risk**

Significant local concern has been raised about the potential flood risk/drainage issues associated with this development. There is concern about flooding and capacity of the sewage system to take more outfall.

The proposed development proposes a sustainable drainage solution of soakways/infiltration to deal with surface water drainage with an attenuation system to assist with extreme flood events. Percolation testing has been submitted to support the proposed scheme.

Detailed and protracted dialogue has taken place between the developer and DCC, the Lead Flood Authority, who have now removed their initial holding objection to the development, subject to conditions.

South West Water originally raised no objection to the proposed development, which proposed to link foul drainage into the existing sewer system. This was challenged by local residents who provided evidence of the sewage system failing through photos and written statements. South West Water responded to state that the problems experienced were not a consequence of hydraulic overload and they are confident there is capacity for this proposed development.

It is considered that the site can be adequately and appropriately drained

### **Environmental dimension balance**

The environmental role in considering where the development is sustainable is not clear-cut. The benefits identified are either marginal or essentially mitigation as in the case of any landscape/ecological measures to be applied to the development. Moreover, those benefits have to be set against the loss of an area of open countryside, leading to a change in the local environment and landscape. That impact has been carefully considered and, it is offset by the location of the appeal site outside the AONB, and the lack of evidenced harm to the environment. Whilst the appeal site is within a pleasant piece of countryside the site itself is neither so special nor the impact of the development so substantial, that its loss to development would represent significant material harm to the identified areas of potential concern.

### **Sustainable development conclusion**

In terms of the economic and social dimensions of sustainable development, it is considered that there are benefits from the proposed development and that where adverse impacts in these respects can be identified, there is no evidence to suggest that they represent a scale of significant and demonstrable impact as would outweigh those identified benefits. Furthermore, given the NPPF's priority and the acknowledged housing supply position in the District, the additional dwellings to be provided must carry very substantial weight in determination of the application.

It is concluded that the site is sufficiently sustainable to pass the first part of the test set by Paragraph 14 of the Framework. It is clearly sustainable in economic and social terms and,

although there is an issue over the use of land adjacent to the open countryside, the location of the appeal site is sustainable and the adverse impacts identified including the landscape to be lost are not so significant as to undermine the proposed development's sustainable credentials. It is also concluded that whilst the impact on the ecological and biodiversity worth of the site is on balance probably neutral, the impacts, given mitigation measures, are not so significant as to outweigh the benefits identified.

Overall, therefore, on balance, it is considered that the proposed development is sufficiently sustainable to pass the first part of the test as set out in the NPPF.

## **Other matters**

### **Traffic Conditions/Highway Issues**

The only key issue not considered above in detail as part of the consideration of whether the development is sustainable is the effect on traffic conditions. The Highways Authority have provided a comprehensive response to the application and have concluded that it is acceptable subject to conditions and works to be carried out in accordance with plans that have been submitted. The Highway Authority have commented as follows:

#### ***Transport Assessment***

*It is noted the TRICS figures used to predict the likely levels of additional traffic from the development have been compared to comparable local roads and the difference in likely traffic flows is thought to be negligible based on the fact over 7am - 7pm period in a typical day an additional 69 cars may be using the road network or on average 6 additional cars per hour. The Highway Authority would agree with the conclusion in the Transport Assessment that this amount is negligible. Overall 160 vehicle arrivals and 168 vehicle departures are predicted daily. During the busiest hours of the day (peak hours) the predicted extra traffic is likely to be around an additional 40 two way vehicle trips between 8:00am and 9:00am. An additional 43 two way trips are predicted between 17:00 - 18:00pm. This is on average is around one car every 1.30 minutes.*

*The applicant has undertaken a very robust assessment of the junction of Green Park Way and the A379 and the site junction with Green Park Way. Both demonstrate the roads have more than enough capacity to accommodate the predicted flows from the development. The applicant has also increased the flows on the A379 five fold to reflect the seasonal changes in traffic flows on the A379. The results of the assessment still show the junctions can cope with the development.*

*Concerns have been raised over whether one day the A379 will be closed due to flooding at Tor Cross. The applicant has modeled the junctions to account for this scenario and the assessment still shows the junctions can cope with the development.*

#### ***Illustrative Layout***

*As the application is Outline with approval being sought for access, all new accesses whether vehicle or pedestrian must be designed in detail for the first 20m into the site. Whilst this has been undertaken for the main vehicle access, there is a pedestrian access proposed to the north east of the site and no details are provided. There is some concern that the land to the north is third party land, where the access leads and therefore legally pedestrian access rights in perpetuity will need to be established across this land or the access needs to be moved and designed in detail. Also there is a pedestrian access proposed onto Port Lane which also lacks in detail. Visibility splays, pedestrian barriers, proposed levels, widths and construction materials and details are all needed to satisfy this concern.*

## **Travel Plan**

*It is noted the developer will appoint a Travel Plan Coordinator and a Travel Information Pack will be distributed to house purchasers on first occupation. The Travel Plan document submitted makes reference to the fact £300 travel vouchers will be provided by the owner. The owner will need to source their own vouchers from the bus companies and cycle shops. The developer has also offered to enhance the 93 bus service on Sundays.*

## **Drainage**

*The report submitted with the application warns that ground water may be an issue on this site and recommends that ground water monitoring is undertaken to establish if this is the case. However, the report fails to demonstrate that the required 12 months ground water monitoring has been undertaken, which is not unusual at Outline stage. Concerns arise regarding the gradient of the site and the suitability of soak aways. The site appears to be around 1:6 gradient which is far too steep for infiltration. However the Highway Authority is willing to accept a pre-commencement condition relating to drainage and that is set out*

Since submitting these comments further detail regarding highway drainage has been submitted which is acceptable to the Highway Authority

## **Leisure and Recreation:**

The application has the potential to include the provision of open space and play areas on the site, which will be secured with a Section 106 agreement or offset through financial contributions towards improved play provision locally. In addition offsite contributions for Sport and other outdoor facilities are to be provided. The level of provision is acceptable to cater for the demand from the development.

## **Public Opinion**

There has been considerable local opposition to the proposed development. Whilst planning authorities are expected to consider the views of local residents when determining an application, the extent of local opposition is not, in itself, a reasonable ground for resisting development. To carry significant weight, opposition should be founded on valid planning reasons which are supported by substantial evidence. Planning authorities should therefore make their own objective appraisal and ensure that valid planning reasons are stated and substantial evidence provided. In this case, the concerns raised have not been set aside lightly and the Council is mindful of the content of the Localism Act 2011. However it is considered that the objections raised in respect of this application have been carefully and objectively considered with this report

## **The Planning Balance and Conclusion**

The application seeks outline planning permission, i.e. to establish the principle of whether the development of the site for up to 65 dwellings, is acceptable. The only detailed matter to be considered is the access to the site.

Whilst the indicative plan simply demonstrates how housing, landscaping, open space and footpaths could be accommodated upon the land, the details of the layout, scale and appearance of buildings will be subject to a separate Reserved Matters application to be considered on its merits.

The proposed development would conflict with Development Plan policy and would result in residential development outside the development boundary. It is considered that, in the absence of the Council being able to demonstrate a five year housing supply, the policies within the Development Plan with regards to housing have to be seen as out of date.

In such circumstances the NPPF sets out that the issue to consider is whether the proposal represents sustainable development and if it does there is a presumption in favour of the scheme. For the reasons as set out in the report, it is considered that the proposal does satisfy the three dimensions of sustainable development. Given the view taken that the development is sustainable the question to be considered is whether there are any adverse impacts that would significantly and demonstrably outweigh the benefits of the proposal when assessed against the policies in the NPPF as a whole.

No overriding technical objections have been raised and the impacts of the development have been assessed. There are no adverse impacts that would outweigh the benefits of the scheme. With regard to the objections raised in the letters of representation, the main areas of concern have been addressed above. With regard to the “affordability” of the affordable housing, the Council ensures there is a range of tenures to meet differing incomes.

Therefore, in conclusion, the application is recommended for approval, subject to conditions and a s106 agreement.

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

#### **Planning Policy**

NPPF

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

CS1 Location of Development

CS7 Design

CS9 Landscape and Historic Environment

CS10 Nature Conservation

CS11 Climate Change

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

DP1 High Quality Design

DP2 Landscape Character

DP3 Residential Amenity

DP4 Sustainable Construction

DP5 Conservation and Wildlife

DP6 Historic Environment

DP7 Transport, Access & Parking

DP15 Development 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.

## Proposed Conditions:

1. No development shall commence on site until details of the following matters (in respect of which approval is expressly reserved) have been submitted to, and approved in writing by, the Local Planning Authority:

- (a) The scale of the development;
- (b) The layout of the development;
- (c) The external appearance of the development;
- (d) The landscaping of the site.

The development shall be carried out in accordance with the approved details.

Reason: To comply with Section 92 of the Town and Country Planning Act, 1990 (as amended)

2. An application for the approval of all the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.

Reason: To comply with Section 92 of the Town and Country Planning Act, 1990 (as amended)

3. The development hereby permitted shall be begun either before the expiration of three years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

Reason: To comply with Section 92 of the Town and Country Planning Act, 1990 (as amended).

4. The details hereby approved shall in all respects accord strictly with drawings numbers 'Site Location Plan' and 4660/SK100.

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.

5. PRE-COMMENCEMENT - No development shall take place until such time as details showing how the existing trees and hedges that will be affected by the development will be protected throughout the course of the development, how works to the trees and hedges will be undertaken and an Arboricultural Method Statement have been submitted to and approved in writing by the Local Planning Authority. The details shall include a hedge/tree protection plan, in accordance with BS:5837:2010, which shall include the precise location and design details for the erection of protective barriers and any other physical protection measures and a method statement in relation to construction operations in accordance with paragraph 7.2 of the British Standard. Development of each phase shall be carried out in accordance with the approved hedge protection plan.

Reason: In the interests of visual and residential amenity.

6. PRE-COMMENCEMENT - Prior to the commencement of the development a Landscape and Ecological Management Plan (LEMP) shall be submitted to and approved in writing by the Local Planning Authority. The LEMP shall be based upon an up to date ecological survey of the site and buildings and will include mitigation measures as set out in the existing ecological survey which shall be integrated with the detailed landscape scheme to be submitted as part of the reserved matters. The LEMP shall include details of habitat creation, management and maintenance and protected species mitigation, compensation and enhancement measures, covering construction and post-construction phases.

Reason: In the interests of ecological interest.

7. Prior to occupation of the first dwelling, a detailed outdoor lighting scheme shall be submitted to and approved in writing by the local planning authority. Such a scheme shall specify the method of lighting (including details of the type of lights, orientation/angle of the luminaries, the spacing and height of lighting columns/fixings), the extent/levels of illumination over the site and on adjacent land through the submission of a isolux contour plan and measures to be taken to contain light within the curtilage of the site. The scheme shall be implemented in accordance with approved details and shall thereafter be maintained as such.

Reason: In the interests of visual amenity; to protect existing and future residential amenity; and in the interests of biodiversity.

8. 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 [amended] investigation and risk assessment and, where necessary, a[n amended] 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.

9. The proposed estate road, cycleways, footways, footpaths, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, road maintenance/vehicle overhang margins, embankments, visibility splays, accesses, car parking and street furniture shall be constructed and laid out in accordance with details to be approved in writing by the Local Planning Authority before their construction begins. For this purpose, plans and sections indicating, as appropriate, the design, layout, levels, gradients, materials and method of construction shall be submitted to the Local Planning Authority.

Reason: To enable the Local Planning Authority to obtain adequate information for consideration of the ultimate proposal in the interests of highway safety and convenience

10. Prior to the commencement of the development a phasing plan setting out the timing of the construction and completion of the roads and footpaths to serve the approved development will be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure adequate and safe access for both vehicles and pedestrians is provided to properties before occupation.

11. PRE-COMMENCEMENT: 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, together with a details of temporary AA Road Signing Strategy;
- (d) any road closure;
- (e) hours during which delivery and construction traffic will travel to and from the site;
- (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) provision of wheel wash facilities, dust suppression and noise limitation measures;
- (j) hours during which no construction traffic will be present at the site;
- (k) the means of enclosure of the site during construction works;
- (l) details of proposals to promote car sharing amongst construction staff in order to limit construction staff vehicles parking off-site;
- (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; and
- (n) a road condition survey using photographic evidence neat to each proposed entrance to the site.

This approved 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, including taking into account school pickup and delivery times and preventing inconvenient obstruction and delays to public transport and service vehicles and to emergency vehicles.

12. The site compound and car park for contractors and commercial vehicles shall be provided, completed and made available for use in accordance with the approved details above before any other construction works take place on the site.

Reason: In the interests of highway safety and the amenity of the area.

13. No development approved by this permission shall be commenced until full details of a scheme for the provision of surface water management has been submitted to and approved in writing by the Local Planning Authority. The details shall include:

- (a) details of the drainage during the construction phase;
- (b) details of the final drainage scheme, including testing and calculations;
- (c) provision for exceedance pathways and overland flow routes;
- (d) a timetable for construction;
- (e) a construction quality control procedure;
- (f) a plan for the future maintenance and management of the system and overland flow routes.

The sustainable drainage scheme is to be designed for a 1:200 year event plus 40% for climate change and infiltration drainage must be supported with testing to BRE digest 365.

The scheme shall also demonstrate that relevant parts have been completed in accordance with the details and timetable agreed. The scheme shall thereafter be managed and maintained in accordance with the approved details unless otherwise approved in writing by the Local Planning Authority.

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 or the discharge rate is too high then a mitigating drainage alternative shall be agreed with the Local Planning Authority and thereafter installed, maintained and retained in accordance with the agreed details for the life of the development.

Reason: To prevent the increased risk of flooding and minimise the risk of pollution of surface water by ensuring the provision of a satisfactory means of surface water control and disposal during and after development.

14. All parking areas and garages shall be laid out and provided prior to the occupation of the dwelling to which they relate and shall be retained for the parking of private motor vehicles only in perpetuity.

Reason: In the interests of the safety and convenience of users of the highway.

15. PRE-COMMENCEMENT: Prior to the commencement of the development a survey of the site and buildings shall be undertaken by a suitably qualified person to establish whether there are any barn owl roosting areas. The results of the survey shall be submitted to and approved in writing by the Local Planning Authority. If roosting areas are found a mitigation strategy must be included with the completed survey to be approved by the Local Planning Authority. The development must be carried out in accordance with the approved mitigation strategy.

Reason To ensure that the development does not have any adverse impact on protected species.

16. Prior to construction of any of the dwellings above slab level (or alternatively in accordance with a previously agreed timetable for the submission of the details set out below), details of how at least 10% of the energy supply of the development shall be secured from a decentralised renewable or low-carbon energy supply, including an implementation programme, and/or details of how the energy supply of the development shall be reduced through the use of energy efficiency measures secured through a 'fabric first' approach (this should meet at least a 10% reduction and shall include an implementation programme) shall have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and retained in operation thereafter.

Reason: To ensure that the dwellings are built in a way to minimise energy consumption and harmful emissions

17. Ducting suitable for use by fibre broadband shall be installed to each dwelling, unless otherwise agreed by the Local Planning Authority.

Reason: To enable each dwelling to easily connect to fibre broadband without additional construction works.

18. 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 the following Classes of Schedule 2 shall be undertaken without the express consent in writing of the Local Planning Authority other than those expressly authorised by this permission:-

- (a) Part 1, Class A (extensions and alterations);
- (b) Part 1, Class C (roof addition or alteration);
- (c) Part 1, Class E (a) swimming pools and buildings incidental to the enjoyment of the dwellinghouse
- (d) Part 14, Classes A, B, E & F (Renewable Energy);
- (e) Part 2, Class A (means of enclosure); and



(f) Part 2, Class B (means of access)

Reason: To enable the Local Planning Authority to exercise control over development which could materially harm the character and visual amenities of the development within the locality; to safeguard residential amenity; and to safeguard parking and circulation areas.

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## 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

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**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:** 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

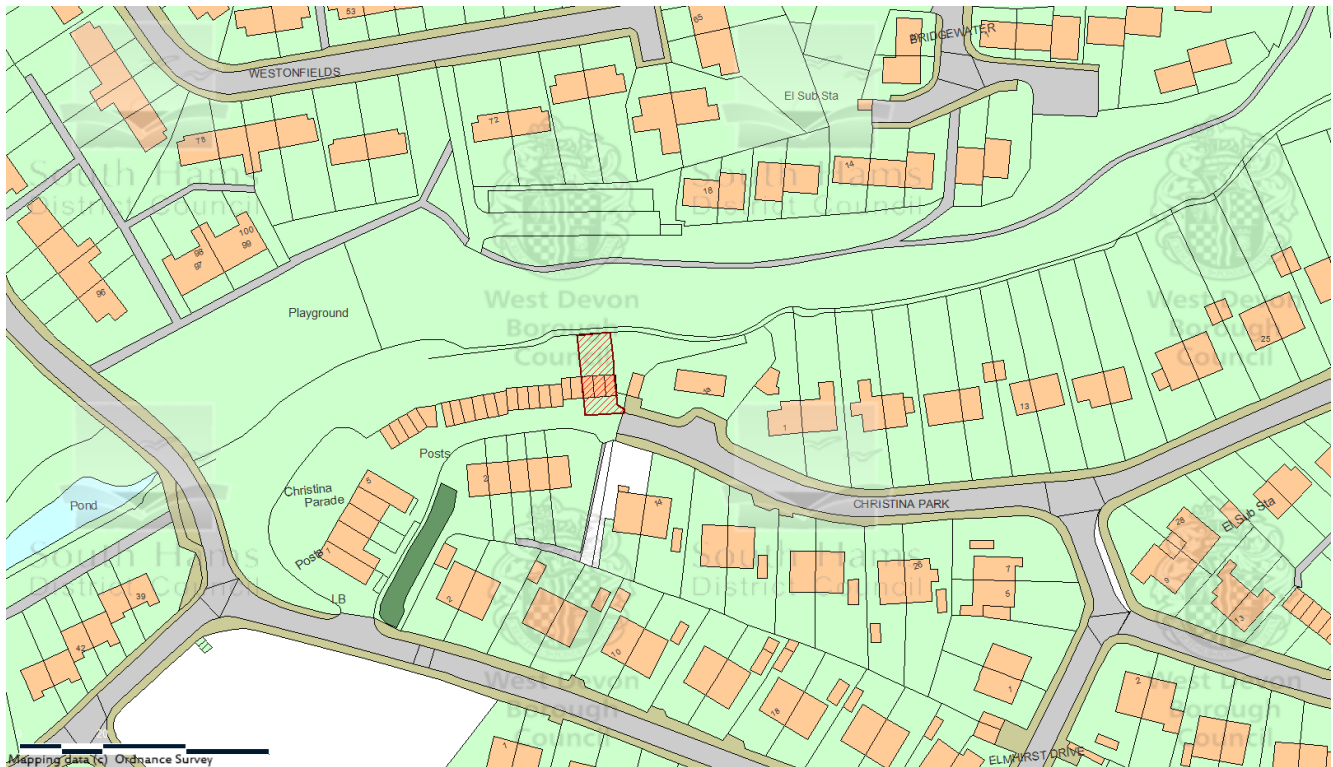
**Applicant:**

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

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**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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## PLANNING APPLICATION REPORT

