

# South Hams Development Management Committee



<b>Title:</b>	<b>Agenda</b>										
<b>Date:</b>	<b>Wednesday, 12th April, 2017</b>										
<b>Time:</b>	<b>2.00 pm</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 Specialist - Democratic Services 01803 861185										

**1. Minutes**

**1 - 12**

To approve as a correct record and authorise the Chairman to sign the minutes of the meeting of the Committee held on 15 March 2017;

**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://apps.southhams.gov.uk/PlanningSearchMVC/>

**(a) 1621/16/FUL**

**13 - 22**

Erect replacement dwelling  
Waves Edge, Challaborough, TQ7 4JB

**(b) 0894/16/FUL**

**23 - 32**

Development of three residential units  
Private Car Park & Garages rear of, 27-45 Fore Street,  
(Accessed off Station Road), Totnes, Devon, TQ9 5RP

**(c) 0620/17/HHO**

**33 - 38**

Householder application for replacement of existing timber balcony balustrade with stainless steel and frosted glass  
76 Higher Westonfields, Totnes

**7. Planning Appeals Update**

**39 – 42**

**8. Planning Performance Indicators**

**43 - 48**

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## MINUTES OF THE MEETING OF THE DEVELOPMENT MANAGEMENT COMMITTEE HELD AT FOLLATON HOUSE, TOTNES, ON WEDNESDAY, 15 MARCH 2017

<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 (am only)
*	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 Baldry, Brown, Green, Hawkins and Tucker

### Officers in attendance and participating:

Item No:	Application No:	Officers:
All agenda items		COP Lead Development Management; Planning Specialists, Deputy Monitoring Officer and Specialist Democratic Services
	0771/16/OPA	DCC Highways Officer DCC Drainage & Flooding Officer

#### DM.61/16 **MINUTES**

The minutes of the meeting of the Committee held on 15 February 2017 were confirmed as a correct record and signed by the Chairman.

#### DM.62/16 **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 R Vint declared a personal interest in application **3715/16/ARM**: Application for approval of reserved matters (appearance, landscaping, layout and scale) following outline approval 03/2163/14/O for residential development of 75no dwellings – Land at SX817 602, Great Court Farm, Berry Pomeroy, Totnes by virtue of knowing the objector. He remained in the meeting for the duration of this item and took part in the debate and vote thereon;

Cllr B F Cane declared a disclosable pecuniary interest in application **1825/16/OPA**: Outline application (with some matters reserved) for the erection of circa 29 dwellings and means of access – Land at SX550 522, North of Canes Orchard, Brixton by virtue of being the landowner. He left the meeting for the duration of this item;

Cllr Steer declared a personal interest on behalf of the Conservative group members in application **1825/16/OPA**: Outline application (with some matters reserved) for the erection of circa 29 dwellings and means of access – Land at SX 550 522, North of Canes Orchard, Brixton by virtue of the landowner being a fellow Conservative district councillor. They remained in the meeting and took part in the debate and vote thereon.

## DM.63/16 **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.64/16 **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:

**3715/16/ARM      Land at SX 817 602, Great Court Farm, Berry Pomeroy, Totnes**

**Parish: Berry Pomeroy**

**Application for approval of reserved matters (appearance, landscaping, layout and scale) following outline approval 03/2163/14/O for residential development of 75no. dwellings**

Case Officer Update:      Amended plans received

Speakers included:      Objector: Ms Sarah Lawrence: Supporter: Mr Graham Hutton: Ward Members: Cllrs Green and Vint

Recommendation:      Conditional Approval subject to the receipt of revised layout plans, clarification of levels, details and materials details.

During discussion, a Member asked that it be minuted that in his view affordable housing percentages should be calculated on bed count rather than dwelling count.

Committee Decision:      Conditional Approval

### Conditions:

1. Time limit in accordance with the outline application
2. Hedgerow protection scheme
3. No machinery etc on site until Hedgerow protections

4. Submission of materials – render
5. Submission of timber cladding
6. Submission of joinery details
7. Submission of roof material
8. Stonework sample to be submitted and agreed
9. Highways conditions
10. Obscure glazing on windows in North elevation of Plot 40
11. No windows in West elevation of Plot 39

**3352/16/FUL**

**Briar Hill Farm, Court Road, Newton Ferrers**

**Parish: Newton and Noss**

**Outline application with all matters reserved for the erection of three detached dwellings**

Case Officer Update: None

Speakers included: Supporter – Mr Mark Evans: Parish Council  
Representative – Cllr Alison Ansell: Ward  
Member – Cllr Baldry

Recommendation: Conditional Approval

Committee Decision: Conditional Approval

Conditions:

1. Time Limit
2. Accord with plans
3. Building to be used for the storage of materials associated with the maintenance of the Caravan Park
4. Building to be constructed to timber
5. Finished floor level plan prior to commencement
6. No goods stored outside
7. Landscaping scheme to be submitted prior to commencement
8. No lighting on site without prior approval of the LPA
9. No rooflights

**3471/16/FUL**

**Pillory Hill, Noss Mayo**

**Parish: Newton and Noss**

**Change of use of ancillary unit of self contained accommodation to permanent dwelling and minor changes to external terrace**

Case Officer Update: None

Speakers included: Supporter – Mr Mark Evans: Parish Council  
Representative – Cllr Alison Ansell: Ward

Member – Cllr Baldry

Recommendation: Conditional Approval

Committee Decision: Conditional Approval

**0041/17/HHO**

**Jons Wood, Brixham Road, Kingswear**

**Parish: Kingswear**

**Householder application for proposed alterations and extensions (resubmission of consent 3337/16/HHO)**

Case Officer Update: None

Speakers included: Supporter – Mrs Hill: Ward Member – Cllr Hawkins

Recommendation: Refusal

Committee Decision: Refusal

**0771/16/OPA**

**Land at SX 791 430, To rear of Green Park Way, Chillington**

**Parish: Chillington**

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

Case Officer Update: The statement in the Officer Report regarding the New Homes Bonus is incorrect and should read that the sum of £77,155 is payable over 5 years in 2017/18 and then over four years in 2018/19.

One further Letter of Representation has been received raising one new issue commenting on the emerging JLP policy on Thriving Villages.

The site is an allocated site in the emerging JLP but this carries little weight at present.

During questioning The Highway Authority stated that contribution proposed in the Section 106 for Public Transport should not be £100,000 (referred to as £100,00 in the officer report due to a typing error) had been further reviewed and should now be only £60,000 (to maintain the existing bus service for 3 years)



Speakers included: Objector – Mr Michael Garrod MBE: Supporter  
 – Mr Harry Seddon: Parish Council – Cllr Piers  
 Spence: Ward Member – Cllr Brazil

Recommendation: Conditional Approval

Members had a lengthy debate on this application. Concerns were raised over drainage, and the DCC officer responded in detail to a number of questions related to drainage and flooding. There were questions to the DCC Highways officer and he also responded in detail. One Member noted that the Committee in making its decision was duty bound to rely on the professional judgement of officers from another authority. Members noted that the site was in the forthcoming Joint Local Plan but had been removed from the previous Development Plan. It was **PROPOSED, SECONDED** and on being put to the vote declared **LOST**, that the application be **REFUSED**. Some Members asked that the point raised by the Parish Council that someone be held responsible for any future flooding issues be included as a condition. Whilst this was not appropriate, it was agreed that the seriousness of the flooding concerns be noted in the minutes, along with the Parish Council and Ward Member concerns.

Committee Decision: Conditional Approval

#### Conditions:

1. Time (commencement and submission of reserved matters)
2. Details of reserved matters of landscaping, appearance, layout and scale to be submitted and agreed.
3. Tree protection, Arboricultural Methodology Statement and Mitigation measures to be agreed and implemented.
4. 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).
5. Prior to commencement submission of a Lighting Strategy (reflecting sensitive lighting measures to mitigate impact on protected species).
6. Unsuspected contamination
7. Highway feature construction details and provision
8. Prior to commencement – phasing programme to be agreed
9. Site compound and car park to be constructed as first part of development
10. Pre commencement - Construction management plan to be agreed
11. Parking strategy to be agreed
12. Drainage Strategy to be agreed relating to site surface water
13. Car parking/garaging to be retained
14. Barn owl survey to be undertaken (details to be submitted and approved prior to commencement)
15. Renewable energy/energy efficiency (details pre-commencement)
16. Provision of ducting for fibre optic broadband.

## 17. Removal of PD rights

After the resolution to approve Members were advised that the National Planning Casework Unit had received a request for the Secretary of State to consider calling in the application for his own determination. As such the application could not now be determined until a response is received from the NPCU.

**1825/16/OPA****Land at SX 550 522, North of Canes Orchard, Brixton****Parish: Brixton****Outline application (with some matters reserved) for the erection of circa 29 dwellings and means of access**

Case Officer Update: Members were advised that the Highway Authority had visited Phase 1 of the Canes Orchard development this morning and had noted that the main access road through the development had not been built in accordance with the approved plans. The current application relies upon this access. The Highway Authority now object to the application until they have had time to consider the full implications of this.

Following an update from the Case Officer, it was **PROPOSED**, **SECONDED** and on being put to the vote declared **CARRIED** that the application be **DEFERRED**.

**2879/16/FUL****Development site at SX 649 438, South East side of Burgh Island, Bigbury****Parish: Bigbury****Erection of new standalone hotel suite on Burgh Island to provide hotel additional accommodation**

Case Officer Update: Following the receipt of additional information the first, fourth and fifth bullet points in the second proposed reason for refusal were no longer relevant .

Speakers included: Objector – Mr Peter Cook: Supporter – Mr Tony Orchard and Mr Lukas Barry

Recommendation: Refusal

During discussion, some Members felt the proposal would have an adverse impact on the existing view, whilst others felt the proposal would be an iconic and 21<sup>st</sup> Century addition to an already world famous hotel which would encourage visitors and support tourism. Some Members were

concerned that if the application were approved then future measures may need to be taken to mitigate erosion which would adversely affect the appearance of the site. However, the applicant was confident that the proposal had been designed in such a way that future erosion would not be an issue and in any case, any structure would require planning permission. Members discussed the possibility of railings being required, and how the planning authority could apply a condition to retain an element of control over their appearance. A number of Members stated that this application was finely balanced between preserving the existing view and supporting tourism to benefit the local economy.

Committee Decision: Conditional Approval

Conditions:

1. The development to which this permission relates must be begun not later than the expiration of three years beginning with the date on which this permission is granted.
2. The development hereby approved shall in all respects accord strictly with plans and The Design and Access Statement dated September 2016.
3. There shall be no access to or use of the green roof hereby permitted other than for purposes of maintenance.
4. Prior to their installation a sample panel of each of the materials/finishes to be used for the external walls shall be prepared on site for inspection and approval by the Local Planning Authority. This shall include the stonework and external concrete finish(es). Stone panels shall be a minimum of 2m x 2m in size and concrete panels shall be a minimum of 1m x 1m in size. Not less than two weeks' notice shall be given to the Local Planning Authority when the sample panel is ready for inspection. All external work shall be constructed to match the approved panel(s).
5. Prior to its construction full details of the means of construction and appearance of the green roof, including materials and planting details including planting schedule and maintenance program shall be submitted to and approved in writing by the Local Planning Authority. Development shall take place in accordance with the approved details and shall be maintained as such.
6. Notwithstanding any details indicated on the submitted and approved drawings and documents, prior to their installation details and samples of facing materials, windows, doors and glazing 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.

7. Prior to the installation of any external lighting to serve the building hereby approved or to light the route across the headland from the hotel to the approved building, full details of the lighting shall first be agreed in writing by the Local Planning Authority. External lighting shall be designed to minimise its landscape impact. Development shall take place in accordance with the approved details.

8. The building hereby permitted shall only be used in connection with and for purposes ancillary to the Burgh Island Hotel and it shall not be occupied as an independent dwelling house.

9. Prior to their installation details of the routes and external appearance of all servicing including pipes, cables and/or ducting from the point of connection to the main source of the service to the point of entry/attachment to the building hereby approved shall be submitted to and approved in writing by the Local Planning Authority.

Development shall take place in accordance with the approved details.

10. Prior to the commencement of the development hereby approved, details of the disposal of foul water shall be submitted to and approved in writing by the Local Planning Authority and the approved foul water system shall be installed prior to occupation of the building. Following its installation the approved scheme shall be permanently retained and maintained thereafter.

11. Prior to the commencement of the development, details of the surface water drainage design shall be submitted to and approved in writing by the local planning authority. Details of maintenance and management responsibility for the drainage system must be submitted to and approved in writing by the local planning authority prior to commencement on site. 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.