**Case Officer:** Gemma Bristow

**Parish:** Marldon **Ward:** Marldon

**Application No:** 0745/16/FUL

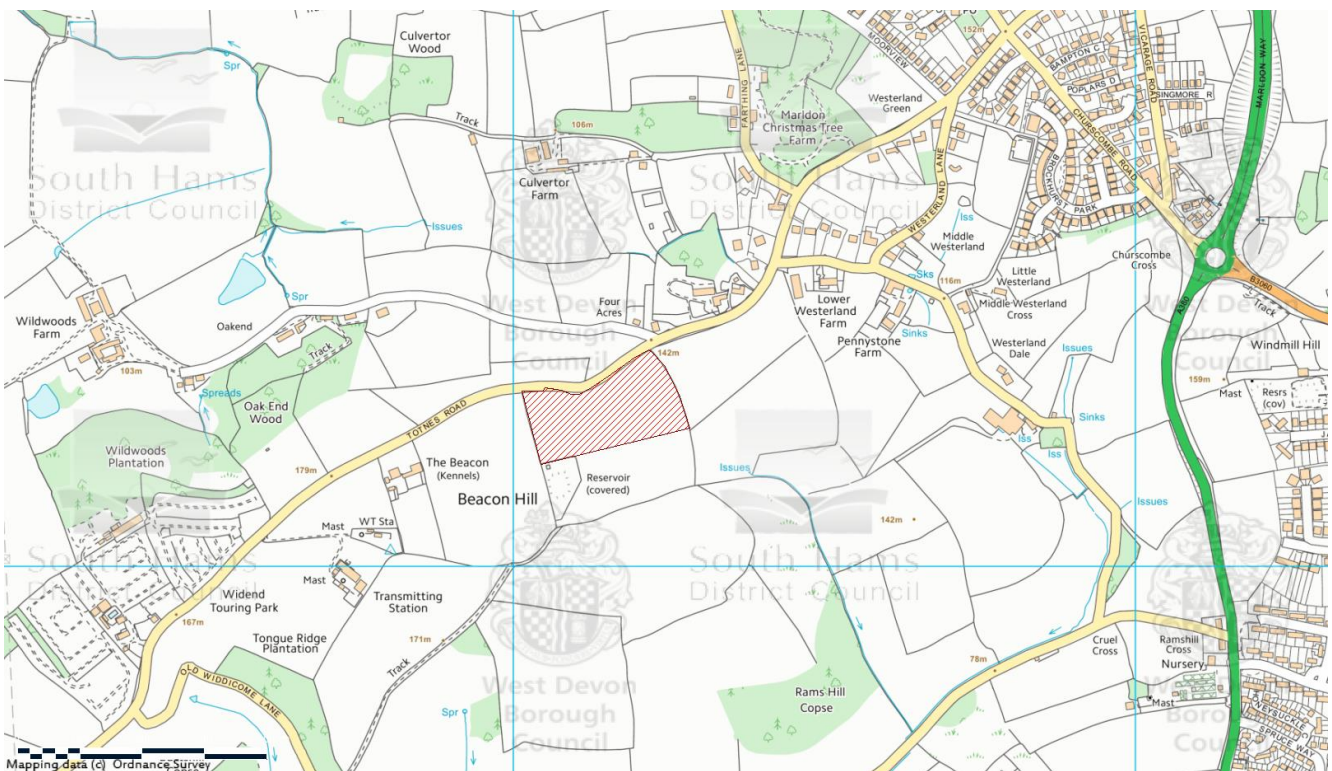
**Agent/Applicant:**

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

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**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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# Agenda Item 6e

## PLANNING APPLICATION REPORT

Case Officer: Mathew Dalton-Aram

Parish: Dartmouth Ward: Dartmouth and East Dart

Application No's: 3230/16/COU & 3204/16/FUL

**Agent/Applicant:**

Savills  
12 Windsor Place  
Cardiff  
CF10 3BY

**Applicant:**

Costa Limited

**Site Address:** 5-9 Victoria Road, Dartmouth, Devon, TQ6 9RT

**Development:**

This report deals with two applications. 1. The change of use from retail (Class A1) to coffee shop (Mixed A1/A3 Class) (application 3230/16/COU) and 2. Modifications to the shopfront and the installation of 1 air conditioning unit on the side wall (application 3204/16/FUL).

**Reason item is being put before Committee:** At the request of Ward Member (Cllr Hawkins) to consider the proposal's impact on the town centre and adjoining residential properties.



**Recommendation:** Conditional Approval

**Conditions** (summary of conditions, see end of report for full list)

Application 3230/16/COU - Change of use from retail (Class A1) to coffee shop (Mixed A1/A3 Class)

1. Standard Time Limit
2. Approved Plans
3. Noise Mitigation Measures
4. Hours of Operation
5. Access via Main Entrance

Application 3204/16/FUL - Modifications to shopfront and installation of 1 air conditioning unit on side wall

1. Standard Time Limit
2. Approved Plans
3. Noise Mitigation Measures
4. Air Conditioning Operation Hours
5. Access via Main Entrance

**Key issues for consideration:**

- Sustainability
- Principle of Change of use
- Impact on town centre viability
- Highway impact
- Residential amenity

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**Site Description:**

The application site is a vacant retail shop (Class A1) most recently occupied by The Chocolate Destination and Ribbons and Bows. The shop has been vacant since 31 March 2016.

The site is located on Victoria Road in the Central Shopping Area of Dartmouth. The area surrounding the site is characterised by a mix of uses, primarily A1 uses, and other uses such as A2 (Financial & Professional Services), A3 (Restaurants & Cafes), A4 (Drinking Establishments) and A5 (Takeaway). There are also residential uses in close proximity to the site including the flats above the shop and the dwellings at Hanover Cottages to the rear of the site.

The site is located opposite to the Market House Inn public house and the junction with Market Street. It is adjoined to the east and west by retail shops (Saveurs and Eleven Clothing, respectively). A gated alleyway to the west of the site provides access to a private courtyard which serves Hanover Cottages to the rear of the former shop. Access to the flats above the former shop are also available via the alleyway/private courtyard.

The site is within the Dartmouth Conservation Area. The site is not itself a listed building but the Market House Inn opposite to the site and the building which houses Saveurs to the east are both Grade II listed buildings. The site is also within relatively close proximity to the historic Butterwalk.

**The Proposal:**

The proposal seeks permission for a change of use of a currently vacant retail shop (Class A1) to a coffee shop (mixed class A1/A2) (application 3230/16/COU) and for modifications to the shopfront and the installation of 1 air conditioning unit on the side wall (application 3204/16/FUL).

**Consultations:**

Application 3230/16/COU - Change of use from retail (Class A1) to coffee shop (Mixed A1/A3 Class)



- County Highways Authority – no highways issues raised
- Environmental Health Section – There are 34 seats in the plans with only a single toilet to serve both customers and staff. The standards followed in South Hams, put simply are for 1 toilet for up to 15 covers and 2 toilets for up to 50 covers. Including staff there are potentially up to 40 people served by this single toilet and this clearly falls short of the standards.

The expectation to rely partly on public toilets in the vicinity would only be acceptable in circumstances where there was no other option and it was agreed in writing with the Council and the owners of the toilets. In this case there looks to be enough space around the area of the currently proposed toilet to fit in another small toilet compartment without significantly impacting on the total number of seats.

Although no a matter for Planning or Building Control enforcement, Environmental Health can serve notice on a premises for inadequate toilet provision. Other premises in South Hams that have installed adequate numbers of toilets have lost space for seating in the process and therefore this proposed development would put this premises at an unfair advantage over its competitors.

- Dartmouth Town Council – Recommend refusal on the grounds of being unneighbourly. The air conditioning units would be too close to Hanover Cottages. Members considered that these units would create noise and disturbance which would have a detrimental effect on the amenity currently afforded to the residents of Hanover Cottages. Members also felt that the deliveries and rubbish collections on the narrow highway, causing possible highways issues. Also to recommend refusal on the grounds of loss of an A1 retail unit, further upsetting the balance of A1 to A3 units in Dartmouth.

Application 3204/16/FUL - Modifications to shopfront and installation of 1 air conditioning unit on side wall

- County Highways Authority – no highways issues raised
- Environmental Health Section – Object due to the lack of information: Lack of noise assessment. The applicant has not provided a noise impact assessment for the proposed air conditioning units and other mechanical plant. As such Environmental Health is unable to determine the acceptability or otherwise of the proposals.
- Dartmouth Town Council – Recommend approval taking into consideration the comments made in respect of application 3230/16/COU.

**Representations:**

At the time of writing this report 87 letters of OBJECTION and a petition containing 1554 signatures, had been received.

In summary the objections raise the following issues:

- Impact on the diversity and vitality of the town centres
- Impact on local business and independent retailers
- No need for additional chain stores
- There are enough coffee shops in the town already
- Proposal will create litter, noise and disturbance
- Would adversely affect the amenity of neighbouring properties in terms of noise and disturbance
- Highway safety impacts and traffic generation

- The signage/advertisements would be out of keeping with the Conservation Area and the town centre

At the time of writing this report 80 letters in support of the application had been received, representations in support of the application.

In summary the representations in support made the following comments:

- Provision of jobs
- Economic generation
- Provision of choice of retail options
- Proposal would not affect town centre or existing businesses

## Relevant Planning History

There have been a number of applications at the site including applications for the installation of 2 external air conditioning units (approved under permission 15/1670/09/F) and advertisement consents for signage as well as permissions for alterations to the flats above the shop.

A separate application has been submitted alongside the applications for change of use and modifications to the shopfront and installation of the air conditioning unit which seeks advertisement consent for the installation of signage (application ref. 3205/16/ADV).

## ANALYSIS

Principle of Development/Sustainability:

At the heart of the National Planning Policy Framework (NPPF) is a presumption in favour of sustainable development, of which there are three dimensions – an economic role, a social role, and an environmental role, which are mutually dependent.

To ensure the vitality of town centres paragraph 23 of the NPPF advises:

*“Planning policies should be positive, promote competitive town centre environments and set out policies for the management and growth of centres over the plan period.”*

The site is located within the development boundary and Central Shopping Area of Dartmouth where policy SHDC1 of the South Hams Local Plan permits proposals where they would be compatible with the character of the site and its surroundings and where there would be no significant adverse effects in relation to traffic and parking, road safety, drainage, the landscape, wildlife and historic interests or local amenity.

Policy SHDC23 (Shopping in Towns) of the South Hams Local Plan is also relevant to proposals within the Central Shopping Areas of Dartmouth:

- a) shopping development (Use Class A1) will be permitted.
- b) Proposals for non-shopping use, including Use Class A2 (Financial and Professional Services) and A3 (Food and Drink) of ground floor premises will be permitted, providing it would not:
  - (i) undermine the shopping character of the street;
  - (ii) detract from the appearance of the environment; or
  - (iii) adversely affect amenity of the surrounding area through consequent noise, smell, litter, congestion on pavements or disturbance arising from late opening hours.

A large number of representations have been received both in objection and in support of the proposed change of use. Many of the objections received, among other things, relate to the applicant being a national retail chain rather than an independent locally-based retailer, and the potential impacts on independent retailers in the area and competition with larger retail businesses. The Local Planning Authority is required to assess each application on its own individual merits and, as such, the material planning consideration for this application is the change of use for retail (Class A1) to

coffee shop (Mixed A1/A3 Class). The Local Planning Authority must, therefore, consider the merits of the submitted proposal rather than the suitability and nature of the type of retailer that has applied for planning permission which is not a material planning consideration.

Several objections also refer to the diversity of the town centre and its protection. While the diverse nature of the town centre is acknowledged and that there are a high proportion of independently-owned businesses there are also high street businesses and larger retail chains in close proximity to the site.

As identified above the NPPF seeks to promote a wide range of businesses in town centres with the aim of providing jobs and economic activity to ensure the vitality of town centres. The proposal would also result in the creation of approximately 10 full time equivalent jobs. It is reasonable in a town centre location to seek to encourage a diverse range of different retail businesses to support the economy of the town and to provide shoppers with a choice of retail options.

The Supporting Planning Statement submitted with the application provides an overview of the current uses (as surveyed on 03/09/2015) that are within the Central Shopping Area along Victoria Road and Duke Street. It identifies that of the 34 units fronting this part of the highway, 27 are A1 uses, 3 are A3, 4 are A2 and 1 is an A4 use.

In view of this, it is considered that the proposed change to a A1/A3 use would not harm the vitality and viability of the Central Shopping Area or undermine the shopping character of the surrounding area. The Central Shopping Area would continue to contain predominately A1 uses with a wide mix of A2, A3, A4, A5 and other uses also being available. The addition of a mixed A1/A3 use would not, therefore, have a detrimental impact upon the vitality and viability of the town centre or make a significant impact upon the ratio of use classes.

#### Design/Landscape:

Modifications to the existing shopfront are proposed under application 3204/16/FUL which include a new door and a new glazed panel over the door to bring the shopfront up to current safety standards.

While the existing building is within the Conservation Area it makes little contribution to its setting. It is considered that the modifications to the shopfront and the use of traditionally-styled advertisements would preserve and enhance the character and appearance of the Conservation Area. In addition, the proposed modifications and signage would not harm the character and appearance of adjacent heritage items or their settings.

#### Neighbour Amenity:

To the rear of the site are number of residential properties (Hanover Cottages), as well as flats above the proposed café, which are accessed via the alleyway to the west of the site and internal courtyard to the rear of the existing shop. It is noted that the residents of Hanover Cottages have objected to the proposed change of use as they consider a café use would be more intensive, and more noisy and disruptive than the previous shop and would require a greater requirement of bin storage to the rear of the café.

The residents and town council have also raised concerns about the proposed air conditioning units to be installed to the western elevation of the building given the proximity of the units and potential impact on adjacent residential properties. A Noise Impact Assessment has subsequently been submitted to address these issues which recommends an upgrade to the ceiling as part of the fit out to prevent noise to the first floor flat and reducing the number of air conditioning units from 3 to a single unit, as well as retaining the existing sight screens, which would have the same noise impact as the existing units (approved under application 15/1670/09/F). The Environmental Health Section has reviewed the Noise Impact Assessment, revised elevations and plant arrangements and is satisfied the impact on the neighbouring amenity can be adequately controlled subject to conditioning the installation of the additional ceiling insulation prior to first use of premises as a coffee shop.

The proposed opening hours are 06.30 and 20.00 Monday to Saturday and 08:00 and 18:30 on Sundays and Bank Holidays which subject to condition are considered acceptable to protect the amenity of adjacent neighbours. The site is in the town centre where it is acceptable for retail uses to be able to open up at that time and the same would apply to the proposed café. To further protect amenity, it is also recommended that a condition is attached to ensure no deliveries are taken at or dispatched from the site outside the hours of 07:00 and 19:00 hours.

The alleyway and courtyard are not included within the application site boundary and it is understood there is no right of way over this land for commercial purposes. However, the submitted plans show an access to the rear of the shop leading to a proposed bin door store underneath the stairs to the flat above. It is, recommended that a condition be attached to ensure that all deliveries take place through the main entrance and not via the rear of the shop to protect residential amenity from the operation of the café.

It is, therefore, considered that the amenity of neighbouring residential properties can be adequately protected through the use of the conditions identified above.

#### Highways/Access:

While it is noted objectors have raised highway implications arising from the proposed use the Local Planning Authority considers the parking arrangements, including loading time restrictions, in the surrounding area would be adequate to accommodate the proposed use the County Highways Authority has raised no objections to the proposal. The site has formerly operated as a retail unit and it is reasonable to expect deliveries to shops within the town centre. Adverse impact arising from parking of cars and access by delivery vehicles would be a matter for parking enforcement rather than control through the planning system.

#### Other Matters:

##### Flood risk

The site is located within Flood Zone 2 where there is a medium risk of flooding and the application is supported by a Flood Risk Assessment (FRA). The FRA advises that the existing use is classified as 'Less Vulnerable' and there would be no change in the vulnerability of the use. Further, there would be no change in floor levels or the footprint of the business and would pose no additional risk of flooding to the public.

##### Toilet provision

The Environmental Health Section has raised concerns that only one toilet is to be provided for a café with approximately 34 covers and has advised the applicant that future enforcement could be taken against non-compliance with its standards. It is also noted that the building control Approved Inspector has approved the proposal taking into account the public toilets in Old Market Square that are in close proximity to the site. While these concerns are acknowledged this is not a reason for which planning permission could reasonably be withheld and would instead be a matter for compliance with relevant Environmental Health and Building Control legislation.

##### Conclusion

The vacant shop currently makes little contribution to the vitality and viability of the Central Shopping Area and its reuse would have economic and social benefits for the town centre. The proposed change of use to an A1/A3 use would not adversely impact the vitality and viability of the Central Shopping Area nor would it undermine the shopping character of this part of the town centre. Further, the proposal would not result in a significant loss of A1 uses available in the town centre and a significant majority of shops in this part of the town centres would remain A1 along with other uses.

For the above reasons, and subject to securing appropriate conditions including those to protect the amenity of neighbouring properties, the proposal is considered acceptable.

*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

### **Development Policies DPD**

DP1 High Quality Design

DP2 Landscape Character

DP3 Residential Amenity

DP4 Sustainable Construction

DP6 Historic Environment

DP7 Transport, Access & Parking

### **South Hams Local Plan**

SHDC 1 Development Boundaries

SHDC 23 Shopping in Towns

### **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**

Application 3230/16/COU - Change of use from retail (Class A1) to coffee shop (Mixed A1/A3 Class)

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 the Site Location Plan and Proposed General Layout (drawing number 3.0 G) 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. Prior to use of the development hereby permitted, the mitigation measures, including the proposed ceiling upgrade, outlined in the noise assessment entitled 'Technical Note on Noise & Sound Insulation' prepared by Acoustic Associates South West Ltd dated 21 December 2016 shall be fully implemented and thereafter be retained and maintained.

Reason: To ensure that the development shall not prejudice the amenities enjoyed by the occupants of properties in the neighbourhood.

4. The premises shall not be operated outside the hours of 06:30 to 20:00 Monday to Saturday and 08:00 to 18:30 on Sundays and bank holidays.

Reason: To safeguard the residential amenities of adjoining residential properties.

5. No deliveries shall be taken at or dispatched from the site outside the hours of 07:00 and 19:00 hours.

Reason: In the interests of residential amenities.

6. The alleyway to the west of the shop and the rear courtyard adjacent to Hanover Cottages shall not be used at any time for commercial purposes. All deliveries and business operations, including refuse collections, shall take place through the shop/café via the main entrance.

Reason: In the interests of residential amenities.

Application 3204/16/FUL - Modifications to shopfront and installation of 1 air conditioning unit on side wall

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 the Site Location Plan, Block Plan and Proposed General Layout (drawing number 3.0 H), Proposed External Side Elevation (drawing number 4.1 E) and Proposed External Rear Elevation (drawing number 4.2 B) 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. Prior to use of the development hereby permitted, the mitigation measures, including the proposed ceiling upgrade, outlined in the noise assessment entitled 'Technical Note on Noise & Sound Insulation' prepared by Acoustic Associates South West Ltd dated 21 December 2016 shall be fully implemented and thereafter be retained and maintained.

Reason: To ensure that the development shall not prejudice the amenities enjoyed by the occupants of properties in the neighbourhood.

6. The air conditioning units shall only be operated between the hours of 06:30 and 20:00 Mondays to Saturdays, and 08:00 and 18:30 on Sundays and bank holidays.

Reason: To ensure that the development shall not prejudice the amenities enjoyed by the occupants of properties in the neighbourhood.

# Agenda Item 6f

## PLANNING APPLICATION REPORT

**Case Officer:** Mathew Dalton-Aram

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

**Application No:** 3205/16/ADV

**Agent/Applicant:**  
SGM Management & Design Ltd  
104 High Street  
Thame  
Oxfordshire  
OX9 3DZ

**Applicant:**  
Costa Limited  
C/O Agent

**Site Address:** 5-9 Victoria Road, Dartmouth, Devon, TQ6 9RT

**Development:** Advertisement consent for 1 x fascia sign and 1 x projecting sign

**Reason item is being put before Committee:** At the request of Ward Member (Cllr Hawkins) to consider the proposal's impact on the town centre and adjoining residential properties.