12. The architectural firm Carmody Groarke Ltd of 62-70 Shorts Gardens, London, WC2H 9AH and who are the agents for this application shall be retained by the developer as the principal project managers for the duration of the construction programme unless an alternative reputable project manager is agreed in writing by the Local Planning Authority. The minimum level and nature of the involvement of the project manager in the construction process is also to be agreed in writing with the Local Planning Authority prior to the commencement of development and project management shall take place in accordance with these agreed details.

13. Prior to their installation full details of any boundary treatments, including any fencing, railing or balustrades required in connection with this development, either as part of the building, its amenity space and/or the access route to the building from the hotel, shall be submitted to and agreed in writing by the Local Planning Authority.

Development shall take place in accordance with the approved details.

14. Prior to commencement of development a Construction Management Plan shall be submitted to and approved in writing by the Local Planning Authority. This plan shall include the following:

- The timetable for the construction process including details of any proposed phasing.
- Details of the location of any storage compounds/ location of where materials, equipment and machinery will be stored during the construction process.
- Hours of construction and deliveries to and from the site which shall be limited to the hours of 8am to 6pm Monday to Friday and at no time on Saturdays, Sundays and Bank Holidays
- Details of the size of vehicles and type and size of plant and machinery that will be used on Burgh Island in association with the construction process.
- Details of how the construction process will be managed to minimize the risk of pollution into the marine environment.

Development shall take place in accordance with the approved details

**4033/16/HHO**

**Low Cedars, Road from Marldon Cross to  
Roots, Westerland, Marldon**

**Parish: Marldon**

**Householder application for composite decking to rear of property to  
facilitate access from bedroom and conservatory**

Case Officer Update: None

Speakers included: None

Recommendation: Conditional Approval

Committee Decision: Conditional Approval

Conditions:

Standard time limit

Adherence to plans

**DM.65/16 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.66/16 PERFORMANCE INDICATORS**

The COP Lead Development Management introduced the latest set of performance indicators related to the Development Management service.

It was then:

**RESOLVED**

That the latest set of performance indicators be noted.

(Meeting commenced at 10.00 am and concluded at 5.30 pm)

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Chairman

## Voting Analysis for Planning Applications – DM Committee 15 March 2017

<b>Application No:</b>	<b>Site Address</b>	<b>Vote</b>	<b>Councillors who Voted Yes</b>	<b>Councillors who Voted No</b>	<b>Councillors who Voted Abstain</b>	<b>Absent</b>
3715/16/ARM	Land at SX 817 602, Great Court Farm, Berry Pomeroy	Conditional Approval	Cllrs Holway, Cane, Rowe, Steer, Foss, Cuthbert, Bramble, Hitchins (8)	Cllrs Hodgson, Vint, Pearce (3)	Cllr Brazil (1)	
3352/16/FUL	Briar Hill Farm, Court Road, Newton Ferrers	Conditional Approval	Cllrs Holway, Cane, Rowe, Steer, Foss, Bramble, Hitchins, Pearce, Vint (9)	Cllrs Brazil, Cuthbert, Hodgson (3)	(0)	
3471/16/FUL	Pillory Hill, Noss Mayo	Conditional Approval	Cllrs Holway, Cane, Rowe, Steer, Foss, Cuthbert, Bramble, Vint, Pearce, Brazil (10)	Cllr Hodgson (1)	Cllr Hitchins (1)	
0041/17/HHO	Jons Wood, Brixham Road, Kingswear	Conditional Approval	Cllrs Pearce, Bramble, Holway, Hitchins, Cane, Rowe (6)	Cllrs Hodgson, Vint, Brazil, Cuthbert, Steer, Foss (6) Vote lost on Chairman's casting vote	(0)	
0041/17/HHO	Jons Wood, Brixham Road, Kingswear	Refusal	Cllrs Hodgson, Vint, Brazil, Cuthbert, Steer, Foss (6)	Cllrs Pearce, Bramble, Holway, Hitchins, Rowe (5)	Cllr Cane (1)	
0771/16/OPA	Land at SX 791 430, to Rear of Green Park Way, Chillington	Refusal	Cllrs Vint, Brazil, Hodgson (3)	Cllrs Pearce, Cuthbert, Cane, Bramble, Rowe, Steer, Foss (7)	Cllr Hitchins (1)	Cllr Holway (1)
0771/16/OPA	Land at SX 791 430, to Rear of Green Park Way, Chillington	Conditional Approval	Cllrs Pearce, Cuthbert, Cane, Bramble, Rowe, Steer, Foss (7)	Cllrs Vint, Brazil, Hodgson (3)	Cllr Hitchins (1)	Cllr Holway (1)

1825/16/OPA	Land at SX 550 522, North of Canes Orchard, Brixton	Deferral	Cllrs Hodgson, Vint, Pearce, Hitchins, Cuthbert, Brazil, Bramble, Rowe, Foss (9)	Cllr Steer (1)	Cllr Cane (by virtue of declaring DPI) (1)	Cllr Holway (1)
2879/16/FUL	Development site at SX 649 438, South East side of Burgh Island, Bigbury	Conditional Approval	Cllrs Foss, Brazil, Cuthbert, Hodgson (4)	Cllrs Rowe, Pearce, Bramble (3)	Cllr Cane (by virtue of not hearing all of the presentation), Cllrs Steer, Vint (3)	Cllrs Holway, Hitchins (2)
4033/16/HHO	Low Cedars, road from Marldon Cross to Roots, Westerland, Marldon	Conditional Approval	Cllrs Steer, Foss, Bramble, Cuthbert, Pearce, Vint, Hodgson, Brazil, Cane (9)	(0)	Cllr Rowe (1)	Cllrs Holway, Hitchins (2)



## PLANNING APPLICATION REPORT

**Case Officer:** Jeremy Guise

**Parish:** Bigbury **Ward:** Charterlands

**Application No:** 1621/16/FUL

**Agent/Applicant:**

A B Design (Poole) Ltd  
The Studio,  
17 Curlieu Road  
Oakdale  
Poole, Dorset  
BH15 3RJ

**Applicant:**

Mr & Mrs Long  
"Toads Hole"  
Castle Farm Road  
Lychett Matravers,  
Poole  
BH16 6BZ