**Recommendation:**  
Conditional Approval

**Conditions**

1. Accord with plans
2. Standard advert condition – maintenance
3. Standard advert condition – public safety
4. Standard advert condition – tidy site after removal
5. Standard advert condition – permission of site owner required
6. Standard advert condition – security

**Key issues for consideration:**

Visual amenity, Public safety and Impact on highways

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**Site Description:**

The application site is a vacant retail shop (Class A1) most recently occupied by The Chocolate Destination and Ribbons and Bows. The shop has been vacant since 31 March 2016.

The site is located on Victoria Road in the Central Shopping Area of Dartmouth. The area surrounding the site is characterised by a mix of uses, primarily A1 uses, and other uses such as A2 (Financial & Professional Services), A3 (Restaurants & Cafes), A4 (Drinking Establishments) and A5 (Takeaway). There are also residential uses in close proximity to the site including the flats above the shop and the dwellings at Hanover Cottages to the rear of the site.

The site is located opposite to the Market House Inn public house and the junction with Market Street. It is adjoined to the east and west by retail shops (Saveurs and Eleven Clothing, respectively). A gated alleyway to the west of the site provides access to a private courtyard which serves Hanover Cottages to the rear of the former shop. Access to the flats above the former shop are also available via the alleyway/private courtyard.

The site is within the Dartmouth Conservation Area. The site is not itself a listed building but the Market House Inn opposite to the site and the building which houses Saveurs to the east are both Grade II listed buildings. The site is also within relatively close proximity to the historic Butterwalk.

**The Proposal:**

Advertisement consent is sought under application 3205/16/ADV for the display of a fascia sign above the shopfront and a projecting sign to the eastern end of the building.

**Consultations:**

- County Highways Authority – no highways issues raised
- Dartmouth Town Council – Recommend approval taking into consideration the comments made in respect of application 3230/16/COU.

**Representations:**

Objections have been received stating that the signage/advertisements would be out of keeping with the Conservation Area and the town centre

**Relevant Planning History**

None relevant to this application

**ANALYSIS**

The advertisement is considered acceptable in the context of the site and surroundings and will not result in visual clutter. It is noted that no external lighting or internal illumination of the signs is proposed.



The signage is not considered to have a detrimental impact on public safety. Standard conditions in respect of sign safety and maintenance will ensure the impact is acceptable. Devon County Highways have not raised any concerns.

Dartmouth Town Council have recommended approval of the application.

The fascia sign would be timber and painted grey with a hardwood decorative scotia mouldings around its edge. It would measure approximately 9.9 metres in length and 0.55 metres in height. The fascia sign's lettering would be white with red edging and would be raised from the surface of the fascia board. The projecting sign would also be timber and circular in shape measuring 600mm in diameter. It would be double-sided and painted red with white lettering which would be hung from a traditionally-styled black steel bracket.

It is noted objections have been received stating that the signage/advertisements would be out of keeping with the Conservation Area and the town centre. While the existing building is within the Conservation Area it is considered that it makes little contribution to its setting. Further, the proposed use of timber, non-illuminated, traditionally-styled advertisements would not have an adverse impact on visual amenity and would preserve and enhance the character and appearance of the Conservation Area. Further, they would not harm the character and appearance of adjacent heritage items or their settings.

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

### **Planning Policy**

National Planning Policy Framework - Control over outdoor advertisements should be efficient, effective and simple in concept and operation. Only those advertisements which will clearly have an appreciable impact on a building or on their surroundings should be subject to the local planning authority's detailed assessment. Advertisements should be subject to control only in the interests of amenity and public safety, taking account of cumulative impacts.

South Hams District Council's Supplementary Planning Guidance, 'Signs in Towns and Villages' (adopted 1999).

### **Other Material Planning Considerations**

Town and Country Planning (Control of Advertisements) (England) Regulations 2007 - a Local Planning Authority shall exercise its powers under these Regulations in the interests of amenity and public safety, taking into account the provisions of the development and other relevant factors. In relation to amenity, this includes the general characteristics of the locality, including the presence of any feature of historic, architectural or similar interest.

### **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 the Site Location Plan, Block Plan, Proposed General Layout (drawing number 3.0 H), Proposed External Side Elevation (drawing number 4.1 E) and Proposed External Rear Elevation (drawing number 4.2 B) 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.

2. Any advertisements displayed, and any site used for the display of advertisements, shall be maintained in a clean and tidy condition to the reasonable satisfaction of the Local Planning Authority.

Reason: Standard condition under the provisions of the above mentioned Regulations.

3. Any structure or hoarding erected or used principally for the purpose of displaying advertisements shall be maintained in a safe condition.

Reason: Standard condition under the provisions of the above mentioned Regulations.

4. Where an advertisement is required under these Regulations to be removed, the removal shall be carried out to the reasonable satisfaction of the Local Planning Authority.

Reason: Standard condition under the provisions of the above mentioned Regulations.

5. No advertisement is to be displayed without the permission of the owner of the site or any other person with an interest in the site entitled to grant permission.

Reason: Standard condition under the provisions of the above mentioned Regulations.

6. No advertisement is to be sited or displayed so as to obscure, or hinder the ready interpretation of any road traffic sign, railway signal or aid to navigation by water or air, or so as otherwise to render hazardous the use of any highway, railway, waterway (including any coastal waters) or aerodrome (civil or military).

Reason: Standard condition under the provisions of the above mentioned Regulations.

## PLANNING APPLICATION REPORT

**Case Officer:** Wendy Ormsby

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

**Application No:** 1372/16/FUL

**Agent/Applicant:**

Mr Andy Coughlan  
The Chicken Shed  
Beacon Hill  
Newton Ferrers  
PL8 1DB

**Applicant:**

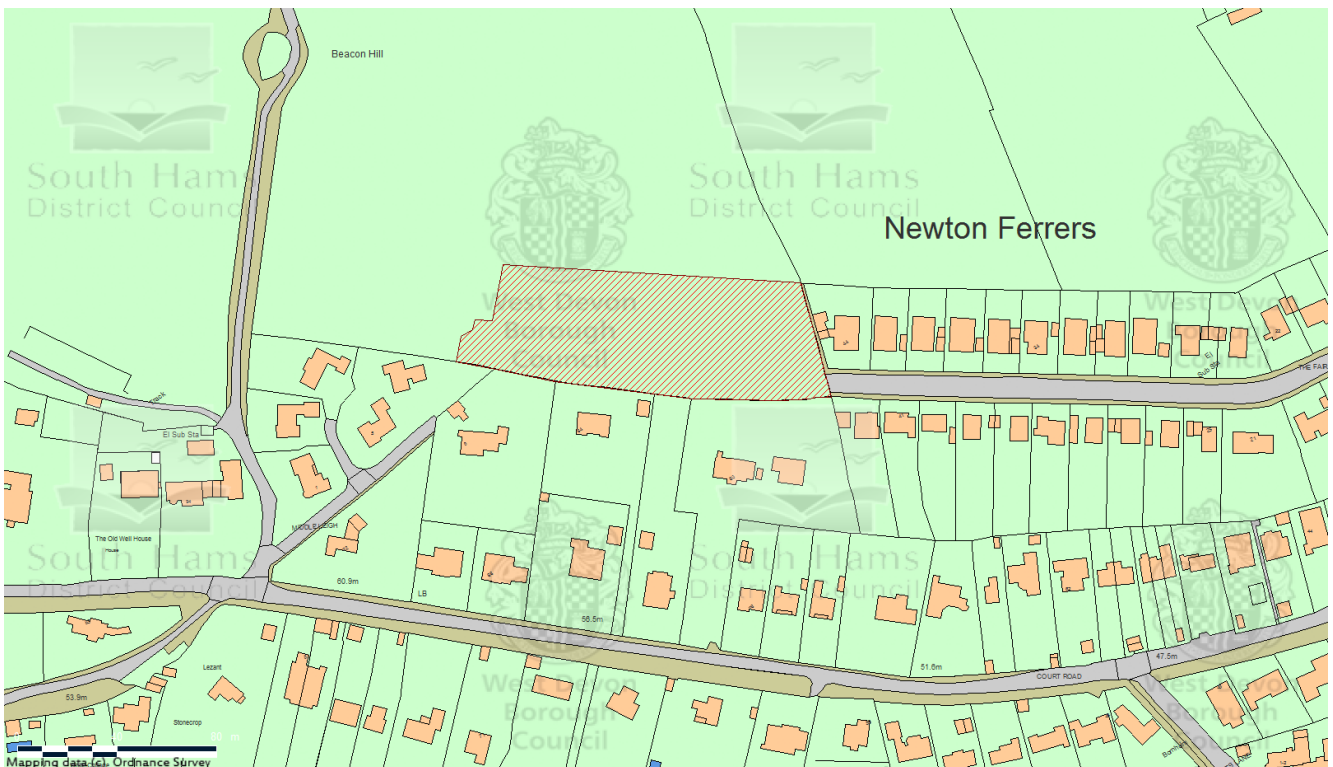
Mrs C Hitchings  
c/o Court Farm  
Court Road  
Newton Ferrers  
PL8 1DH

**Site Address:** Land at The Fairway, Newton Ferrers, PL8 1DP

**Development:** Construction of 5no. DDA-compliant dwellings and change of use of land

**Reason item is being put before Committee** At the request of Cllr Baldry for the following reasons:

1. The high level of public objection.
2. The site is outside the development boundary.
3. It is not allocated for housing.
4. It is in the AONB and the development will not enhance the AONB.
5. I am concerned about the increase in traffic. It will pass along Court Road and as shown in your report, there is no footway. This is the route for pedestrians to the village centre for whom the road is already unsafe.
6. There is no affordable housing, nor a contribution for off-site affordable.



**Recommendation:** Delegated authority be given to the Community of Practice Lead to grant Conditional Approval subject to the prior satisfactory completion of a Section 106 Agreement to secure the following:

Education Infrastructure - £13,680

Education Transport - £3,097

Improvements to open space, sport and recreation facilities at Butts Park, Newton Ferrers. - £19,500

Management Company to secure implementation of LEMP which will secure hedgerow management.

Highway drainage schedule of works to be agreed and implemented

**Conditions:** (included in full at end of the report)

Time

Accords with plans

Details of levels to be provided and agreed

Details of surface water drainage to be submitted to and approved in writing by the LPA

Recommendations on Extended Phase 1 Habitat Survey and Ecological Appraisal to be adhered to.

No external lighting unless details previously agreed with LPA

Requirement for heavy metal soil sampling

Unsuspected contamination

Pre-commencement - Construction Management Plan

East facing dormer windows to be obscure glazed and fixed shut.

Materials to be agreed

Hard and soft landscaping to be agreed and implemented

Tree and hedgerow protection measures during construction to be agreed

Details of any retaining walls to be agreed

Construction details of estate road, footways, verges etc to be agreed and provided.

Removal of PD – roof extensions and means of enclosure

Pre-commencement – LEMP

Highway, parking and turning to be laid out prior to occupation

All off site highway improvement works shall be complete prior to the occupation of the first dwelling

No mud, stones, water or debris shall be deposited on the public highway

**Key issues for consideration:**

The site is located within the South Devon Area of Outstanding Natural Beauty (AONB) and Heritage Coast. Paragraph 115 of the NPPF states that great weight should be given to conserving landscape and scenic beauty in these areas. South Hams Local Development Framework (LDF) Policies CS9 (Landscape and Historic Environment) and DP2 (Landscape Character) also give great weight to the conservation and enhancement of AONB's. This is the leading issue in the consideration of this application and it is noted that due to the sites location in the AONB the provisions of paragraph 14 of the NPPF which sets out a presumption of favour of sustainable development do not apply.

Given the location of this unallocated site outside the development boundary it is considered that, taking into account paragraph 49 of the NPPF, a further issue to be considered is whether South Hams District Council can demonstrate a five year housing land supply. If a five year housing land supply cannot be demonstrated, relevant planning policies for the supply of housing should not be considered up-to-date and a key issue is whether the proposal represents sustainable development and if it is, whether there are significant and demonstrable adverse impacts that would outweigh its benefits.

In reaching this balanced decision great weight should be given to conserving landscape and scenic beauty in this Area of Outstanding Natural Beauty, as mentioned above.

Given the issues that have been raised in connection with the application, the potential adverse impacts on the following matters are to be considered:

- Landscape (AONB and Heritage Coast)
- Traffic
- Ecology
- Access

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

It is estimated that this development has the potential to attract New Homes Bonus of **£5,900** per annum. The Government is implementing reforms to the New Homes Bonus scheme and the length of NHB payments will be reduced from 6 years to 5 years in 2017/18 and 4 years from 2018-19 onwards. Members are advised that this is provided on an information basis only and is not a material planning consideration in the determination of this application.

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**Site Description:**

The site is the lower south east corner of an agricultural field that adjoins the west end of The Fairway, a residential road of mostly bungalows located on the northern boundary of Newton Ferrers. Access to The Fairway is via Court Road.

The site is a rectangular parcel of land that is 0.47 hectares in size. The site is outside of the Development Boundary but immediately adjoins it. The site is also within the South Devon Area of Outstanding Natural Beauty and the South Devon Heritage Coast.

The southern site boundary adjoins the rear gardens of properties on Court Road and Middle Leigh. This boundary is defined by a mature hedge and some trees. Two trees close to the common boundary, in the garden of 80 Court Road, are subject to Tree Preservation Orders. The eastern boundary with The Fairway is defined by a field gate and a mature hedge.

The dwellings on Court Road are set at a lower level than the application site due to the topography of the land which slopes downwards from north to south

There is a second field access gate, this one is on the south site boundary, opening into Middle Leigh.

**The Proposal**

The application proposes the construction of 5 detached dwellings, proposed to be compliant with the Disability Discrimination Act (DDA compliant).

The Fairway will be extended to the west, through the existing field gate, into the adjoining field. The new road will run parallel to the existing hedgerow field boundary. The first half of the road will be adoptable and will include a turning head between the second and third dwelling. This turning head will be available for use by all road users. At present there is no turning head in The Fairway. The remaining section of the new road will be private and surfaced with permeable block pavements. The new road will terminate close to the existing field gate access to Middle Leigh, only pedestrian access will be possible into the adjoining field

The dwellings will all be sited on the north side of the new road. The first two dwellings on the eastern side of the site are designed as dormer bungalows, with all living accommodation and two bedrooms on the ground floor and a further, master bedroom with en-suite, located in the roof. A car port is provided on the side with additional parking in front.

The remaining 3 dwellings are split level, appearing as two storey from the south and single storey from the north. They are split level bungalows reflecting the topography of the land, an internal stairway links

the living level to the bedroom level however an area is allocated where a lift could be installed. The design includes standing seam metal roofs which is proposed as a means of reducing the roof pitch and therefore the size of the buildings.

Each plot has a front and rear garden.

It is stated that the dwellings will be DDA compliant and will use sustainable construction techniques including the following:

- To retain and provide soakaways for all storm water on site, via below ground water storage tanks for all external washing and garden watering requirements,
- To have a permeable private road surface to three houses, (Devon Highways require turning head run-off to go to their drain),
- To use a highly insulated timber frame construction, with blockwork and traditionally rendered exterior to Passive House standards and,
- Air or ground source heat pump for underfloor heating throughout, and
- As much on site material will be retained and reused to form Devon Banks, and landscaping and grading as possible.

The Draft Heads of Terms accompanying the application propose the following:

Education Infrastructure - £13,680

Education Transport - £3,097

Improvements to open space, sport and recreation facilities at Butts Park, Newton Ferrers. - £19,500

Implementation and Management of a Landscape Management Plan

#### **Consultations:**

County Highways Authority - *The Highway Authority notes the site is located at the western end of The Fairway. Whilst The Fairway has footways, Court Road and a section of the B3186 (Parsonage Road) does not afford any footways meaning the shops and school are difficult to reach for vulnerable road users, such as parents with prams/children, disabled, elderly or younger children.*

*Ordinarily the Highway Authority would consider raising objection on grounds that the proposed development is likely to generate an increase in pedestrian traffic on a highway lacking adequate footways with consequent additional danger to all users of the road contrary to paragraph 32 of the National Planning Policy Framework. However, in this case there is a road safety improvement being offered in the form of provision of a turning head for The Fairway to consider against that negative. On balance noting the existing accident statistics show there is not an accident issue on the roads mentioned above, the Highway Authority considers a maximum of five dwellings proposed here is reasonable for the developer to provide sufficient funding for the offered turning head improvement.*

*The applicant has now demonstrated subject to drainage remedial's that will need to be undertaken prior to commencement under a S278 legal agreement the new highways can be drained adequately. It is recommended the drainage schedule of works and the delivery of the turning head be included in a S106 legal agreement. The schedule is attached and the drawing showing the turning head is to be resubmitted by the applicant.*

*The applicant has now added a taper to the new road to make the transition from 7.3m to 5.5m. This is also accepted.*

*Noting the need for a S278 above, a combined Section 38/278 legal agreement will be required if planning consent is granted for the proposals.*

- Environmental Health Section – no objection subject to conditions

- Drainage – No objections subject to conditions
- DCC Education – requests financial contributions towards secondary school infrastructure and towards secondary school transport (£18,241 and £3,097 respectively).
- SHDC Open Space Sport and Recreation – no objection subject to financial contributions:

*There is no provision on site of any public open space, pitch or play facilities. Nonetheless, the new residents will add to the pressure on existing facilities within Newton Ferrers. The nearest facility offering play, open space, and playing pitch facility is nearby at 'Butts Park.' The play area at this park has been flagged up as a quality score of 2 out of 5 (which indicates 'weakness and needing improvement') within the SHDC 'Play spaces quality assessment' (2016) which will form part of the evidence base for the forthcoming Joint Local Plan. It was noted that the site had potential to expand with a requirement to improve the facilities and landscaping. The SHDC Playing Pitch Strategy (2016) identifies the requirement to upgrade the cricket changing facilities at Butts Park as a priority project.*

*Investment in the facilities at Butts Park will assist with making them sustainable and mitigate for the pressure on these facilities generated by the proposed development, and accordingly make the proposed development acceptable in planning terms. The contribution being sought is one required by policy to make the development sustainable and to mitigate the impact of the development (meeting the tests in the CIL Regs).*

*Accordingly, a s106 contribution of £19,500 (calculation using OSSR SPD shown below) should be sought towards 'improvements to open space, sport and recreation facilities at Butts Park, Newton Ferrers.'*

- SHDC Ecology – No objection, proposal has the potential to lead to an enhancement in wildlife value from the site; conditions recommended to secure adherence to survey report
- AONB Unit – Neutral view, comments summarised as follows:

*The proposal is likely to result in a small degree of erosion to landscape character and will therefore contribute cumulatively to the harm that housing development is causing within this area of the AONB. However, considering the scale of the proposal in combination with the existing land use to the south and east of the application site; and the screening effect of existing tree cover, the proposal does not in our view sufficiently harm the landscape, scenic beauty, natural beauty or special qualities of the AONB to merit an objection from the South Devon AONB Unit in this instance.*

Recommend that conditions be used to ensure mitigation measures identified within the Extended Phase 1 Habitat Survey and Ecological Appraisal are adhered to. In particular:

- the retention and enhancement of existing hedges and mature trees
- the provision of a Devon hedge located entirely within the agricultural land and not to form part of the domestic curtilage to the new dwellings, to provide continuity of landscape character, habitat and a degree of screening around the northern and western boundaries to the application site.
- the control of external lighting.