**Site Address:** Waves Edge, Road To Highfield, Challaborough, TQ7 4JB

**Development:** Erect replacement dwelling

**Reason item is being put before Committee:** At the request of Cllr Huntley who would like the application to be considered at Planning Committee as there are concerns about the height of the proposed building



## **Recommendation:** Conditional approval

### **Conditions**

1. Time limit
2. Approved plan
3. Landscaping scheme submitted prior to commencement
4. Materials to be provided prior to installation
5. Unsuspected contamination
6. Removal of permitted development rights
7. Details of Foul Drainage
8. Details of surface water drainage
9. Details ground level changes prior to commencement

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

- Principle/sustainability
  - Design/landscape
  - Neighbour Amenity:
  - Highways/Access:
- 

### **Site Description:**

'Waves Edge' is a single-storey dwelling house located on the south-east edge of Challaborough, situated on raised ground over-looking the sea and coastal path, with vehicle access from the road to its rear. To south-east is dwelling named Idle Rocks, to the north-west Shearwater and to the rear (north-east) are the dwellings of Seacliff, Garston and Cheldon. The land rises towards the south and to the east away from the coastal path.

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

### **The Proposal:**

The application seeks permission for the demolition of the existing single storey dwelling and the erection of a replacement four bedroom dwelling. The application has been subject to several design changes during the course of consideration which have reduced the bulk, massing and scale of proposed dwelling in relation to the original submission.

The replacement dwelling would largely follow the footprint of the existing house however the front elevation, which faces away from the sea, would extend forwards by up to 4 metres. In addition there would be a largely subterranean attached garage further to the rear. The revised proposal is of a simple form with a hipped roof with a rear element with a glazed gable element with views out of the sea. In terms of its height the dwelling would be 5.5m high which would be approximately 1.4m higher than ridge of the existing dwelling roof. The amount of proposed glazing has been substantially reduced to a level that is consistent with dwellings in the surrounding area.

The proposed floor space of the dwelling would be 150 sq m with a 27sq.m garage.

### **Consultations:**

- County Highways Authority – standing advice

- Environmental Health Section – General condition recommended on suspected contamination
- Bigbury Parish Council – Comments on original plans - objection on the grounds: should only be single-storey (as will be established in Neighbourhood Plan) loss of amenity from increase in height, out of keeping, scope for the replacement dwelling to be located closer to the coastal path to reduce impact on those to the rear.

Comments on revised plans –maintains objection it still conflicts with DP17, detrimental to character and appearance of the area, the building has not been repositioned further down the site to reduce the ridge height, harm amenity of neighbours from increased massing.

- SHDC Drainage – Based on the information provided we would support the current proposal. Sufficient information has been provided to demonstrate a workable scheme, the final design will need to be agreed with the LPA. Therefore if permission is granted please include conditions to finalise the drainage design.
- South West Water – General advice on connecting to SW Water network
- SHDC Landscape and AONB team –  
Original proposal. Objection

#### Comments on revised proposal

The amended drawings have principally addressed the landscape concerns raised previously. The reduction in proposed height and significant reduction of glazing bring the overall character and appearance of the replacement dwelling more in line with those adjacent and nearby. There remains some concern that the additional roof height would be a notable change to the modest appearance of bungalows at the edge of the settlement at Challaborough, but when viewed in its wider context, it is considered that the proposed dwelling would not be visually dominant or overly prominent when viewed alongside the existing pattern of built form, and consequently wouldn't result in harm to the character or natural beauty of the AONB or the local landscape character. I would therefore raise no objection to the proposals under the South Devon AONB Management Plan, and under policies CS9 and DP2 which seek to conserve and enhance landscape character.

If you were minded to recommend approval of the application, please condition a full landscape scheme (hard and soft landscaping, to include locations, species, sizes and densities of plants) and detailed ground level changes (existing and proposed spot heights and cross-sections), both to be secured prior to commencement of works on site. Both would be required in the interest of conserving the character and appearance of the sensitive coastal landscape.

#### **Representations:**

33 letters of objection to the original proposal on the grounds that:

- Impact of increase in ridge height on amenity of adjoining properties
- Precedent for further enlargement of dwellings
- Out of keeping with properties on cliff frontage that are low rise
- Overbearing

- Design is out of keeping
- First floor extension not acceptable
- Adjacent to SW coastal path and within AONB so sensitive site
- Covenant prevents development above ground floor
- The amount of glazing within south elevation is not energy efficient
- Increase in traffic to the area from use as rental
- No consultation with local residents pre-application submission
- Impact on utilities in the area (water/electric)
- Should be excavated down rather than going 2m higher

11 letters of objection in response to the revised plans on the grounds that:

- The replacement dwelling would still be 1.4m higher than existing which is not acceptable
- Increase in floorspace is also unacceptable
- Overdevelopment of the site
- Harm the views of the area and AONB
- Design and Access Statement was not amended
- Still out of keeping
- Still conflicts with local policy DP17

### **Relevant Planning History**

None relevant.

### **ANALYSIS**

#### Principle of Development/Sustainability:

In terms of the principle of a replacement dwelling, while Challaborough comprises a small coastal village, it is not identified in policy CS1 and as such is defined as countryside. Policy DP17 addresses replacement dwellings in the countryside and the principle of the replacement dwelling is considered acceptable provided there will be 'no detrimental effect on the character, appearance and amenities of the site and surroundings'. In addition, DP17 provides further detail on the consideration of replacement dwellings and of note to this case is (b) and (d) as below:

(b) the size of the new replacement dwelling shall not be significantly larger than the original house volume;

(d) any new replacement dwellings should be positioned on the footprint of the existing dwelling, unless on design, landscape, highway safety, residential amenity, or other environmental grounds a more appropriate location can be agreed.

In terms of part (b) the replacement dwelling would have a total footprint of 150 sq m which compares to 89sq m of the original dwelling. While it is noted that the proposal dwelling would be larger than the existing dwelling it would largely be constructed on the footprint of the existing house. Further, while the roof would be higher than the existing dwelling it would only result in an increase of 1.4m. It is, therefore, considered that the proposed dwelling following various design revisions would not be significantly larger than the existing dwelling and would, therefore, comply with the requirements of policy DP17.

The impact on the character, appearance and amenity of the surrounding residents are considered in the following subsections.