- Town/Parish Council – Objection:

*The proposed development:*

- *Would have an impact upon and affect the skyline. The plans suggest one storey but reflect two storey buildings.*
- *Lies outside the Village Development Boundary.*
- *Is within and would adversely affect an Area of Outstanding Natural Beauty.*

- *Would lead to an increase in traffic in a residential area.*

### **Representations:**

Approximately 50 letters objecting to the development have been submitted for reasons including the following:

- The site is outside the Development Boundary and not an allocated site.
- Claims of links to adjoining agricultural land and intention for one dwelling to be used as a farmhouse are unjustified; land is rented to another farmer and has been for many years.
- If there is a justified link to the farmland there should be an agricultural tie on one or more dwellings.
- Without any agricultural tie these are open market dwellings anyone could buy.
- No justification for this to be an exception site; does not include affordable housing.
- Adverse impact on the AONB and Heritage Coast.
- Visible from many public viewpoints, this is a skyline development
- AONB should be afforded great protection as required by legislation and guidance.
- No access should be allowed to Middle Leigh, this will cause nuisance to residents; historically this has just been a farm access.
- Should be considered against the emerging Neighbourhood Plan, premature to consider this application before Plan is adopted.
- Concern this will be a precedent for more housing.
- Housing Needs Survey did not identify a need for this type of housing.
- Will increase traffic on The Fairway, Court Road and within the area generally. The Fairway and Court Road are narrow roads with no pavements, this will increase danger to pedestrians including children.
- Enough houses already being built in and around Newton Ferrers.
- Site has a history of flooding, this will make it worse.
- Incorrect to say dwellings are essentially single storey
- AONB Unit has not been consulted
- Not put forward as a SHLAA site
- Contrary to Local Development Plan and AONB Management Plan
- Additional pressure on sewage system may prejudice Yealm Estuary SSSI
- Construction Management Plan required.
- Construction traffic will make poor quality roads worse
- No dwelling should be allowed to become a farmstead due to impact on neighbours.
- Need clarity on siting and distance from boundaries
- Should be cut further into slope to reduce impact on neighbours
- If not managed hedge could grow too tall and block light to neighbours
- No capacity in local schools

Approx. 11 letters have been submitted in support of the application, stating reasons including the following:

- Natural extension to The Fairway
- Will have no greater impact than existing houses
- Will allow a local family to live together that include two households with special mobility needs
- Will enhance setting of AONB with additional planting
- Adequate services exist
- Additional traffic will be modest and offset by the provision of a new turning head for The Fairway.
- Lower cost housing is welcomed
- Small area of land to be developed



- Provides a house type lacking in the village

## Relevant Planning History

None

## ANALYSIS

### Principle of Development/Sustainability:

Paragraph 14 of the NPPF sets out a presumption in favour of sustainable development, for decision taking this means:

- *approving development proposals that accord with the development plan without delay; and*
- *where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:*
  - *any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or*
  - *specific policies in this Framework indicate development should be restricted.*

Paragraph 115 of the NPPF states the following:

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

This paragraph 115 within the NPPF indicates that development within AONB's should be restricted and this outweighs the presumption in favour of development as set out on para 14 of the NPPF.

Paragraph 116 of the NPPF states that planning permission should be refused for major development in these designated areas (AONB's) except in exceptional circumstances and where it can be demonstrated they are in the public interest. In this case, the proposal for 5 dwellings is not considered to be major development.

In assessing the acceptability of the principle of development a key issue therefore is the impact on the AONB and great weight is to be given to its conservation.

While the AONB and Heritage Coast designation removes the **presumption in favour** of sustainable development it does not rule out development that does not harm the designated area or where the level of any harm is outweighed by benefits.

Whilst the AONB designation removes the presumption in favour of sustainable development, any development within the AONB is still required to be sustainable.

The application site is not allocated for development in the South Hams Local Development Framework and is located adjacent to but outside the Newton Ferrers development boundary.

Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that, regard is to be had to the development plan, for the purpose of any determination to be made under the Planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise. In the case of residential development paragraph 49 of the NPPF states that 'Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority

cannot demonstrate a five-year supply of deliverable housing sites.’ An important question therefore is whether the Council can demonstrate a five-year housing supply.

It has been established through the appeal process, notably in light of the Kingsbridge K5 Appeal (APP/K1128/A/13/2210602) that, at present, the Council cannot demonstrate a five-year housing supply. As such the Council’s policies for the supply of housing, which will include LDF policy CS1, Location of Development (which sets out development boundaries) cannot be considered to be up to date or relevant.

The key issues to be considered in regard to the acceptability of the principle of the development therefore relate to the impact on the AONB and Heritage Coast and the sustainability of the development. The planning balance will give great weight to conserving the AONB.

Consideration of landscape impact and thus the impact on the AONB forms part of an assessment of the proposals sustainability:

### **Sustainable Development**

LDF Core Strategy Policy CS1 - Location of Development sets out where development is acceptable in principle subject to all other material planning considerations. Newton Ferrers is included as one of the districts’ villages in which development would be acceptable in principal and is therefore covered by policy CS1. Newton Ferrers offers local facilities such as a small range of shops, a pub, village hall, a church and a Primary School. There is a bus service, albeit limited. Buses run to the nearest secondary schools. Newton Ferrers is therefore a sustainable location for additional development to take place.

Paragraph 7 of the Framework identifies three dimensions to sustainable development – economic, social and environmental – whilst Paragraph 12 sets out twelve core planning principles that should underpin planning decisions. These two paragraphs set the context in which to consider sustainability. The three dimensions stated in Paragraph 7 are considered below:

#### **The Economic Role:**

Housing development is recognised as an important driver of economic growth and there would be economic benefits to the construction industry from the proposed development. Once the dwellings were occupied there would be an increase in the level of disposable income from the occupants which would be likely to be spent in the local area with some increase in the demand for local goods and services.

The development will result in the loss of some 0.47 hectares of agricultural land, no farm buildings will be lost and farm access will be retained. This will not have significant impact on the viability of farming the remaining field.

On balance the economic impact of the development will be positive and in favour of the development.

#### **The Social Role**

As the scheme proposes only 5 new dwellings there is no policy requirement for the provision of affordable housing.

The scheme does provide 5 dwellings which will be DDA complaint. The Newton and Noss Housing Needs Survey has identified a demand amongst the over 55 age group for houses that are easy to maintain and on one level, amongst other criteria. These houses would provide for this demand.

The application states that 4 of the 5 houses will be built to house a local extended family, two households of which contain people with mobility restrictions. While this would provide a useful social benefit the houses would not be tied in any way and would be open market dwellings available to anyone the developer should choose to sell to.

Concern is raised about the adverse impact of additional traffic on the surrounding area, this issue is considered in more detail elsewhere in this report and it is concluded that the development will not result in any significant adverse impact on the safety or convenience of users of the highway, including pedestrians and will in fact deliver highway safety improvements.

The site is within walking distance of the local school and local facilities which will allow for social integration of new residents.

On balance, the provision of additional housing, in particular DDA compliant housing, will have a positive social benefit which weighs in favour of the development

### **The Environmental role**

With respect to the environmental role of sustainable development, the elements that are considered to be especially relevant to the proposed development are impacts on the landscape including the AONB and Heritage Coast which must be given great weight; ecology and bio-diversity and surface water drainage

### **Landscape Impact**

The AONB Unit have provided a detailed assessment of the landscape impact of this proposal as follows:

#### Landscape Character

The proposed site lies outside of, though adjacent to the current defined development boundary for Newton Ferrers and would intrude into part of a large agricultural field currently used for arable cropping. With minor modifications, the field has retained largely the same shape for over 100 years and is clearly identifiable on the 1906 Ordnance Survey maps of the area. In permitting development as per the proposal there would be a negative change in landscape character, though it is accepted that the change would be small in magnitude.

#### Scenic Beauty and Visual Impact

As the application materials did not include a detailed landscape and visual impact assessment, but asserted in the document entitled "Environmental Impact Assessment, including landscape and visual comment" that the proposal is in-keeping with the AONB status of the area, I have undertaken my own assessment considering a number of key viewpoints in the vicinity of the application site.

In protected landscape terms, the key consideration is will the proposal harm the landscape, scenic quality, natural beauty or special qualities of the South Devon AONB?

#### **Close views**

Due to local topography, close-in views of the proposal are only realistically possible from The Fairway itself. Visually, the proposal would read as an extension to the existing built development along The Fairway following a similar style and density.

#### ***Distant views from the south, south east and south west***

Due to the proposed buildings being partially dug into the hillside, of 1.5 storeys in height and mature tree cover already present to the south, the outline of the new buildings would be partly masked in views of the proposal from the south, southeast and southwest.

The elevated nature of the proposal's location, local topography and existing built development in the vicinity mean that public views of the application site are only possible from equally elevated land. The closest viewpoint at a similar elevation is therefore from land across Newton Creek, on Stoke Road, Noss Mayo, at 0.75 kilometres to the southeast. Only glimpsed views of the proposal are possible in the vicinity of the church and are likely to be masked by existing tree cover to the south of the application site.

At 2km to the southwest views toward the application site from the iconic viewpoint on Revelstoke Carriage Drive, forming part of the south west coast path above Mouthstone Point, would be almost wholly unaffected by the proposal. Built development forms a small component of the overall scene and the eye is drawn to the more prominent large footprint buildings to the southwest of the proposal site. At this distance, the proposal would read as part of the existing developed area to Newton Ferrers.

### ***Views from the estuary***

At water level within the Yealm estuary, the application site is not visible from Yealm Pool, Newton Creek, Noss Creek or the Yealm heading northwards. On entering the Yealm estuary by boat and beginning to round Warren Point looking in a northeasterly direction, partial views of the proposal's upper building elements may be possible from around 1km away. These are likely to be significantly masked by the existing tree cover and vegetation as the application site itself is not visible. Other more prominent existing structures to the south west of the application site draw the attention with these buildings already breaking the skyline. At distances of less than 1km away in the same direction, views of the upper elements to the proposal's built structures are likely to be quickly cut off by topography as the steeper low sections of the hillside dominate.

### ***Views from the west***

The application site is not visible from the foot ferry landing point at Warren Point.

Views of the application site from public footpath Wembury 26 (Warren Lane) within Wembury Parish 1.1 kilometres due west are likely to be masked by local topography, existing tree cover and the built structures of Newton Ferrers. From this viewpoint existing housing forms part of the view within which the proposal sits. If any of the proposal is visible it would read as part of the developed area of Newton Ferrers.

### **National Planning Policy Framework**

For this proposal, footnote 9 to paragraph 14 of the NPPF restricts the normal presumption in favour of sustainable development and transfers the starting point for the assessment of the application to paragraph 115 of the NPPF which sets out a restrictive policy. Great weight should therefore be given by the Planning Authority to conserving landscape and scenic beauty in the AONB when weighing the planning balance for this application.

At five houses in scale, the South Devon AONB Office does not regard this application to constitute major development and therefore the provisions of paragraph 116 to the NPPF do not apply in this instance.

### **South Devon AONB special qualities relevant to the application:**

- Ria estuaries (drowned river valleys), steep combes and a network of associated watercourses.
- Deeply rural rolling patchwork agricultural landscape
- Iconic, wide, unspoilt and expansive panoramic views

### **South Devon AONB Management Plan**

Particularly relevant policies from the management plan include:

- **Lan/P1** The special qualities, distinctive character and key features of the South Devon AONB landscape will be conserved and enhanced.

- **Lan/P5** The character of skylines and open views into, within and out of the South Devon AONB will be protected. Suitable alternatives to infrastructure responsible for visual intrusion will be sought together with improvements to reduce the visual impacts of unsightly past development. Priorities include protection against intrusive energy generation, transmission and communications infrastructure; external lighting that creates night time scenic intrusion; and visually dominating buildings that are inconsistent with landscape character.
- **Lan/P3** Opportunities will be sought to strengthen landscape character by improving the condition of existing landscape features in poor condition and reinstating landscape features identified as missing or fragmented.
- **Plan/P2** Development management decisions will give great weight to the purpose of conserving and enhancing the natural beauty of the South Devon AONB; and support development that is appropriate and proportionate to its setting within or adjacent to the South Devon AONB.
- **Comm/P3** People will be supported in building vibrant, healthy and resilient communities, enjoying a high quality of life with good access to facilities.

#### Duty of regard for the AONB purpose

In considering this planning application, the Planning Authority is reminded of its overriding statutory duty of regard for the purpose of conserving and enhancing the natural beauty of the AONB (Countryside and Rights of Way Act 2000, s 85) and of the policies in the Council's adopted statutory management plan for the South Devon AONB which is a material consideration in determining this application.

#### Summary

The proposal is likely to result in a small degree of erosion to landscape character and will therefore contribute cumulatively to the harm that housing development is causing within this area of the AONB. However, considering the scale of the proposal in combination with the existing land use to the south and east of the application site; and the screening effect of existing tree cover, the proposal does not in our view sufficiently harm the landscape, scenic beauty, natural beauty or special qualities of the AONB to merit an objection from the South Devon AONB Unit in this instance.

#### **Biodiversity**

The Council's Ecology Specialist has reviewed the Extended Phase 1 Habitat Survey and Ecological Appraisal submitted as part of this application and has concluded that the proposed development is likely to enhance wildlife habitat subject to the recommendations in the report being carried out.

Concern has been raised by local residents with regard to the capacity of the mains sewage system that the development proposes to connect into. Concern is raised about the impact on the Yealm Estuary SSSI should the sewage system fail to cope with added demand.

South West Water have accepted the applicant's proposal to connect to the mains and raise no objection to the proposed development. The Council therefore has no reason to challenge the foul drainage capacity locally.

#### **Surface Water Drainage/ Flood Risk**

The site lies within Flood Zone 1 where flood risk is low. Council Drainage Engineers are satisfied that the development can be satisfactorily accommodated on the site without having any adverse impact from surface water drainage subject to conditions ensuring the provision of a fully designed scheme.

## **Environmental dimension balance**

The environmental role in considering where the development is sustainable is not clear-cut. Some ecological benefits have been identified but more compelling is the impact on the AONB and Heritage Coast, the protection of which is afforded great weight by the NPPF. The impact on the AONB has been thoroughly assessed by the AONB Unit who have concluded that whilst there would be an impact on the landscape character it would not be of such harm as to justify the refusal of planning.

It is concluded that the environmental impact of the development will on balance, be neutral, neither providing significant environmental benefit nor harm to the identified areas of potential concern.

## **Sustainable development conclusion**

In terms of the economic and social dimensions of sustainable development, it is considered that there are benefits from the proposed development and that where adverse impacts in these respects can be identified, there is no evidence to suggest that they represent a scale of significant and demonstrable impact as would outweigh those identified benefits. The environmental impacts are considered to be neutral, creating neither significant harm nor benefit.

On balance it is concluded that the proposed development is sustainable and therefore should be permitted unless there are other material considerations that would outweigh its benefits

## **Design**

The proposed dwellings are designed to sit into the slope of the land and from the rear will appear as single storey. Two of the dwellings are more typical dormer bungalows, the remaining three are split level dwellings and will appear as two storey from the road despite providing only one level of accommodation. Nevertheless the roof heights are kept low and the development, set on the lower part of the field will be set well below the ridge of the rising field and will not be prominent in the landscape.

The design of the dwellings is conventional modern architecture although the use of a standing seam metal roof adds a more contemporary feel. The dwellings however are in keeping with the area making a neutral architectural addition to the street scene.

There will be adequate amenity space for each dwelling and with appropriate landscaping it will be possible to create a pleasant, green living environment.

## **Highways/Access:**

The proposed new road will include a turning head at the end of the adopted part of the road and available for use by all road users. At present The Fairway has no turning head, the Highway Authority sees the provision of this new turning head to be a positive addition to highway safety and convenience which mitigates against the additional traffic movements that the development will cause.

Access to The Fairway is via Court Road which is narrow and without pavements and is a route used by school children amongst others; concern is raised about the impact on pedestrian safety as a consequence of the development, both during construction and when in use. The Highway Authority consider that any resulting increase in adverse impacts as a result of increased traffic movements will be mitigated by the added safety that will arise from the new turning head.

It is proposed that a planning condition be applied to require a Construction Management Plan to be agreed and implemented to keep adverse impacts from development to a minimum.

It is also proposed that a planning condition be applied to ensure that there is no vehicular access from The Fairway into Middle Leigh as this is not part of the proposal and the impacts of this have not been assessed; local residents have raised concerns about this issue.

### **Neighbour Amenity:**

Due to the height, siting and design of the proposed dwellings it is considered that there will be no significant adverse impacts on the amenity of neighbouring properties. This is in part dependent however on the continued management of the hedgerow on the southern boundary and as such it is proposed that the management of this hedge be included as part of a LEMP to be controlled within the Section 106 agreement.

There is potential for overlooking from east facing dormer windows of House Type 2, these windows light the stairway. It is proposed that the windows be obscure glazed to prevent overlooking.

Subject to these planning conditions the impact on residential amenity is considered to be acceptable and in accordance with adopted local policy.

### **Agricultural Tie/Link**

The application suggests that one of the dwellings will be occupied by the landowner who intends to farm the adjoining land (believed to be rented out at present). However the application is not described as being for an agricultural workers dwelling nor has the relevant information for such an application, such as viability information, been submitted. In any event it would only be appropriate to place an agricultural tie on a property if it is in an unsustainable location and only deemed acceptable on the basis of agricultural need.

This application has been assessed on the basis that the application seeks planning permission for 5 open market dwellings.

Concern has been raised about the possible creation of a farmstead around one or more of the dwellings and the adverse impact this may have. Any new farm buildings within the adjoining field would be subject to the same planning controls whether or not this application is approved.

### **Prematurity in advance of the Neighbourhood Plan**

Concern has been raised about the fact that the development does not accord with the emerging Neighbourhood Plan and it is premature to permit this development in advance of the Plan being adopted.

The Neighbourhood Plan is at an early stage of development and as such carries no weight. In the absence of up to date local plans application proposals relating to housing supply must be considered in accordance with the NPPF.

### **Planning Balance**

The proposed development would conflict with Development Plan policy and would result in residential development outside the development boundary. It is considered that, in the absence of the Council being able to demonstrate a five year housing supply, the policies within the Development Plan with regards to housing supply have to be seen as out of date.

In such circumstances the NPPF sets out that the issue to consider is whether the proposal represents sustainable development but also, in making this assessment, to give great weight to conserving landscape and scenic beauty in this AONB.

For the reasons as set out in the report, it is considered that the proposal does satisfy the three dimensions of sustainable development. Given the view taken that the development is sustainable the question to be considered is whether there are any adverse impacts that would significantly and demonstrably outweigh the benefits of the proposal when assessed against the policies in the NPPF as a whole.

The AONB Unit have confirmed that the impact on the AONB as a consequence of this development will be minimal. On balance it is considered that despite giving great weight to the small amount of harm to the AONB than may arise from this development, the economic and social benefits outweigh this harm.

No overriding technical objections have been raised and the impacts of the development have been assessed. There are no adverse impacts that would outweigh the benefits of the scheme.

With regard to the objections raised in the letters of representation, the main areas of concern have been addressed above.

Therefore, in conclusion, the application is recommended for approval, subject to conditions and a s106 agreement.

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

Planning Policy  
NPPF

***South Hams LDF Core Strategy***

CS1 Location of Development  
CS7 Design  
CS9 Landscape and Historic Environment  
CS10 Nature Conservation  
CS11 Climate Change

***Development Policies DPD***

DP1 High Quality Design  
DP2 Landscape Character  
DP3 Residential Amenity  
DP4 Sustainable Construction  
DP5 Conservation and Wildlife  
DP7 Transport, Access & Parking  
DP15 Development 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.

**Proposed 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 by Section 51 of the Planning and Compulsory Purchase Act 2004.



2. The development hereby approved shall in all respects accord strictly with drawing number 'Location Plan', GG/PA/000/Rev E, GG/PA//02A, GG/PA/03A, GG/PA/07, GG/PA/04, GG/PA/05 and GG/PA/06

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 the commencement of development details of finished floor levels, ridge heights and cross sections through each dwelling to show the relative level of gardens, dwellings, parking areas and the new road shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure the development is set at a level that ensures it is assimilated into the landscape to minimise the visual impact on the AONB in which it is set.

4. PRE COMMENCEMENT: No development approved by this permission shall be commenced until full details of a scheme for the provision of surface water management has been submitted to and approved in writing by the Local Planning Authority. The details shall include:

- (a) details of the drainage during the construction phase;
- (b) details of the final drainage scheme, including testing and calculations;
- (c) provision for exceedance pathways and overland flow routes;
- (d) a timetable for construction;
- (e) a construction quality control procedure;
- (f) a plan for the future maintenance and management of the system.

The sustainable drainage scheme is to be designed for a 1:200 year event plus 40% for climate change and infiltration drainage must be supported with testing to BRE digest 365. 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 or the discharge rate is too high then a mitigating drainage alternative shall be agreed with the Local Planning Authority and thereafter installed, maintained and retained in accordance with the agreed details for the life of the development.

Development shall take place in accordance with the approved details.

Reason: To prevent the increased risk of flooding and minimise the risk of pollution of surface water by ensuring the provision of a satisfactory means of surface water control and disposal during and after development.

5. The recommendations, mitigation and enhancement measures of the Extended Phase 1 Habitat Survey and Ecological Appraisal by The Magnificent Science Company dated 8 September 2016, shall be fully implemented prior to the commencement of the development 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.

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

Reason: To protect the countryside from intrusive development and in the interests of wildlife conservation.

7. PRE COMMENCEMENT: Prior to the commencement of works, a survey will be carried out to determine the level of Arsenic and other heavy metals 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. The results of the Phase 2 soil sampling survey and risk assessment and a method statement based on those results giving full details of the remediation measures required and how they are to be undertaken.
  2. A verification report on completion of the works set out in (1) confirming the remediation measures that have been undertaken in accordance with the method statement and setting out measures for maintenance, further monitoring and reporting.

Any changes to these agreed elements require the written consent of the Local Planning Authority.

*Reason: 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 2 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.*

8. 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.

9. PRE COMMENCEMENT: 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, together with a details of temporary AA Road Signing Strategy;
- (d) any road closure;
- (e) hours during which delivery and construction traffic will travel to and from the site;
- (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) provision of wheel wash facilities, dust suppression and noise limitation measures;

(j) hours during which no construction traffic will be present at the site;

(k) the means of enclosure of the site during construction works;

(l) details of proposals to promote car sharing amongst construction staff in order to limit construction staff vehicles parking off-site;

(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; and

(n) a road condition survey using photographic evidence near to each proposed entrance to the site.

This approved 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 public transport and service vehicles and to emergency vehicles.

10. The first floor east facing dormer windows shall be obscure glazed, non-opening and permanently retained as such.

Reason: In the interests of the residential amenities of the adjoining occupiers.

11. Prior to their installation details and 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.

12. No development above slab level shall continue until a detailed hard and soft landscaping scheme has been submitted to and approved in writing by the Local Planning Authority, including all details of all boundary treatments.

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

13. PRE-COMMENCEMENT: No development shall take place until such time as details showing how the existing trees and hedges that may be affected by the development will be protected throughout the course of the development, how works to the trees and hedges will be undertaken and an Arboricultural Method Statement have been submitted to and approved in writing by the local planning authority. The details shall include a hedge/tree protection plan, in accordance with BS:5837:2010, which shall include the precise location and design details for the erection of protective barriers and any other physical protection measures and a method statement in relation to construction operations in accordance with paragraph 7.2 of the British Standard. Development of each phase shall be carried out in accordance with the approved tree/hedge protection plan.

Reason: In the interests of visual and residential amenity

14. Details of all retaining walls to be built as part of the approved development shall be submitted to and approved in writing by the Local Planning Authority prior to their construction.

Reason: In the interests of visual amenity.

15. The proposed estate road, cycleways, footways, footpaths, verges, junctions, sewers, drains, retaining walls, service routes, surface water outfall, road maintenance/vehicle overhang margins, embankments, visibility splays, accesses, car parking and street furniture shall be constructed and laid out in accordance with details to be approved in writing by the Local Planning Authority before their construction begins, For this purpose, plans and sections indicating, as appropriate, the design, layout, levels, gradients, materials and method of construction shall be submitted to the Local Planning Authority.

Reason: To enable the Local Planning Authority to obtain adequate information for consideration of the ultimate proposal in the interests of highway safety and convenience.

16. 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 the following Classes of Schedule 2 shall be undertaken without the express consent in writing of the Local Planning Authority other than those expressly authorised by this permission:-

- (a) Part 1, Class A (extensions and alterations);
- (b) Part 1, Class C (roof addition or alteration);
- (c) Part 1, Class E (a) swimming pools and buildings incidental to the enjoyment of the dwellinghouse.
- (e) Part 2, Class A (means of enclosure).

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

17. Prior to the commencement of the development a Landscape and Ecological Management Plan (LEMP) shall be submitted to and approved in writing by the Local Planning Authority. The LEMP shall be based upon an up to date ecological survey of the site and buildings and will include mitigation measures as set out in the existing ecological survey which shall be integrated with the detailed landscape scheme to be submitted as part of the reserved matters.

Reason: In the interests of ecological interest and to secure long term management of existing and new hedgerows.

18. The dwellings hereby approved shall not be occupied until the parking, servicing, garaging areas relating to/it them (and shown on the submitted drawings) have been properly consolidated, surfaced, laid out and constructed. The parking, servicing and garaging areas shall be kept permanently available for the parking and manoeuvring of motor vehicles in connection with the development hereby permitted.

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

19. All off site highway improvement works shall be complete prior to the occupation of the first dwelling.

Reason: In the interests of highway safety.

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

Reason: In the interests of highway safety.

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## PLANNING APPLICATION REPORT

**Case Officer:** Wendy Ormsby

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

**Application No:** 2992/16/FUL

**Agent/Applicant:**

Mr Phillip Pawsey  
10 Moor Farm  
East Portlemouth  
Salcombe  
TQ8 8PW

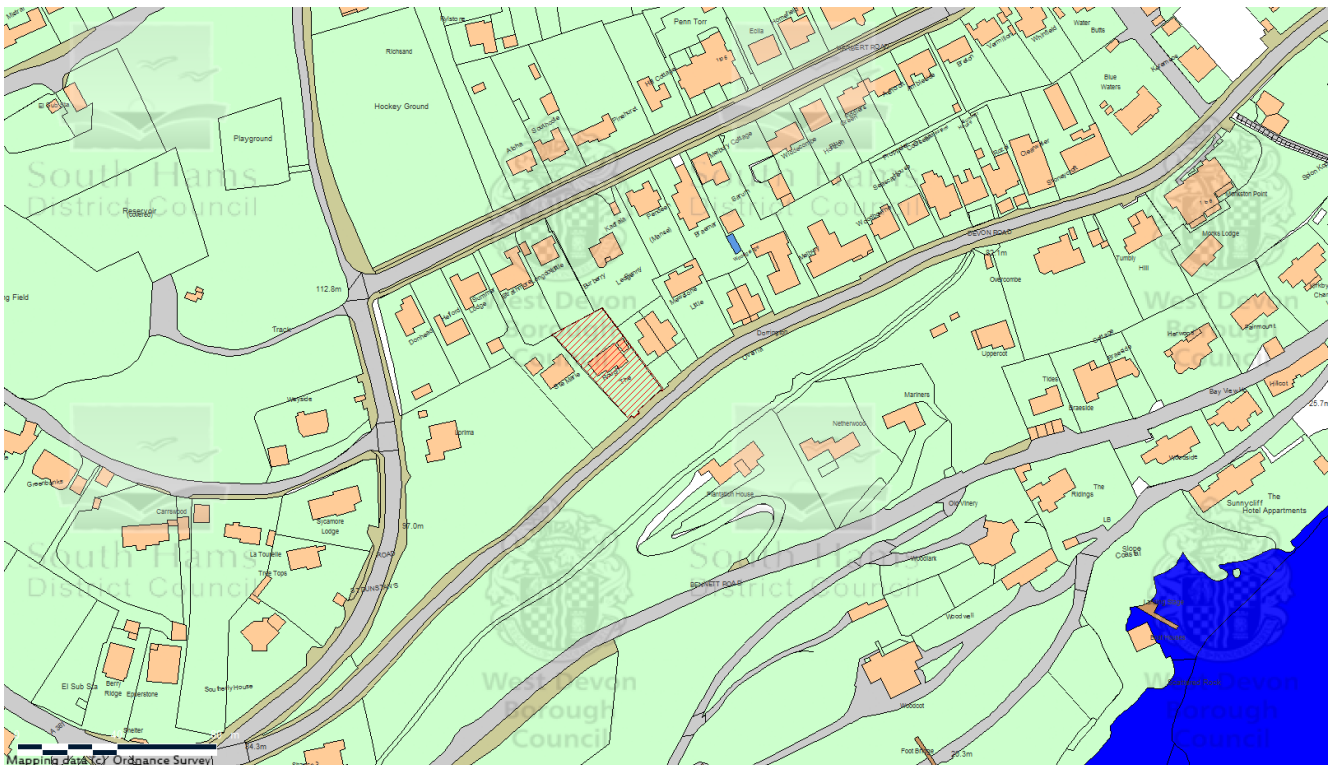
**Applicant:**

Mr & Mrs Richard Tudor  
46 Park Avenue North  
Harpenden  
Hertfordshire  
AL5 2ED

**Site Address:** The Rough, Devon Road, Salcombe, TQ8 8HJ

**Development:** Demolition of existing house and building of new dwelling with associated works

**Reason item is being put before Committee:** The previously withdrawn application was put before committee who attended a site visit; the application was then withdrawn. Having regard to the level of interest of members at that time it is appropriate for the revised scheme to be considered again by Committee



## **Recommendation:** Conditional Approval

### **Conditions:**

Time

Accords with plans

Details of materials to be agreed

Natural roof slates to be used

Details of hard and soft landscaping to be agreed including boundary treatment

Details of drainage to be agreed

Recommendations of Ecology Report to be adhered to.

Windows indicated as obscure to be retained as such

Permitted Development rights removed – extensions, roof alterations.

1.8m privacy screen to be provided on north east end of first floor balcony

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

Impact on neighbours, impact on the street scene and the AONB.

### **Site Description:**

The Rough is a vacant house sited towards the western end of Devon Road in Salcombe. The eastern end of Devon Road is included within the Conservation Area and is notable for its substantial Victorian dwellings set in spacious plots. As Devon Road continues westward and upwards the character of the road changes; many of the plots on the central, north side of the road have been redeveloped or modernised and the development density is much higher. There are a number of 3 storey dwellings set above a parking areas in this part of the road, therefore presenting the scale of a 4 storey property.

As you continue further west, upwards and away from the heart of the town the development density drops again; architectural styles are very varied including some modern redevelopments. The north side of Devon Road is elevated as the land drops down, north south, towards to estuary. The majority of the dwellings at the western end of Devon Road are elevated above the road and set well back from the road. Older properties, including The Rough have no vehicular access from Devon Road. Due to the houses being set well back in their plots the character of this part of the road is green and leafy. The southern side of Devon road at this western end is not developed due to the steep gradient of the land and the road is tree lined but offering some views through across the estuary.

The Rough is a two storey dwelling of no particular architectural merit set back from the road and elevated from the road. Access is via a steep set of steps leading up from Devon Road. Part of the rear (north) garden of The Rough has recently been separated from the plot and now forms part of the gardens to the neighbour, Ste Marie, to the south west. Until recently the front garden of The Rough was heavily vegetated, much of the land has recently been cleared.

To the south west of the site is the property Ste Marie which is set well behind the building line of The Rough. To the north east are a pair of modern semi-detached houses, Burberry (the closest to The Rough) and Sunny Ledge. These are a pair of three storey houses with parking at the lower level. This modern development has been set at a lower level than the majority of dwellings in the area. Further east is Little Mewstone, an elevated, substantial dwelling set above and back from two levels of retaining walls which have allowed a garage and parking are to be provided below the house at road level.

Until recently the boundary between The Rough and Burberry was defined by dense, tall vegetation including trees. The owners of Burberry have recently cut a lot of this back including the felling of a large tree that was located between the properties on Burberry's northwest boundary. Despite this pruning there remains a substantial vegetative screen between the two sites.



The site is located within the development boundary of Salcombe and is within the South Devon Area of Outstanding Natural Beauty.

### **The Proposal:**

It is proposed to demolish The Rough and to replace it with a much larger dwelling which will include the provision of access and garaging at road level. Whilst the principal accommodation will be provided within the 2 storey element of the house located towards the rear of the site it is proposed to use the space above the garage as additional rooms and to incorporate a lift shaft onto the front of the building. This gives the appearance of a four storey building, particularly when viewed as a 2D drawing. The main part of the house (upper 2 levels) however will be set back from the front of the garage (lower 2 levels) by approx. 9m.

This application follows two earlier submissions both of which were withdrawn in an attempt to respond to objections that had been raised, the latest of these application was presented to Committee and a site visit took place, the application was withdrawn after the site visit.

The main changes in the current application compared to the scheme that was presented to Committee are as follows:

- The building is sited approx. 1m further away from the north east site boundary (boundary with the neighbour Burberry) which allows a wider landscaping buffer of between 2.8m and 2.5m. The building has been rotated so it is parallel with the north east boundary so that the planting remains a constant width.
- The most prominent part of the previous scheme, the lift shaft tower has completely been removed from the scheme. A lift shaft is still included but the roof above has been changed to a mono-pitch and there is no single tower – this part of the building is also set back even further on the upper 2 levels.
- The front the main part of the house has been set back between 4m and 1.4 m into the site
- The house projects between 1m and 1.4 m further to the rear (northwest).
- The building is sited between 1m and 0.8m closer to the south west (boundary with St Marie).
- The main roof ridge has dropped by 0.5m and is now only 0.7 m higher than the original existing roof ridge.
- Removing the tower element of the building has resulted in a very significant reduction in the massing of the building, particularly when viewed from the north east and south east, Devon Road elevation.
- The top floor conservatory with balcony has been removed from the scheme, reducing the potential for overlooking.
- Timber cladding is now also proposed on the front elevation of the upper floor of the garages, previously this was white painted render.
- Since submission the scheme has been revised to induce a further obscure window in the north east elevation in a response to concerns about overlooking raised by the neighbour at Burberry

The development proposes a 4 bedroom house with one main living/kitchen area, study, studio, double garage, utility and games room; it is a large house but is not as big internally as it may seem due to the changes in levels within the site. There will be outdoor terraces at ground floor level wrapping around

the building. A modest balcony is proposed at first floor (upper) level set within the lower pitched roof, the side of the roof which will restrict overlooking from the balcony to Burberry.

The scheme includes landscaping on all boundaries.

Whilst contemporary in design the development does not follow the current trend of large glazed gables but includes a more traditional roof shape. The palette of materials includes natural slate, natural stone, timber cladding and painted render.

### **Consultations:**

- County Highways Authority - no objection subject to condition to prevent mud and stones being deposited on the highway
- Environmental Health Section - no objection, recommends unsuspected contamination condition
- SHDC Drainage – no objection subject to conditions
- Town/Parish Council – objects for the following reasons:

*This was felt to be overdevelopment of the site due to its mass and scale as the view from the front presented an overbearing building that appeared to the eye to be 4.5 storeys. It was also clearly visible from the estuary providing a significant impact on the street scene and AONB.*

### **Representations:**

Four letters have been received raising issues including the following:

Burberry (Neighbour) – welcomes changes but requests that the window to bedroom 1 of first floor NE elevation be removed. This has now been amended to be obscure, the revised plan was sent to the neighbour but no further comment was made.

Undecided – welcome improvement but still massive and inappropriate. Roof height seems to have increased above that of current house

2 x Objection – Overdevelopment, Higher than original, overlooking from balconies

### **Relevant Planning History**

41/0121/15/F

Householder application for garden landscaping to include a new access and garage along with associated works

The Rough Devon Road Salcombe TQ8 8HJ

Conditional approval: 04 Mar 15

0116/16/FUL

Demolition of existing house and building of new dwelling and associated works.

The Rough, Devon Road, Salcombe TQ8 8HJ

Withdrawn

1307/16/FUL

Resubmission of application number 0116/16/FUL being the demolition of an existing house and the building of a new dwelling and associated works

The Rough, Devon Road, Salcombe TQ8 8HJ

Withdrawn

## **ANALYSIS**

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

The site is within the development boundary of Salcombe where the principal of residential development is acceptable subject to all other material planning considerations.

### **Design/Landscape:**

The character of Devon Road has been described above (site description). This western end of Devon Road includes a number of properties such as the Rough that still maintain their elevated front gardens and have no vehicular access. Where vehicular access has been provided elsewhere on Devon Road this has often required significant excavation and the construction of large retaining walls which makes a significant change to the character of the area and the street scene.

In 2015 planning permission (41/0121/15/F) was granted at The Rough for the provision of a vehicular access from Devon Road and the construction of a triple garage, set into the hillside with a large retaining wall above. Viewed from a distance, with the 2 storey house above, this will appear as four levels of built development on the site. The principal of significantly increasing the built up appearance of the site and loss of garden has therefore already been accepted on the site.

The principal of development at street level has also been accepted at the adjoining dwellings of Burberry, Sunny Ledge and Little Mewstone. Officers consider that it is this loss of garden and introduction of built form at street level that most impacts on the character of the area and street scene and this principal is already accepted.

The principal of 3 and 4 storey dwellings is also well established within Devon Road.

The 2D drawings do give an impression of a tall, imposing building but the majority of the main part of the house (upper 2 levels) is set some 9m back from the garage with rooms above (lower 2 levels), this articulation will significantly reduce the impact and dominance of the building.

The main, upper two stories of the dwelling are set approx. 1m behind the front building line of the neighbour Burberry. The remaining forward elements (Levels G and 1) are much lower and due to the topography will only be visible head on.

Set well back into the site the building will not be prominent in the street scene when approaching from up and down Devon Road. Proposed landscaping will soften and reduce any visual impact. The building will be of a scale and massing comparable to other dwellings in Devon Road where 3 and 4 storey buildings are already present.

Distant views of the site are possible from the estuary which is within the AONB. However due to the 9m setback between the upper and lower parts of the dwelling and the use of different materials the development will not read as a solid, single built form and will not be unduly prominent in the landscape.

The development proposes to use a palette of materials that, with the exception of the timber cladding, fit with the local vernacular. The proposed materials will help the building to assimilate into its surroundings.

It is considered that the design of the dwelling is acceptable and there will be no significant, adverse impact on the street scene, the character of the area or on the AONB.

## **Neighbour Amenity:**

The previous application was strongly opposed by the neighbour, Burberry on grounds of overbearance, loss of light and loss of privacy. This neighbour has welcomed the changes in the current application but made a request that a window in bedroom one be removed to prevent overlooking. The plans have been amended and this window is now proposed as obscure.

The main part of the building is now set further back into the plot and the massing has been dramatically reduced, particularly when viewed from the north east. The building is now closer to the other neighbour, Ste Maxime, however also set further back and this will have a reduced impact on their outlook.

The development will not have an overbearing impacts on its neighbours

The building is sited approx. 1 m further back into the site compared to the previous scheme, extending 3.5m behind the rear building line of Burberry, but is now further from the common boundary. Burberry is set at a lower level to The Rough and has high retaining walls to its rear, an external stairway provide access to a small raised platform which is the main amenity area on this side of the house (there being a main patio at the front facing the estuary). There will be a separation of approx. 10m between the rear, side elevation of Burberry and the new dwelling. Having regard to the existing relationship between Burberry and the application site and the presence of existing vegetation is it considered that whilst there may be some loss of evening sunlight on the rear raised terrace, this impact would not prejudice the amenity of Burberry significantly.

There will be no significant overlooking of Burberry subject to the provision of the obscure windows which can be controlled by planning condition.