### Design/Landscape:

Waves Edge has a prominent position within Challaborough being sited on elevated ground facing the beach and coastal path on the edge of this village, as well as being within an Area of Outstanding Natural Beauty (AONB) and the protected Heritage Coast which affords it the greatest protection.

In the eastern direction, the land rises from Challaborough towards Bigbury. Modest, single storey bungalows, step up with the underlying topography before petering out into fields, one dwelling beyond 'Waves Edge'. There is an important unbuilt area of coast between 'Idle Rocks', the last bungalow in the row, and the built edge of Bigbury which occupies a more distant cliff top and skyline.

Within this part of Challaborough, some of the 'bungalows', closer to centre of the settlement, have been rebuilt as two storey chalets and others, particularly in the second row back from the coast frontage, have had modest roof extensions – but the general pattern is of reducing size and height as you go eastwards. Westwards, the character of the area is heavily influenced by the static holiday Caravan Park and associated shops, cafes and reception buildings. However, in the middle distance on the opposite side of the valley there are smaller, single storey, dwellings.

'Waves Edge' is currently a modest sized bungalow with a shallow pitched roof, typical of the original unimproved bungalows in the area. In its amended form the proposal would increase the footprint and overall roof height of the dwelling. Although contested by some locals, the increase in the size of the footprint is considered to be acceptable. The property has a reasonably sized plot that is capable of accommodating a building with a larger footprint and 'Shearwater', the immediate neighbour to the west, already sprawls across its plot as a result of a number of single storey extensions and additions.

The proposed 1.4m increase in roof height is the result of both the larger footprint (increased width to span) and the steeper pitch of the roof. The applicants have been asked to consider reducing the height of the roof still further, by using a shallower pitch - as this would reduce the size of the proposal in relation to the sensitive coastal landscape. However they are of the opinion that the extensive amendments and compromises already undertaken are as far as we are prepared to go. They point to the long process of consultation and amendment already undertaken in relation to these concerns, the problems with maintenance access associated with shallow pitch roofs, the alleged aesthetic attractiveness of steeper roofs and that fact that 'Garston', the property immediately behind the application site, is approximately 4.75m higher than that of "Waves Edge", and "Cheldon" is even higher. The application therefore falls to be determined in its latest amended form.

Whilst there remain some residual concerns about the overall increase in roof height, it is considered that the height is not excessive when viewed in the context of the exiting settlement and that, on balance, it is acceptable in relation to the AONB and sensitive coastal location.

### Neighbour Amenity:

The revised proposal is considered acceptable. There are adequate separation distances between the proposed dwelling and its neighbours, particularly Garston which is located immediately to the rear. The revised proposal would not give rise to adverse impact on neighbouring properties in terms of being over bearing or over dominant, or by resulting in a loss of amenity in terms of overlooking or loss of privacy.

### Highways/Access:

The proposed parking and access arrangements are considered acceptable. It is acknowledged that the redevelopment of this plot would result in general disturbance from increased vehicle movements through the build project.

### Conclusion

The revised proposal is considered acceptable and would not harm the character and appearance of the surrounding area or the AONB and would not have an adverse impact on the amenity of neighbouring properties. The proposal is, therefore, recommended for approval.

***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

DP16 Conversion and Reuse of Existing Buildings in the Countryside

DP17 Residential Extensions and Replacement Dwellings in the Countryside

#### ***South Hams Local Plan***

SHDC 1 Development Boundaries

#### ***Emerging Joint Local Plan***

The Plymouth and South West Devon Joint Local Plan (the JLP) will replace the above as the statutory development plan once it is formally adopted.

Annex 1 of the National Planning Policy Framework (the Framework) provides guidance on determining the weight in relation to existing and emerging development plan policies.

- For current development plan documents, due weight should be given to relevant policies according to their degree of consistency with the Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given).

- For the JLP, which is an emerging development plan, the weight is to be determined by the stage of its preparation, the extent to which there are unresolved objections, and its degree of consistency with the Framework.

The JLP is at a relatively advanced stage of preparation, with the pre-submission version formally approved by South Hams District Council, West Devon Borough Council and Plymouth City Council for a six-week period for representations, pursuant to Regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations. It is also considered to be consistent with the policies of the Framework, as well as based on up to date evidence. However, until the Regulation 19 stage has concluded, and the scale and nature of representations known, it is considered that the JLP's policies will generally have limited weight within the planning decision. The precise weight will need to be determined on a case by case basis, having regard to all of the material considerations.

The policies relevant to this development proposal are:

SPT1 Delivering sustainable development

SPT2 Sustainable linked neighbourhoods and sustainable rural communities

SPT3 Provision for new homes

SPT11 Strategic approach to the natural environment

TTV1 Prioritising growth through a hierarchy of sustainable settlements

TTV2 Delivering sustainable development in the Thriving Towns and Villages Policy Area

TTV31 Development in the Countryside

TTV32 Residential extensions and replacement dwellings in the countryside

DEV1 Protecting amenity and the environment

DEV24 Landscape character

DEV25 Undeveloped coast

DEV27 Nationally protected landscapes

DEV36 Community energy

DEV37 Managing flood risk and Water Quality Impacts

DEV38 Coastal Change Management Areas

DEL1 Approach to development delivery and viability, planning obligations and the Community Infrastructure Levy

Other material considerations include the policies of the Framework itself and guidance in National Planning Practice Guidance (NPPG).

### **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.

### **Full wording of 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 015/001/04 Rev A received by the Local Planning Authority 30/01/2017 and 015/001/07 received by the Local Planning Authority 15/12/2016.

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. The building works shall not be implemented until a landscaping scheme has been submitted to and approved by the Local Planning Authority, indicating the boundary treatment of the proposed development.

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

4. 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.

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. Prior to the commencement of the development hereby approved, details of the disposal of foul water shall be submitted to and approved in writing by the Local Planning Authority and the approved foul water system shall be installed prior to occupation of the dwelling. Following its installation the approved scheme shall be permanently retained and maintained thereafter.

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



7. Prior to the commencement of the development, details of the surface water design including percolation test results and supporting calculations shall be submitted to and approved in writing by the local planning authority. Details of maintenance and management responsibility for the drainage system must be submitted to and approved in writing by the local planning authority prior to commencement on site. Such approved drainage details shall be completed and become fully operational before the development first brought into use. Following its installation the approved scheme shall be permanently retained and maintained thereafter. Surface water drainage systems design and installation shall be in accordance with CIRIA C697 The SuDS Manual and CIRIA C698 Site Handbook for the Construction of SuDS.