There is one side facing bedroom window which will overlook the front garden of St Marie, this has been reduced in size from the first withdrawn scheme and the impact is considered to be acceptable.

The rear elevation has a number of windows that will overlook the garden which is now in the ownership of Ste Marie; it would be unreasonable for the new owners of this land , which was until recently the garden of The Rough, to expect privacy in this area.

There will an acceptable level of overlooking as a result of this development.

The impact on residential amenity is acceptable.

## **Highways/Access:**

The principal of providing a new vehicular access into this site has already been accepted. Adequate on-site parking and turning is available.

## **Conclusion:**

This application has been considered with particular reference to Policies DP3 (Residential Amenity), DP1 (High Quality Design) and DP2 (Landscape Character) of the South Hams Local Development Framework and for reasons set out in this report is considered to be in accordance with these policies; as such Conditional Approval of this application is recommended.

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

## **Planning Policy**

*NPPF*

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

CS1 Location of Development  
CS7 Design  
CS9 Landscape and Historic Environment  
CS10 Nature Conservation  
CS11 Climate Change

### **Development Policies DPD**

DP1 High Quality Design  
DP2 Landscape Character  
DP3 Residential Amenity  
DP4 Sustainable Construction  
DP5 Conservation and Wildlife  
DP7 Transport, Access & Parking

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

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

### **Proposed Conditions**

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

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

2. The development hereby approved shall in all respects accord strictly with drawing number(s) SE:23:10, SE.23.20B rev B, SE:23:52C, SE:23:100B, SE:23:101B, SE:23:102C, SE:23:103C, SE:23:104C, SE:23:105A, SE:23:106D, SE:23:107B, SE:23:108C, SE:23:109A, SE:23:110A, SE:23.

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 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.

4. The roofs hereby approved shall be clad in natural slates, a sample of which shall have been submitted to and approved in writing by the Local Planning Authority prior to installation.

Reason: In the interests of the amenity of the area.

5. Notwithstanding the provisions of Schedule 2 of the Town and Country Planning (General Permitted Development)(England) Order 2015 as amended (or any Order revoking, re enacting or further amending that Order), no development of the types described in Schedule 2, Part 1, Classes A-H of the Order, including the erection of extensions, porches, garages or car ports, the stationing of huts, fences or other structures shall be carried out on the site, other than that hereby permitted, unless the permission in writing of the Local Planning Authority is obtained.

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

6. PRE-COMMENCEMENT CONDITION. No development shall take place until there has been submitted to and approved by the Local Planning Authority a scheme of hard and soft 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. 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.

7. PRIOR TO COMMENCEMENT Prior to the commencement of the development, details of the surface water design shall be submitted to and approved in writing by the local planning authority. Such approved drainage details shall be completed and become fully operational before the development is first brought into use. Following its installation the approved scheme shall be permanently retained and maintained thereafter.

Reason: To safeguard the amenities of the locality and environment and to ensure that the development is adequately drained

8. The recommendations, mitigation and enhancement measures of the Ecological Report, by George Bemment Associates on 19 January 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

9. Prior to occupation of the dwelling hereby approved details of a 1.8m

privacy screen to be erected on the north east end of the first floor balcony shall be submitted to and approved in writing by the Local Planning Authority. The privacy screen shall be installed in accordance with the approved details and thereafter retained and maintained as such.

Reason: In the interests of the amenity of the adjoining neighbour.

10. All the windows indicated on the approved plans as obscure shall be obscure glazed, non-opening and permanently retained as such.

Reason: In the interests of the residential amenities of the adjoining occupiers.

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## PLANNING APPLICATION REPORT

**Case Officer:** Wendy Ormsby

**Parish:** Slapton **Ward:** Skerries

**Application No:** 3599/16/VAR

**Agent/Applicant:**

Mr Roger Robinson  
Brambles  
Ashprington  
Totnes  
Devon  
TQ9 7UL

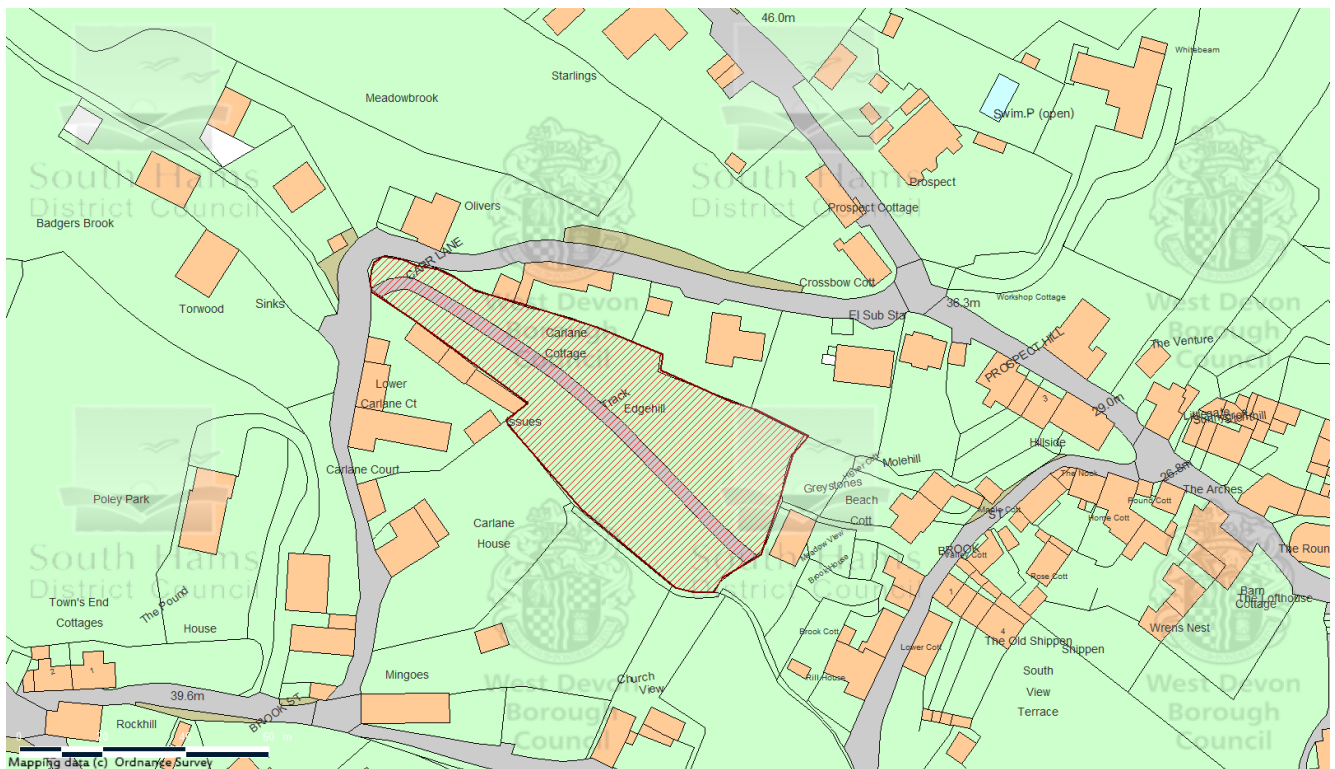
**Applicant:**

Mr and Mrs W Goldsworthy  
Byways  
Pound Lane  
Capel St Mary  
Suffolk  
IP9 2JB

**Site Address:** Combe Cottage, Slapton, Kingsbridge

**Development:** Application for removal variation of condition of granted planning application 44/1852/13/F. To replace drawings SN:11:52A & 53B and SN:55,56,57

**Reason item is being put before Committee:** The Ward Member is aware of the contentious history of the site and considers that the proposed alterations go beyond what was carefully negotiated within the previous application.



**Recommendation:** Delegation to Community of Practice Lead to grant Conditional Approval subject to the signing of a Deed of Variation to the Section 106 Agreement

**Conditions:**

Time

Accords with plans

Timescale for laying out private and public open space

Landscaping scheme to be implemented

Landscaping to be maintained

Materials to be agreed

Landscaping and Biodiversity Management and Maintenance Plan, including a detailed tree protection plan and arboricultural method statement to be approved and implemented.

Means of enclosure, including details of proposed pedestrian gate to Carr Lane and future maintenance

Details of drainage to be agreed pre-commencement

Agreed drainage to be implemented and completed prior to construction of house above slab level.

Section 106 agreement to require provision of public and private open space

**Key issues for consideration:** The impact the increase in size and other alterations to the dwelling has on the character of the area and neighbour amenity.

**Site Description:**

The application site is an area of open space within and surrounded by the built up area of Slapton. It falls within the Conservation Area and there are nearby Listed Buildings. The open space is protected by a Local Plan policy that seeks to maintain this and two other open spaces as important elements of the character of the settlement and Conservation Area.

The application site is a large area of land measuring 115 metres from east to west and from 40 metres narrowing to 20 metres north to south.

The land was a pleasant meadow until recent times where it has degenerated to dense brambles and little else. The site can only be accessed from Carr Lane at the western tip of the site.

**The Proposal:**

Planning permission has been granted for a single, 3 bedroom dwelling on the site. This application seeks to vary this planning permission by changing the size and appearance of the dwelling. The changes are summarised as follows (all measurements are approximate):

The siting of the dwellings remains essentially the same

The footprint has been increased as follows:

- The depth of the main part of the house is increased by 500mm.
- A gabled 2 storey element is added to the south, front, of the dwelling. This adds an additional footprint of 2.4m x 4.7m.
- A porch of 2.4m x 2m is added.
- The width of the northern 'wing' is increased by 500mm.

The windows design is changed throughout.

Two gables replace two small gabled dormers on the front, south, elevation and include a Juliette balcony. The height of this elevation remains unchanged.

A second floor has been added to the single storey rear projection on the northern, rear elevation. This has increased the ridge height of this part of the building by 1.2m and provides an additional bedroom with bathroom. This projection is also 500mm wider and now includes the extra 'extension' to the east,

First floor windows are introduced into the northern elevation where previously there were none, ground floor patio doors are proposed

The west elevation reflects the change in height to the rear element, the ridge height of the rear part of the building will be 500mm higher than the remaining part of the building (and 1.2m higher than the approved single storey element)

The west elevation also includes additional first floor windows including a further Juliette balcony

The east elevation includes the added bulk of the larger rear element. The approved double doors at first floor are replaced with a series of narrow slit windows.

### **Consultations:**

- County Highways Authority – standing advice
- Environmental Health Section - no comment
- Town/Parish Council – Objection - Becoming too large a structure in the conservation area.
- Environment Agency – no objection subject to finished floor levels being the same as previously approved and subject to conditions to ensure:

The implementation of the compulsory storage area;  
The submission of detailed plans showing the raised pedestrian access route  
The any unsuspected contamination found on site is dealt with appropriately and  
The removal of permitted development rights

### **Representations:**

4 letters of objection for reasons including the following:

- Will change character from a cottage to a more visible house.
- Change in character will harm tourism
- Alterations are not 'minor'
- Errors in original determination
- No longer a 'low key three bedroom house' as previously stated by Officer
- Overpowering neighbours, particularly Church View and Edgehill
- Continued applications seek to wear locals down, Committee should visit site.
- Concerns about private drains that run through development site, what will happen to them? Consideration needs to be given to re-routing drainage.

### **Relevant Planning History**

44/1170/10/PREMIN – pre app for new dwelling and open space – not concluded, but partial support from SHDC

44/1378/11/F – Construction of new house – withdrawn  
44/1852/13/F - Construction of a new house and creation of public  
open space - Conditional Approval

## **ANALYSIS**

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

The principle of developing the site for a single dwelling has been accepted in the grant of the planning permission this application seeks to vary.

### **Design/Landscape:**

The alterations have changed the proportions and characteristics of the proposed dwelling such that it will appear as a house rather than as a cottage, albeit that the ridge height of the main part of the house remains unchanged. The dwelling will have a more contemporary feel resulting mainly from the introduction of larger windows on the south elevation and tall narrow windows in the north and east elevations. The pallet of materials remains unchanged.

The dwelling however is not in a prominent location, set at a lower level than many of its neighbours and set away from any public road. The roof and chimney will be the most prominent publicly viewed parts of the house and while the height and bulk of part of the roof is increased it is still considered to be in keeping with its surroundings which include a variety of architectural styles.

The house will not be significantly larger than many of its neighbours; it is set in a very large plot that can easily accommodate a house of this scale and size.

The development will preserve the character of the Conservation Area and will be an acceptable addition to the village in accordance with Development Plan policy.

### **Heritage Impact**

The proposed amendments will not significantly change the impact of the approved a scheme on the setting of grade II listed Carlene Cottage. A previously refused scheme was dismissed on appeal but was much closer to the Listed Building. The siting of the proposed dwelling has not changed from the approved scheme and the added bulk and design changes will not impact more significantly on the listed building.

Special consideration must be given to the setting of heritage assets and indeed the setting of Conservation Areas and in this case this has been applied. The proposed dwelling is suitably distant and separated from the listed building to prevent harming its setting. Similarly, the impact of built of development and the beneficial impact of improving the open space will enhance the character of the Conservation Area.

### **Neighbour Amenity:**

Objections have been raised on the grounds that the revised scheme will be overbearing to neighbours.

The ridge height of the proposed dwelling will sit approximately level with the ground floor windows of adjoining property Edgehill, the dwelling is mostly offset from Edgehill, sitting between Edgehill and Greystones. The added bulk will not cause any significant loss of light to neighbouring properties nor will it appear overbearing.

First floor windows are now proposed in the north elevation, facing towards the boundary with Edgehill and Greystones. The windows are long and narrow, the glazing being only 300mm wide, this type of window offers a narrow angle of vision to occupants. The windows are to a bathroom and bedroom, not principal living rooms. The northern site boundary with the neighbouring properties contains substantial planting and walls which afford some screening. Any loss of privacy will be minimal.

On balance the impact on residential amenity is considered to be acceptable

### **Flooding/drainage/Highways/Ecology**

The issues relating to flooding, drainage, highways and ecology do not materially alter as a consequence of the proposed amendments.

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

### **Planning Policy**

NPPF

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

CS1 Location of Development

CS7 Design

CS9 Landscape and Historic Environment

CS10 Nature Conservation

#### ***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***

SHDC 1 Development Boundaries

KP 18 Slapton

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

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

### **Proposed Conditions:**

1. The development to which this permission relates must be begun not later than 18 September 2018.

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 SN:11:50B, SN:11:55, SN:11:56, SN:11:57 received by the Local Planning Authority on 10 November 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. No later than 18 months after the commencement of development work shall commence to begin to clear the New Public and Private Open Space land as indicated on drawing number SN:11:50B of all debris to the satisfaction of the Local Planning Authority. Following the completion of this clearance, works shall proceed to plant, layout and construct the Open Space Land in accordance with the specification contained in the Landscape Appraisal: Strategy & Proposals document submitted as part of application 44/1852/13/F and dated 21.09.2011. The works set out in this condition shall be completed within 12 months of their commencement or such longer period as may be agreed in writing with the Council.

Reason: In the interests of the amenity of the area.

4. The remainder of the site shall be landscaped in accordance with the details set out in the Landscape Appraisal: Strategy & Proposals document submitted as part of application 44/1852/13/F and dated 21.09.2011. The landscaping shall be completed before the end of the first planting season following either completion of development or occupation of the dwelling hereby approved, whichever is the earlier.

Reason: In the interests of the amenity of the area

5. Any trees or plants which form part of the approved landscaping scheme (Landscape Appraisal: Strategy & Proposals, 2011) that 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.

6. No development above ground floor slab level of the approved dwelling shall proceed until 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 in the interests of the amenity of the area

#### 7. PRE-COMMENCEMENT CONDITION

No development shall commence until a Landscaping and Biodiversity Management and Maintenance Plan, including a detailed tree protection plan and arboricultural method statement has been submitted to and approved in writing by the Local Planning Authority. The approved document shall then be implemented in accordance with the agreed details.

Reason: In the interests of the amenity of the area and wildlife conservation.

8. Notwithstanding any details shown on any plans hereby approved, prior to their construction or erection details of any new or altered means of enclosure, including the proposed pedestrian gate onto Carr Lane, shall be submitted to and approved in writing by the Local Planning Authority.

Reasons: In the interests of the amenity of the area and in the interests of highway safety

9. PRE-COMMENCEMENT CONDITION

No development shall be commenced until full details of the works for the disposal of sewage and management of surface water have been submitted to and approved in writing by the Local Planning Authority, and the dwelling shall not be occupied until the approved works have been completed to the satisfaction of the Local Planning Authority. The approved drainage details shall be maintained in accordance with the approved details in perpetuity unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of the prevention of pollution and flooding.

10. 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 the following Classes of Schedule 2 shall be undertaken without the express consent in writing of the Local Planning Authority other than those expressly authorised by this permission:-

- (a) Part 1, Class A (extensions and alterations)
- (b) Part 1, Classes B and C (roof addition or alteration)
- (c) Part 1, Class D (porch)
- (d) Part 1, Class E (a) swimming pools and buildings incidental to the enjoyment of the dwellinghouse and; (b) container used for domestic heating purposes/oil or liquid petroleum gas)
- (e) Part 1, Class F (hardsurfaces)
- (i) Part 2, Class A (means of enclosure)

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.

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## PLANNING APPLICATION REPORT

**Case Officer:** Clare Stewart

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

**Application No:** 1648/16/FUL

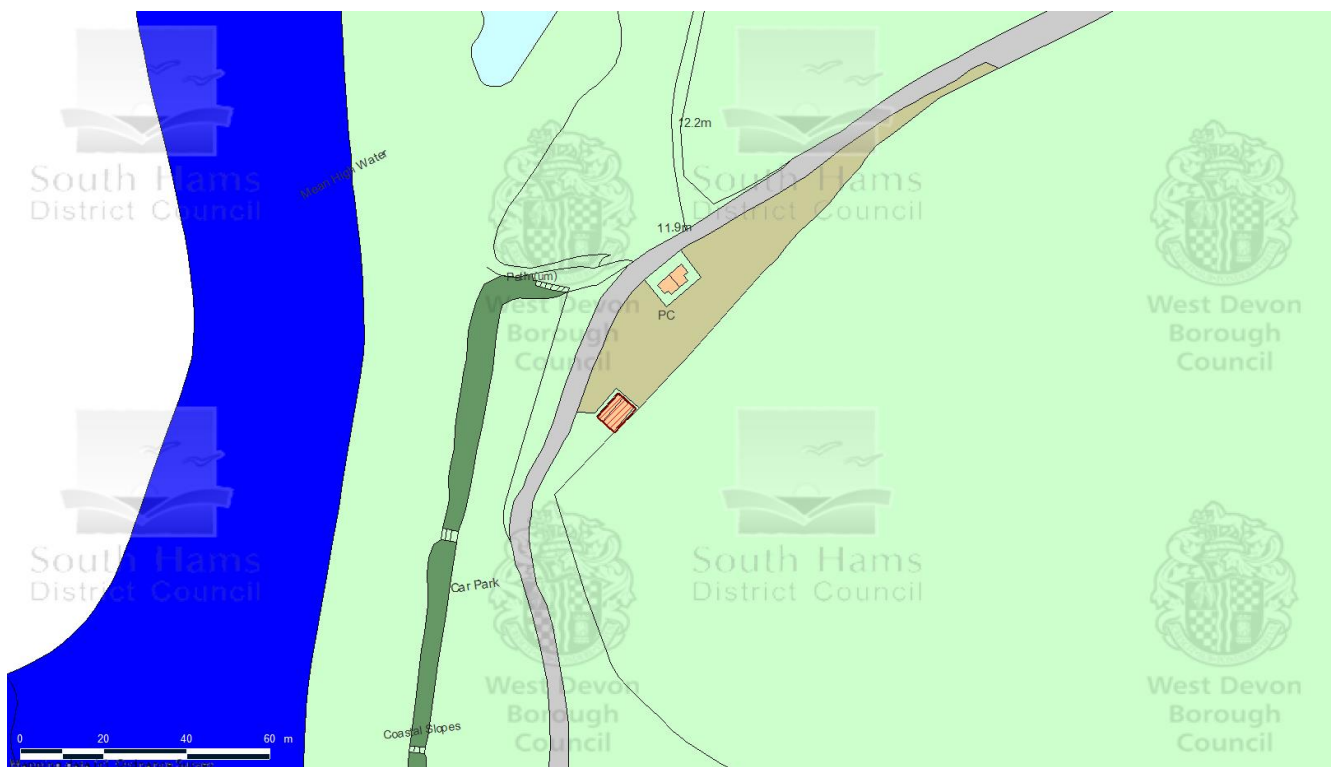
**Agent/Applicant:**

The National Trust,  
Killerton House  
Broadclyst  
Exeter  
EX5 3LE

**Site Address:** Beachhouse Cafe South Milton Sands, South Milton, Devon

**Development:** Application for small extension to existing beach cafe building to provide storage and toilet facilities for staff.