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

8. Prior to the commencement of the development, details of any ground level changes shall be submitted to and approved in writing by the Local Planning Authority. Any works shall subsequently be undertaken only in accordance with the approved scheme.

Reason: In the interests of securing satisfactory development and maintaining the amenities of the area.

9. The dwelling hereby approved shall not be occupied until the parking area relating to it and shown on the submitted drawings shall have been properly consolidated, surfaced, laid out and constructed. The parking area 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.

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## PLANNING APPLICATION REPORT

**Case Officer:** Jacqueline Houslander

**Parish:** Totnes **Ward:** Totnes

**Application No:** 0894/16/FUL

**Agent/Applicant:**

Mr Tim Capps  
Oxenham Manor  
EX20 2RQ

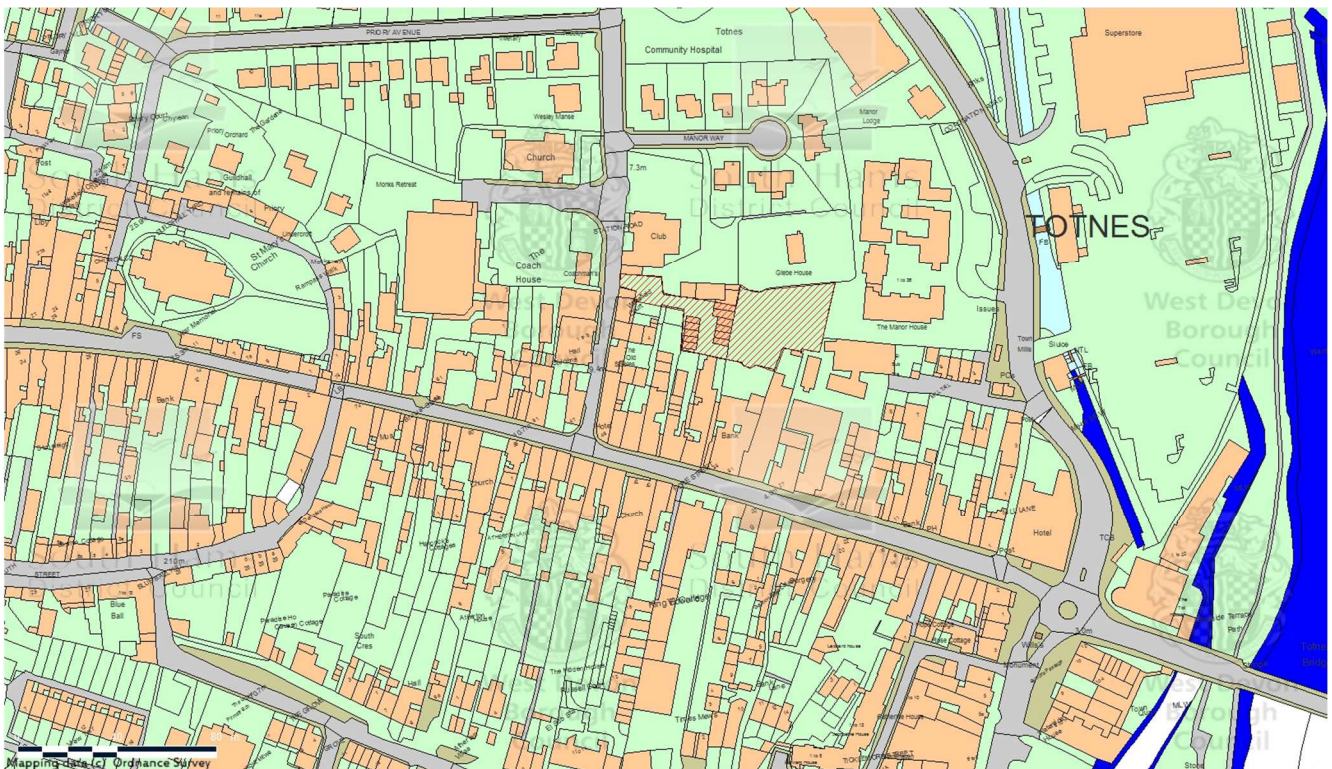
**Applicant:**

Mr David Hart  
C/O Stratton Creber Commercial  
75 North Hill  
Plymouth  
PL4 8HB

**Site Address:** Private Car Park & Garages rear of, 27-45 Fore Street, (Accessed off Station Road), Totnes, Devon, TQ9 5RP

**Development:** Development of three residential units

**Reason it is going to Committee:** The three local members request that the above application be referred to the next DMC meeting on the grounds that it has caused controversy as a result of the possible loss of a local amenity. The council needs to be seen to be acting in a transparent manner in dealing with this application in view of the controversy. This is best achieved by reference to the DMC.



## **Recommendation:** Conditional Approval

### **Conditions:**

Time limit

Accord with plans

Details of levels to be submitted prior to commencement

Samples of materials to be agreed

Removal of PD rights

Landscaping scheme

No removal of boundary walls without prior consent of the LPA

Highway condition

3 x contaminated land conditions

Programme of archaeological recording

The traditional walls which surround the application site shall be retained and maintained in accordance with a scheme to be submitted and approved by the Local Planning Authority within 3 months of the date of this planning consent.

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

Whether the development is appropriate on the site

Impact on residential amenity

Loss of parking

Design

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### **Site Description:**

The site is an existing private car park situated at the rear of Fore Street in Totnes. The land currently contains 30 car parking spaces as well as 11 garages in 2 blocks. The site also provides access to a private car park to the rear of Lloyds Bank. This access will remain. Because of the location of this site within the town centre the site is surrounded by other developments. The rear gardens/yards of the properties fronting onto Fore Street. Some of these gardens also have residential units within them that have their vehicular access off the access lane to the development site. The car park is almost entirely surrounded by traditional walling beyond which lie other residential properties and their gardens and storage/outbuildings.

The site lies within Totnes Conservation Area and there are listed buildings nearby (35 and 37 Fore Street and the Conservative club).

### **The Proposal:**

The proposal is to erect 3 new houses on the land. The proposed houses are proposed as 4 bedroom dwellings, with gardens and parking including double garages. A fourth plot was originally included in the scheme which was a smaller two bedroom unit, however it was in very close proximity to a neighbouring property and it was considered that the fourth dwelling led to an over development of the site.

Access is proposed via the existing access to the car park off Station Road. One block of existing garages will be demolished to provide access for the 3 dwellings.

The elevation drawings show two storey dwellings, with materials comprising painted ender; slate hanging; larch cladding; iron stone local stone with a natural slate roof. The windows and doors are proposed as timber.

**Highway Authority:** The application is for 4 modest sized dwellings on land that is currently used for parking in the form of a private car park for around 30 plus spaces and 9 garages. The garages appear to be fairly small in size and so practically would unlikely have been used for parking vehicles in. The site is within Town Centre and the surrounding public highway is controlled by restricted parking. On the basis that the proposals will likely reduce the traffic using the completely blind access the Highway authority have no objections to the application.

### **Representations from Residents**

Comments have been received and cover the following points:

- The car park is much needed in the town, the loss of which will have an impact on local businesses.
- Concern at the impact of overlooking into neighbouring businesses and properties.
- Impact on loss of light to surrounding properties.
- On behalf of Totnes and District Traffic and Transport Forum

### **Representations from Statutory Consultees**

**Strategic Planning:** No comments

**Totnes Town Council:** No objection.

Amended response dated 16/6/16: The 6 week consultation period should run from the 25<sup>th</sup> May 2016 when the proposal was re-advertised. A Tree preservation Order should be considered for the mature Beech tree standing in Mrs Gillmores garden which would be impacted by the proposed development due to the overhanging. A site visit to view the impact on Mrs Gillmores property should be undertaken by a planning officer prior to any approval; A survey should be carried out on the old town wall between Mrs Gillmores property and steps taken to protect it given the historical value.

**Affordable housing:** Support provided the applicant pays an off- site financial contribution towards affordable housing of £122,387.00.

Second response dated 20/5/16 - No longer require an affordable housing contribution.

**Conservation:** No comments received

**Environment Agency:** We have no objection. Further to our previous consultation response [raising objection] of 23<sup>rd</sup> August 2016 the applicant's engineers submitted information showing that the site is located in Flood Zone 1. We support and agree with the analysis undertaken, thereby concluding that no further consideration of flood risk matters is required.

**Environmental Health:** Recommend 3 contaminated land conditions

**Archaeology:** Recommend conditions relating to the need to submit a programme for the implementation of archaeological recording.

## **Relevant Planning History**

56/0470/74/4 - Extension of existing Lloyds Bank car park to provide ten additional spaces for customers. Approved 20<sup>th</sup> Aug 1974

## **ANALYSIS**

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

The proposal falls to be considered against policies relating to the location of development, Policy CS1 in the South Hams Core Strategy and policy SHDC1 in the South Hams Local Plan, which are permissive of development which is within settlement boundaries. Therefore in principle the development would be acceptable.

### **Design/Landscape**

Policies CS7 Design in the South Hams Core Strategy and DP2 in the Development Policies DPD seek to ensure that development proposal achieve a high quality of design.

Development needs to respond positively to its context; show an understanding of its context by taking account of layout, scale, appearance and materials as well as any relevant natural or historic features and seek to enhance the character of the area.

In this case the applicant initially presented a scheme which was considered over development because of the tight knit nature of the context and the potential impact of 4 dwellings on that character and also to protect the residential amenities of the surrounding development. However the 4<sup>th</sup> dwelling has now been removed from the proposal and as such it is considered that there is space to adequately accommodate 3 dwellings.

The proposed dwellings are quite large, which is not a characteristic common along the high street, where development is quite small in scale and dense in character. However to the rear of the site there are examples of larger dwellings, such as the dwellings in the Manor house and Glebe House to the north of the site.

It could therefore be argued that the larger dwellings proposed with smaller gardens could be transitional between the high density of Fore Street and the lower density dwellings behind the site.

In terms of materials the proposed dwellings are to use traditional materials, such as natural stone and slate, larch cladding, and timber windows and doors, all of which are high quality and are commonly used in the Conservation area.

Each of the three properties has a double garage proposed as well as room for parking outside. The gardens of the proposed dwellings are small in relation to their size, however it is a town centre location and there will be other properties within the vicinity with little or no outside space.

### **Neighbour amenity**

Policy DP3 seeks to ensure that residential amenity is not harmed by development proposals. The policy states that unacceptable impact will be judged against the level of amenity generally accepted within the locality. The initial proposal for 4 dwellings proposed a 2 storey house abutting a traditional wall which was also the garden of a dwelling at the rear of Fore Street. The proposed dwelling would have caused a loss of residential amenity to the occupier of the property by being overbearing, potentially risking damage to the wall and a loss of privacy. The applicant initially reduced the height of the proposed dwelling, whilst retaining first floor in the roof space, which would have overcome the loss of privacy aspect, however would it is considered still have been overbearing.

The remaining three properties are located away from the properties at the rear of Fore Street, but closer to the properties at the rear of the site.

Plot 4 is quite close to the boundary with Glebe House to the north. There is an existing traditional 2 metre high wall between the site and the adjacent property and there are no windows at first floor level on the elevation facing that property.

Plots 3 and 4 are also along the eastern boundary again where there is a traditional stone wall of approximately 1.8 metres in height. The rear of the dwellings are situated approximately 10 metres from the boundary at its widest and 6 metres at its narrowest. There are bedroom windows at first floor facing the rear. There are also a number of mature trees along this boundary. Whilst it is probably not possible to achieve 21 metres window to window in this location, because of the density of development, it is considered that there is enough vegetation and boundary walling and distance to ensure that there is no loss of privacy and that the dwellings will not feel too overbearing on the adjoining properties.

### **Highways/access**

The Highway Authority state that the access is blind, however acknowledge that the amount of traffic using the access is likely to be less with the development proposed than currently with the use of the site as a car park. As a result, they have no objections to the proposal.

### **Other matters**

There have been a number of objections to the loss of the car park, as a result of the development proposed. What must be borne in mind is that the car park is a private car park at the moment and as such could be closed at any time. However Policy DP9 in the Development Policies DPD does seek to retain local facilities and would not permit development which involves the loss of those facilities unless it can be shown there is no demand, that the provision can be provided elsewhere or it can be shown to be on a viable. Local Facilities are described in the DPD's supporting text as '*community facilities such as open space, sport and recreation facilities, community buildings, doctor's surgeries, care homes, cultural facilities, libraries, places of worship, childcare facilities, children's and youth centres*'

The definition does not include car parks as such a facility and so in effect the policy stipulations cannot be applied to this proposal. In addition there is provision elsewhere in the town centre. A small car park serving Budgens but which is available for paid parking on the other side of Station Road, as well as the large Morrisons' carpark adjacent to the river. There is also large car park off Leechwell Lane and the Victoria Street car park.