**Reason application has been put before Committee:** The application has been brought to Committee by the Ward Members due to concerns regarding impact on the SSI and AONB, unsatisfactory clarity regard toilet facilities and drainage and access.



## **Recommendation:** Conditional Approval

### **Conditions**

1. Time limit
2. Accord with plans
3. Foul drainage
4. Surface water drainage
5. Removal of structures within yard

Informative re potential need for Environmental Permit

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

Principle of development, design, visual impact, drainage, highways.

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### **Site Description:**

The site is located on the north eastern side of the public car park, situated directly above Thurlestone Sands. It lies approximately 1.2Km south of Thurlestone, 2.5Km south west of South Milton and approximately 1.8Km west of South Huish. The existing beach hut is a relatively small timber structure which has a floor area of approximately 34.1 square metres having had its external terrace enclosed in 2010.

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

### **The Proposal:**

The application seeks permission to add an extension to the north east end of the hut to provide storage and staff toilet facilities. The proposed extension would have a footprint of approximately 24 square metres, with the roof clad in felt to match the existing building. The walls of the extension would be clad in timber left to weather naturally. Existing external storage within the yard area would be removed.

A revised red line plan was submitted during the life of the application to show the full extent of development proposed as part of the current application within the red line in the interests of clarity.

The application has been submitted by the National Trust (NT), with the premises currently being managed by a tenant.

### **Consultations:**

- County Highways Authority – No highways related issues
- Environmental Health – “We are not aware of any complaints in relation to the ventilation for the Beachhouse, neither has it been negatively assessed by a Food Officer during a visit. Should there be a substantial increase in covers and this means that the ventilation becomes unacceptable then we can require improvements under the food safety legislation or Environmental Legislation. In relation to drainage, they were using the Council’s public conveniences for the purposes of public provision, this application seems to be improving this matter by providing a toilet in the building.”
- Drainage – No objection subject to conditions regarding foul and surface water drainage
- Environment Agency – Any non-mains foul drainage system will require an Environmental Permit.
- South Milton Parish Council – Objection – Concerns regarding the following:

- No temporary structures to be allowed by NT
- Keep the site tidy
- Not to expand the premises further
- Make tables available for picnickers
- NT not to expand the car parking area
- Fat waste issues with the Council's septic tank
- Signage to confirm National Trust is responsible for the café

### **Representations:**

One letter of objection has been received and cover the following points:

- Will create further commercialisation of a once unspoilt beach
- National Trust has badly let the village down since 2010 planning approval

### **Relevant Planning History**

- 46/0594/10/F Enclosure of terraced area to provide inside seating space for existing café and extension of opening hours. – Approved 2010
- 9/47/0732/83/3 Replacement of timber building with new prefabricated timber building – Approved 1983

### **ANALYSIS**

Principle of Development/Sustainability:

The beach hut in its present form was approved in 1983 and the external terrace enclosed in 2010. Policy DP12 of the Development Policies DPD supports the expansion of tourism facilities in the countryside where they relate to an existing facility, as is the case. The principle of extension to the existing café is therefore supported in policy terms. Due regard must still be had to all other relevant planning considerations including detailed design, with special regard had to the location of the site within the AONB.

Design/Landscape:

The proposal to add an extension of a very similar appearance to the existing structure by virtue of its scale and appearance is considered acceptable. The application is accompanied by a detailed Landscape and Visual Impact Assessment. The proposal would not detract from the special qualities of the immediate and wider landscape (and arguably provides an opportunity to improve the appearance of the site as the existing café building would clearly benefit from investment). Existing external storage is shown to be removed (as it storage space would be provided within the proposed extension), and a condition is recommended to ensure that this takes place.

Neighbour Amenity:

There are no residential properties in close proximity to the proposed development.

Highways/Access:

The proposal seeks to improve the existing café facility rather than increase the trading area. As the current application does not seek to extend the area of the café which would be directly accessible to the public, it would be quite difficult to quantify exactly how much of an impact the proposal would have on vehicle movements associated with the site. Clearly the number of customers being served would be restricted by the space available, which the current application does not seek to increase. In reality an improved facility (which the application is seeking to achieve) is likely to generate more customers

wanting to use the café. Officers do not they are any substantive highways reasons to refuse the current application.

#### Drainage:

Concern had been expressed by the Parish Council regarding the café business using the Council's septic tank and causing blockages with fat deposits. The Council's Assets team have advised that this has been an issue in the past, but since the café operator was alerted to the issue the matter has not persisted.

The Council's Drainage Specialist has agree that the final foul and surface water drainage details associated with the development proposed can be appropriately dealt with by condition. The Applicant has confirmed that they are not proposing to install a new septic tank to serve just the café.

#### Other Matters:

In response to other matters raised in consultation/representation not addressed above:

- Temporary structures – this is not material to the consideration of the current application, which has to be considered on the basis of what is being applied for at this time. The café does not benefit from any permitted development rights in respect of ancillary structures. Any additional structures on the site would be a matter for planning enforcement unless approved under a subsequent application. A condition is recommended to secure the removal of structures within the yard area detailed within the current application.
- Untidy site issues – not material to consideration of current application, although the proposed extension would help facilitate the general improvement of the appearance of the site.
- Future expansion – this current application cannot be used as a method to prevent future expansion of the business. Any subsequent proposals for development requiring planning consent would be considered on their own merits (and the landowner would be within their rights to make any such applications).
- Make tables available for people having picnics – this is not material to the current application.
- Expansion of car park – this is not material to the current application.
- NT branding – this is not necessary to make the current development acceptable in planning terms and cannot therefore be a requirement of granting consent for the current proposal.

Whilst the issues above are largely not relevant to the consideration of the current application, the NT have advised they will consider the issues raised separately.

In relation to issues raised by the Ward Members prior to publication of this report:

- Consultation with Natural England - the site falls within the Impact Risk Zone (IRZ) for the SSSI, which means the potential for the development to impact on the SSSI needs to be considered. However, taking into account Natural England's guidance on when the types of development they want to be consulted on in IRZs, Officers have taken the view they do not need to be consulted. The Officer recommendation already includes conditions in respect of foul and surface water drainage which mitigate any associated impacts on the SSSI compared with the existing situation bearing in mind the scale of development proposed.
- Use of SHDC toilets by café customers – this matter is being considered by the Council's Assets team in discussion with Environmental Health separately from the determination of this application. There is separate legislation outside the remit of planning control covering the provision of toilet facilities for cafes including licencing.

#### Conclusions:

The proposed development provides an opportunity to improve the appearance of site without detriment to the wider AONB. A number of issues have been raised by the Parish Council which have been

addressed above. Subject to the conditions listed above the application is considered to accord with the relevant Development Plan policies and is recommended for approval accordingly.

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

## **Planning Policy**

### ***NPPF***

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

CS1 Location of Development

CS7 Design

CS9 Landscape and Historic Environment

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

DP1 High Quality Design

DP2 Landscape Character

DP4 Sustainable Construction

DP5 Conservation and Wildlife

DP7 Transport, Access & Parking

DP12 Tourism and Leisure

DP15 Development in the Countryside

#### ***South Devon AONB Management Plan***

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

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

#### **Proposed conditions in full:**

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

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

2. The development hereby approved shall in all respects accord strictly with drawing numbers 2016/2 Rev B, Site Plan (Part) L.P.G. Base, Design & Access Statement, Landscape and Visual Impact Assessment received by the Local Planning Authority on 20/5/2016 and the Location Plan received by the Local Planning Authority on the 27/7/2016.

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. **PRE-COMMENCEMENT CONDITION:** Notwithstanding the submitted details, no development shall be commenced until details of the works for the disposal of sewage have been submitted to and approved in writing by the Local Planning Authority, and the extension shall not be brought into use until the approved works have been completed. Details to include confirmation that the existing septic tank can accommodate additional load. If the proposed development results in and changes/replacement to the existing system or the creation of a new system, scale plans of the new foul drainage arrangements will also need

to be provided. This will include a location plan, cross sections/elevations, specification and its capacity to hold additional load.

Reason: In the interests of the prevention of pollution.

4. PRE-COMMENCEMENT CONDITION: Notwithstanding the submitted details, the development hereby permitted shall not be commenced until:

1. Percolation testing in accordance with BRE digest 365 will be required to support the use of soakaways. The report should include the trail logs and calculate the infiltration rate.
2. SuDS to be designed for a 1:100 year event plus 30% for climate change.
3. 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.

5. The existing structures within the yard area shown in drawing reference 2016/1 received by the Local Planning Authority on 20/05/2016 shall be removed from the site within 2 months of the substantial completion of the extension hereby approved.

Reason: In the interests of the visual amenities of the site which lies within the South Devon AONB.

## **INFORMATIVES**

1. This authority has a pro-active approach to the delivery of development and early pre-application engagement is always encouraged. As the Local Planning Authority we have endeavoured to work proactively and positively with the applicant to ensure that all relevant planning considerations have been appropriately addressed. This approach accords with the National Planning Policy Framework and with Article 31 of the Town and Country Planning (Development Management Procedure) (England) Order 2010, as amended.

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

3. If your decision requires the discharge of conditions then you must submit an application for each request to discharge these conditions. The current fee chargeable by the Local Planning Authority is £97 per request. Application forms are available on the Council's website.

4. Any non-mains foul drainage system associated with this development will require an Environmental Permit from the Environment Agency under the Environmental Permitting Regulations 2010, unless it satisfies the General binding Rules for small sewage discharges in England. Queries in this regard should be directed to the Environment Agency.

## PLANNING APPLICATION REPORT

**Case Officer:** Charlotte Howrihane **Parish:** Stoke Fleming **Ward:** Blackawton and Stoke Fleming

**Application No:** 3542/16/VAR

**Agent:**

Mr Michael Bailey  
9 Swan Court  
Victoria Road  
Dartmouth  
TQ6 9EA

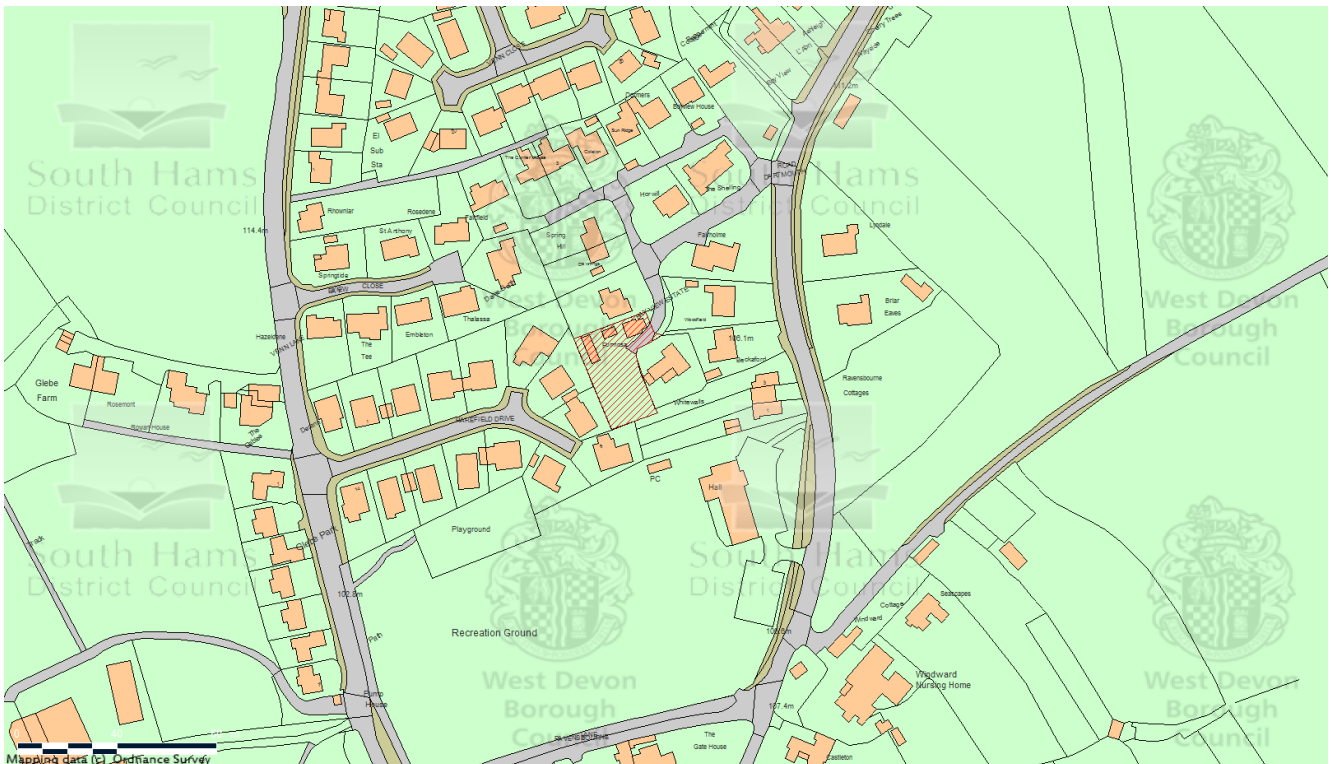
**Applicant:**

Mr Ferris  
Ferris Builders Yard  
Bay View Estate  
Stoke Fleming  
TQ6 0QX

**Site Address:** Ferris Builders Yard (Plot1), Bay View Estate, Stoke Fleming, TQ6 0QX

**Development:** Application variation of condition numbers 2, 3 and 4 following grant of planning permission 51/2045/03/F to allow changes to approved plans

**Reason item is brought before Committee:** Cllr Hicks has requested that the application comes to Committee as concerns from the last application have not been addressed, and this proposal could risk a two-storey building in the future.



**Recommendation:** Conditional approval

**Conditions:**

Accord with plans  
Floor levels and roof ridges to accord with approved details  
Parking to be provided for each dwelling prior to occupation  
Removal of PD rights  
Hardsurfacing and means of enclosure to be provided prior to occupation  
Unsuspected contamination

**Key issues for consideration:**

Design, Neighbour Impact, difference between the approved and proposed schemes

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**Site Description:**

The site is a former builders' yard situated at the end of the Bay View Estate in Stoke Fleming. Various planning permissions have previously granted approval for the erection of two bungalows on the site. One of the bungalows is partially built, with a caravan on the site of the second bungalow currently whilst the building work takes place. A large boundary wall runs along the eastern and southern boundary of the site, which borders properties in Harefield Drive, and a large hedge runs along the northern boundary between the site and Formosa, a two-storey dwelling to the north of the site.

**The Proposal:**

The application seeks to vary conditions 2, 3 and 4 of planning approval 51/20145/03/F, which granted approval for the construction of two bungalows. The variation of these conditions would allow the design of one of the bungalows (one has already been partially constructed) to be amended. The key changes are the increased roof height and pitch, and the linking of the garage to the house by this roof, with a space retained underneath to be used as a carport, as well as repositioning the dwelling within the site.

**Consultations:**

- County Highways Authority- no comments
- Parish Council- Object- *'They consider this application as overdevelopment for a small site. There is too little outdoor area for a family home. The previous application 2045/03/F was more in keeping with the surrounding homes. The Parish Council suggests reducing the size of the property, taking off the car port but keeping the garage, thus reducing the mass of the roof giving the whole project a better sense of scale and design. Velux windows only on the south elevation are acceptable.'*

**Representations:**

Two residents have submitted letters of objection (more than one letter has been received from some). These letters can be seen in full on the Council website, but can be summarised as follows:

- The application is very similar to that refused by the Development Management Committee
- The site boundaries are incorrect
- If the boundaries were drawn correctly there would be no space within the site to turn a car
- Questioning if the site is free from contamination
- The footprint of the dwelling dominates the site
- Close proximity to neighbouring boundary wall, no room to build without access neighbours land
- Unsightly and unnecessary massing
- Not good design
- Overdevelopment
- Out of keeping with local built form



Four letters of support have also been received, which raise the following points:

- The development will blend in with surrounding properties and will enhance the area
- No overlooking into gardens
- Position of site at the end of the cul-de-sac prevents through traffic
- The proposal has been amended to address concerns of neighbours
- Proposal enhances the original permission and improves appearance
- Good design

### **Relevant Planning History**

- 51/0984/96/1- Outline application for the erection of two bungalows- refusal
- 51/2078/96/3- Demolition of building and construction of two bungalows- conditional approval
- 51/0207/02/F- Renewal of permission 9/51/2078/96/3 for demolition of building and construction of two bungalows- conditional approval
- 51/2045/03/F- Demolition of builder's store and construction of two bungalows- conditional approval
- 51/1208/13/F- Revision to approved application 51/2045/03/F for the erection of two 1.5 storey homes- refusal
- 1618/16/VAR- Variation of condition no. 2, 3 and 4 of planning consent 51/0207/02/F to allow for a minor material amendment to plot 1- withdrawn (following vote to refuse at Development Management Committee)

### **ANALYSIS**

#### Principle of Development/Sustainability:

The site is within the village development boundary. Within such an area policy permits development where it is compatible with the character of the site and its surroundings.

Officers do not consider the proposed alteration to substantially larger than the previously approved dwelling that the site would appear overdeveloped. There is an eclectic mix of houses within the Bay View Estate, both single-storey and two-storey, and so the proposed alteration to the approved design is considered to accord with these policy requirements.

#### Difference to 1618/16/VAR:

Application 1618/16/VAR was refused by the Planning Committee in September 2016, and subsequently withdrawn by the applicant. The key differences between the last application and this current proposal are as follows:

- Removal of first-floor accommodation
- Removal of dormers to north and south elevations
- Repositioning of the dwelling to increase distance from northern boundary wall with Formosa from 0.3m to 1m.
- Redesign of roof to create singular ridge height and increased pitch to 27.5°

#### Difference from approved scheme:

When compared to the bungalow approved in 2003, the proposal would increase the footprint of the building, as well as increase the ridge height by half a metre. The building would be repositioned within the site, moving from its approved position adjacent to the partially-constructed bungalow, and using the roof to connect the garage to the dwelling, leaving a carport area between the two at ground level.

#### Design/Landscape Impact:

The proposed design would increase the height of the roof by approximately half a metre. It would also increase the amount of roof which is at this maximum height, so that there would be a 5m high ridge,

running along almost 11.5m of the roof. This creates a greater expanse of roof when compared to the approved bungalow, which had varying roof heights across the building. This amendment has been proposed to allow an increased roof pitch, which would allow the applicant or any future owners of the site to install solar roof tiles, as this increased pitch is recommended by manufacturers of such tiles.

Although the increased ridge height does create a greater sense of massing to the roof, Officers judge that a more singular roof line is more attractive when considering the appearance of the property overall. The previous extension, with varying roof heights and ridge sections, could be considered rather disjointed, whereas the proposed roof design is considered to create a more cohesive building overall. The linking of the garage to the property also adds to the sense of mass of the dwelling, but is somewhat mitigated by the car port space which is left between the garage and the dwelling. Given the relatively obscured position of the site, at the end of a cul-de-sac, away from the public realm, Officers consider that the balance between the increased roof massing and the improved design is appropriate in this location. The footprint of the building leaves room on the site for amenity/garden space as well as parking and turning areas for vehicles. The principle of two dwellings on the site is long-established, and the proposed dwelling is not considered to be so much larger than the approved scheme that the site would now be overdeveloped.

On balance, the proposed design is considered to be acceptable. Whilst the design is fairly unique within the local area, the variety of building styles within the Bay View Estate would allow the proposed amendments to the approved scheme to be carried out without any significant impact on the street scene, or the character of the cul-de-sac.

The site is within a built-up residential area, and would not be visible from the public highway. As such, Officers do not consider that there would be any wider landscape impact, and the AONB setting would be preserved.

#### Neighbour Amenity:

Although the roof height has been slightly increased, the property would remain a single-storey bungalow. As such, there would be no increased overlooking to neighbour behind the site, in Harefield Drive. The properties in Harefield Drive are bungalows, with a tall stone boundary wall between these bungalows and the application site. Officers are satisfied there is a significant enough separation between the bungalows in Harefield Drive and the application site that the increased roof height would not be overbearing to these properties. Overall, the impact on residential amenity of these neighbours would be no more harmful than that of the previously approved scheme.

An objection has been received from the neighbouring property to the north, Formosa. Although the proposed dwelling would be extremely close to the boundary with Formosa, there is currently a very tall, thick hedge which screens the two sites from one another. This hedge is not under the control of the applicant, but were it to be removed, Officers do not consider the proposal to be too dominant, as Formosa is a two-storey dwelling. As well as being a two-storey dwelling, Formosa is also at a higher ground level than the application site. This means that even with the increased roof height of the proposed dwelling, the site would not dominate or be overbearing to Formosa. There would be no additional windows, so overlooking and privacy impact would be unaffected from the approved dwelling, and so Officers do not consider the proposal to be harmful to the amenity of Formosa.

Concern was raised during the consideration of the previous application (1618/16/VAR) regarding the proximity of the north elevation to the site boundary with Formosa. This has been raised again in the neighbours objection. The proposed dwelling has now been slightly repositioned so that the dwelling is approximately 1m from the northern and eastern boundaries. This position has been settled upon to allow sufficient space at the site entrance for parking and turning spaces for both dwellings. Although the distance between the north elevation and the boundary wall is still smaller than would be preferred, the position of the dwelling is somewhat limited by other restrictions (such as space to manoeuvre vehicles and access the second dwelling). Given the elevated position of Formosa above the site, the hedge screening, and site constraints, Officers consider the position of the layout to be

acceptable; due to the minimal impact to neighbour amenity for the reasons given above, it is not considered that this proximity to the boundary would warrant a refusal of the application.

The south elevation would face the bungalow constructed as part of the same original permission. As the garage for the other dwelling would be sited between the two dwellings, and there is a reasonable distance between the properties, Officers are not concerned about the impact of these properties on one another. Similarly, the west elevation faces the access road through the Bay View Estate, and so does not cause any concerns regarding neighbour amenity.

The proposed amendment to the approved design is not considered to be so significant in terms of height increase and design that the impact on neighbours would be greater than the previously approved proposal, and would not become harmful. No additional opportunities for overlooking or impact to privacy would be created, and Officers therefore consider the proposal to be acceptable with regard to neighbour impact and the considerations outlined in policy DP3.

#### Highways/Access:

No highways issues are raised.

#### Other matters:

One objection states that the boundaries shown on the plans are incorrect. There are ongoing boundary disputes at the site, but this is not a material planning consideration, and would have to be pursued as a civil matter. A question has also been raised about contamination on the site. As permission has been granted on the site previously for a dwelling with no concerns raised by the Council's Environmental Health Team, Officers have no reason to consider the site is unsuitable for residential development, but an unsuspected contamination condition is proposed to be added to any approval.

#### Conclusion:

On balance, whilst Officers acknowledge that the proposal would have an impact upon neighbouring dwellings, they must bear in mind that permission for a dwelling has already been granted on the site. The proposed amendments are not considered to be so different that the dwelling would now be unacceptable in terms of design, or landscape impact, and the impact to neighbours would not be increased to a harmful extent. The proposed dwelling is considered to accord with all relevant planning policies. It is therefore recommended for conditional approval.

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

#### **Planning Policy**

NPPF

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

CS1 Location of Development

CS7 Design

CS9 Landscape and Historic Environment

#### **Development Policies DPD**

DP1 High Quality Design

DP2 Landscape Character

DP3 Residential Amenity

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

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

Proposed conditions:

1. The development hereby approved shall in all respects accord strictly with the plans received on 7<sup>th</sup> November 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.

2. The proposed floor levels and ridges of the roofs of the development hereby permitted shall accord strictly with the details indicated on the approved plans. Reason: In the interests of appearance and residential amenity.

3. The parking facilities for motor vehicles shall be provided for each dwelling. No dwelling shall be occupied until such provision and vehicular access thereto have been provided. These facilities shall be kept permanently available for the parking of motor vehicles.

Reason: To ensure that adequate off-street car parking facilities are provided.

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

- (a) Part 1, Class A (extensions and alterations)
- (b) Part 1, Classes B and C (roof addition or alteration)
- (c) Part 1, Class E (a) swimming pools and buildings incidental to the enjoyment of the dwellinghouse and; (b) container used for domestic heating purposes/oil or liquid petroleum gas)
- (d) Part 1, Class F (hardsurfaces)
- (e) Part 1, Class G (chimney, flue or soil and vent pipe)
- (f) Part 40, class A & B (Installation of domestic Microgeneration Equipment)
- (g) Part 2, Class A (means of enclosure)

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

5. Prior to the occupation of any of the residential units hereby approved, all hardsurfacing and means of enclosure shall have been provided in accordance with the approved plans and thereafter so retained and maintained.

Reason: In the interests of visual and residential amenity

6. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re enacting this Order) the window hereby approved on the dormer of the northern elevation of the building (as shown on drawing number Bay View Plot 1.03) shall be glazed in obscure glass, be fixed closed, and thereafter so maintained.

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

7. 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 northern elevation at first-floor level of the development hereby permitted, without the prior permission, in writing of the Local Planning Authority.

Reason: To protect the amenity of neighbours.

8. 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 amendment to the Method Statement detailing how this unsuspected contamination shall be dealt with.

Reason: This condition is required where no desktop study has been carried out or if the desktop study failed to completely characterise a site.

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**South Hams District Council Agenda Item 7**  
**DEVELOPMENT MANAGEMENT COMMITTEE 18-Jan-17**  
**Appeals Update from 11-Nov-16 to 6-Jan-17**

**Ward Allington and Strete**

APPLICATION NUMBER : **2829/15/FUL** APP/K1128/W/16/3155501  
APPELLANT NAME: Mr S Bennett  
PROPOSAL : Change of use of barn to holiday accommodation. Refurbishment of other holiday unit and refurbishment of barns to provide storage and ancillary music room  
LOCATION : Harlestone Farm, Harlestone, Devon, TQ7 2BH  
APPEAL STATUS : Appeal decided  
APPEAL START DATE: 22-September-2016  
APPEAL DECISION: Upheld (Conditional approval)  
APPEAL DECISION DATE: 29-December-2016

**Ward Dartmouth and East Dart**

APPLICATION NUMBER : **0004/16/FUL** APP/K1128/W/16/3163014  
APPELLANT NAME: Lilifred Estates Limited  
PROPOSAL : Proposed change of use and alterations to ground floor to create garaging, parking and ancillary storage  
LOCATION : 11 Lower Street, Dartmouth, Devon, TQ6 9AN  
APPEAL STATUS : Appeal Lodged  
APPEAL START DATE: 14-December-2016  
APPEAL DECISION:  
APPEAL DECISION DATE:

APPLICATION NUMBER : **1519/16/FUL** APP/K1128/W/16/3163341  
APPELLANT NAME: Mr G Forty  
PROPOSAL : Elevational changes and improvements to the North Embankment facade including installation of patio doors and Juliette balconies to flats 1c, 1b, 2a, 6, 7, 9 and 11 and removal of timber clad band at first floor level  
LOCATION : Mayflower Court, North Embankment, Dartmouth, TQ6 9NJ  
APPEAL STATUS : Appeal Lodged  
APPEAL START DATE: 14-December-2016  
APPEAL DECISION:  
APPEAL DECISION DATE:

**Ward Ivybridge East**

APPLICATION NUMBER : **0786/16/OPA** APP/K1128/W/16/3160136  
APPELLANT NAME: Mr & Mrs Alec Murdoch  
PROPOSAL : Outline application with some matters reserved for 2no. new dwellings  
LOCATION : Filham Cottages, Filham, Devon, PL21 0DH  
APPEAL STATUS : Appeal Lodged  
APPEAL START DATE: 21-November-2016  
APPEAL DECISION:  
APPEAL DECISION DATE:

**Ward Marldon and Littlehempston**

APPLICATION NUMBER : **34/1946/15/O** APP/K1128/W/16/3162947  
APPELLANT NAME: Mr William Gilbert  
PROPOSAL : Outline application with some matters reserved for construction of 2no. bungalows  
LOCATION : Proposed Development Site At Sx 866 628, Moorview, Marldon  
APPEAL STATUS : Appeal Lodged  
APPEAL START DATE: 16-November-2016  
APPEAL DECISION:  
APPEAL DECISION DATE:

**Ward Salcombe and Thurlestone**

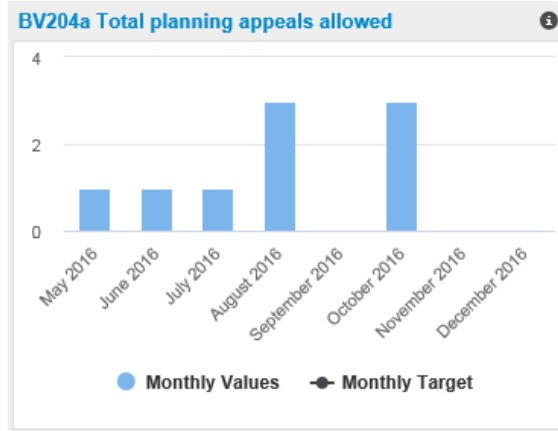
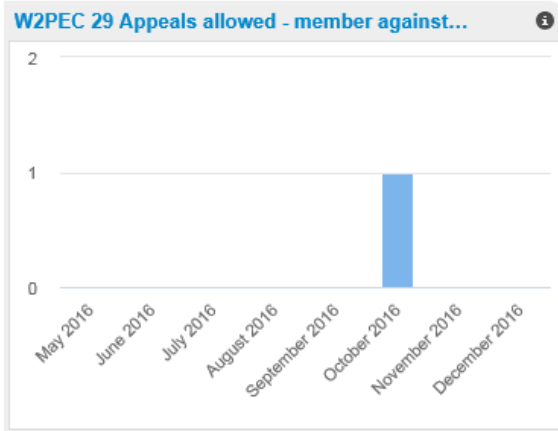
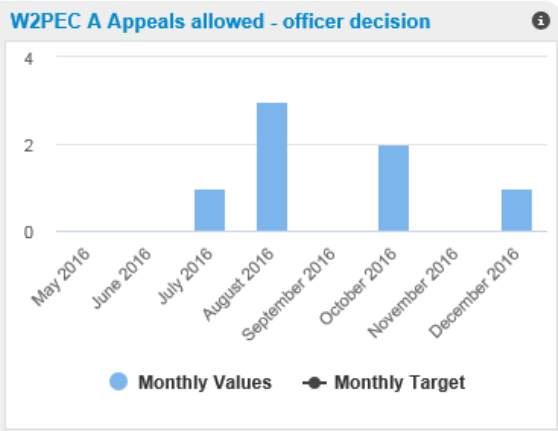
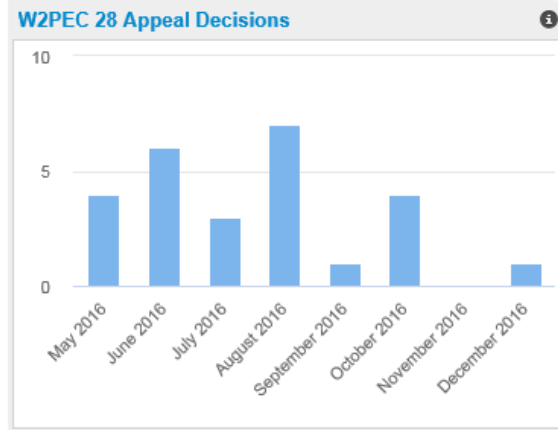
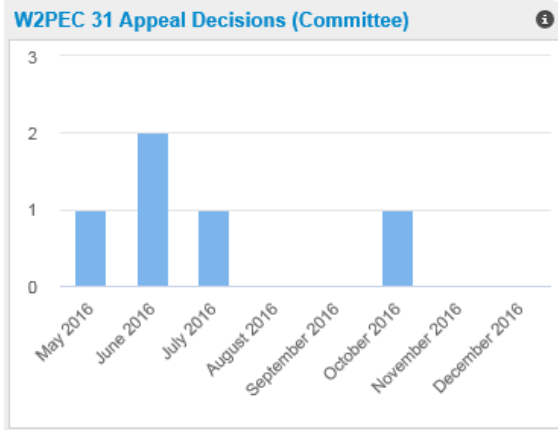
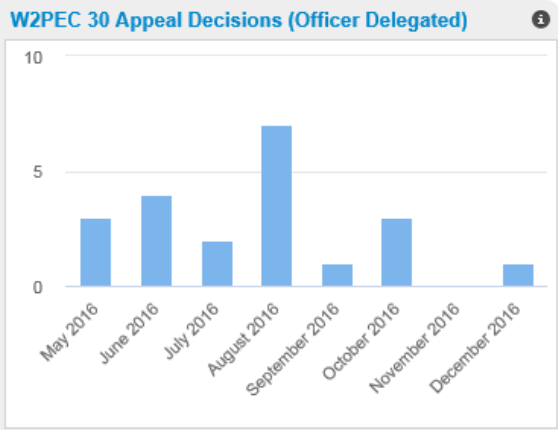
APPLICATION NUMBER : **2498/16/HHO** APP/K1128/D/16/3163477  
APPELLANT NAME: Mr I Gardner  
PROPOSAL : Householder application for first floor extension (resubmission of 55/2207/15/F)  
LOCATION : 16 Meadcombe Road, Thurlestone, Devon, TQ7 3TB  
APPEAL STATUS : Appeal Lodged  
APPEAL START DATE: 22-December-2016

APPEAL DECISION:

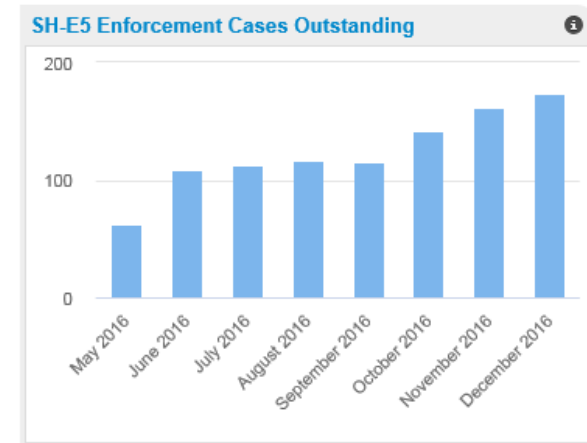
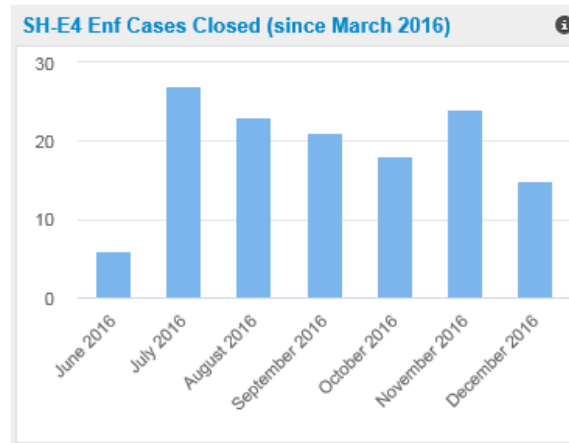
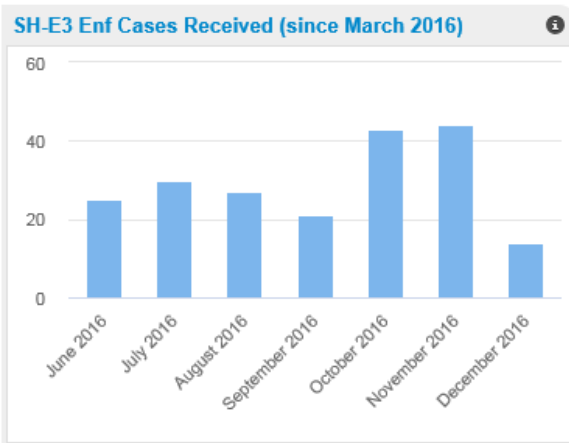
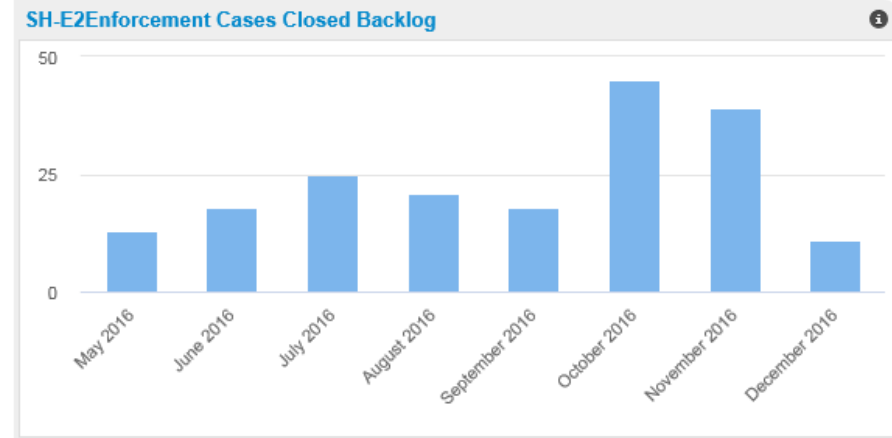
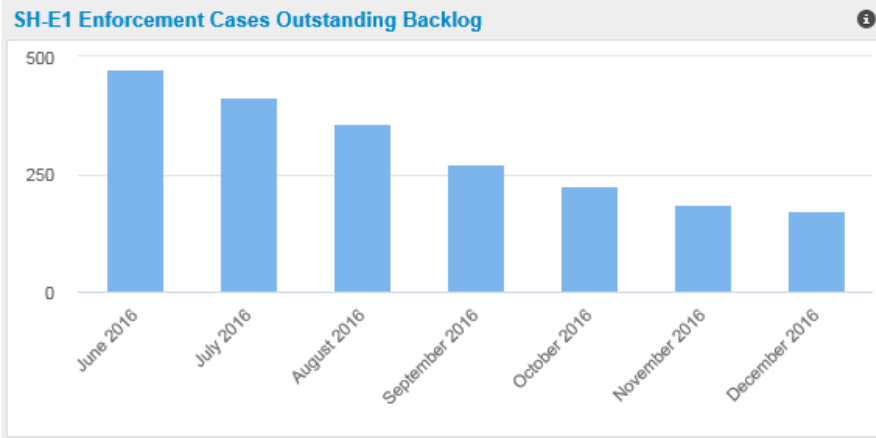
APPEAL DECISION DATE:



Planning appeal performance NEW-



## Planning Enforcement



# Planning Performance