It is considered therefore that the loss of the private car park is not a local facility that can be controlled by Policy DP9 and so whilst it may be an inconvenience it is not of sufficient weight to warrant insisting on its retention, or to refuse the application.

### **Conservation and Listed Building issues**

The proposal site does lie within the Totnes Conservation Area and so as such policy CS9 Landscape and Historic Environment, of the Core Strategy and DP6 Historic Environment apply. The Core Strategy states that the historic environment will be preserved and enhanced. Policy DP6 is slightly more detailed and specific about how the historic environment can be preserved, requiring a focus on design, siting, height, materials, colours and visual emphasis and that any development should take into account local context. The policy also refers to demolition in a Conservation Area. This proposal involves the demolition of one block of garages. The garages are concrete shuttering construction with timber doors

and are in a relatively poor condition. They do not serve in themselves to enhance the Conservation Area.

With regard to the impact of the development on the Conservation Area, the Archaeology Officer has asked for recoding programme to be agreed as a condition. The scale of the development had been reduced from 4 to 3 units which fits better on the site, and the design of the buildings has been described above and it does respect the character of the site and will be using materials which are traditionally found within the locality and are of a high quality. Those materials will be submitted via planning condition to be agreed prior to the commencement of development. The proposal will result in an area of backland being tidied up and improved in quality; the traditional boundary walls which are a particular feature of this site will be retained and maintained and a planning condition will secure this; Permitted development rights will also be removed to prevent any inappropriate ancillary development taking place which could harm the character of the area and/ or loss of residential amenity to other properties. It is thus considered that the proposal will preserve and enhance the Conservation Area.

In terms of Listed Buildings. There are 3 in reasonable close proximity, 35 and 37 Fore Street. However both of these buildings have had ancillary development take place in their rear curtilages over the years and the proposed dwellings are far enough away not to have an impact on their setting. The third Listed Building nearby is the Conservative Club building which is located off Station Road but whose curtilage backs onto the access road for this development site. Whilst it is possible that the new dwellings will be visible from the Conservative Club building there is other development in between and with the high boundary walls in the area the impact on the Conservative Club building is likely to be negligible.

### **Affordable housing**

Because of the low number of dwellings proposed on the site and recent government guidance on requesting affordable housing contributions, this proposal would not need to provide for an off-site affordable housing contribution.

### **Conclusion**

It is considered that the proposal in its amended form is acceptable and therefore permission is recommended.

***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**

***NPPF***

Section 70 of the 1990 Town and Country Planning Act requires that regard be had to the development plan, any local finance and any other material considerations. Section 38(6) of the 2004 Planning and Compensation Act requires that applications are to be determined in accordance with the development plan unless material considerations indicate otherwise.

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

CS1 Location of Development

CS7 Design



CS9 Landscape and Historic Environment

***Development Policies DPD***

DP1 High Quality Design

DP3 Residential Amenity

DP6 Historic Environment

DP7 Transport, Access & Parking

DP9 Local Facilities

DP11 Housing type and tenure

***South Hams Local Plan***

SHDC 1 Development Boundaries

***Emerging Joint Local Plan***

The Plymouth and South West Devon Joint Local Plan (the JLP) will replace the above as the statutory development plan once it is formally adopted.

Annex 1 of the National Planning Policy Framework (the Framework) provides guidance on determining the weight in relation to existing and emerging development plan policies.

- For current development plan documents, due weight should be given to relevant policies according to their degree of consistency with the Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given).
- For the JLP, which is an emerging development plan, the weight is to be determined by the stage of its preparation, the extent to which there are unresolved objections, and its degree of consistency with the Framework.

The JLP is at a relatively advanced stage of preparation, with the pre-submission version formally approved by South Hams District Council, West Devon Borough Council and Plymouth City Council for a six-week period for representations, pursuant to Regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations. It is also considered to be consistent with the policies of the Framework, as well as based on up to date evidence. However, until the Regulation 19 stage has concluded, and the scale and nature of representations known, it is considered that the JLP's policies will generally have limited weight within the planning decision. The precise weight will need to be determined on a case by case basis, having regard to all of the material considerations.

The policies relevant to this development proposal are:

SPT1 Delivering sustainable development

TTV2 Delivering sustainable development in the Thriving Towns and Villages Policy Area

TTV25 Spatial priorities for development in Totnes

DEV10 Delivering high quality housing

DEV21 Conserving the historic environment

DEV31 Specific provisions relating to transport

DEV22 Development affecting the historic environment

Other material considerations include the policies of the Framework itself and guidance in National Planning Practice Guidance (NPPG).

**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.

### **Recommended Planning Conditions**

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

Reason: To comply with Section 91 of the Town and Country Planning Act, 1990 (as amended).

2. The development hereby approved shall in all respects accord strictly with drawing number(s) 596 – 03 Site location plan; 596 – 32A Plot 2 Elevations; 596 – 33 B Plot 3 Elevations; 596 – 34C Plot 4 Elevations; 596 – 22C Floor plans; received by the Local Planning Authority on 14<sup>th</sup> April 2016. 596 – 03A Block Plan; 596 – 05 C Ground floor block plan; 596 – Design and Access Statement Rev 2, received by the Local Planning Authority on 22/2/17

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 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 D (porch)
- (d) Part 1, Class E (a) swimming pools and buildings incidental to the enjoyment of the dwelling house and; (b) container used for domestic heating purposes/oil or liquid petroleum gas)
- (e) Part 1, Class F (hard surfaces)
- (f) Part 1, Class G (chimney, flue or soil and vent pipe)
- (g) Part 40, Class A & B (Installation of domestic Microgeneration Equipment)
- (h) Part 1, (h) including those classes described in Schedule 2 Part 2 of the Town and Country Planning (General Permitted Development) Order 1995 (and any Order revoking and re-enacting this Order)
- (i) Part 2, Class A (means of enclosure) and;

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

### **PRE-COMMENCEMENT CONDITION**

4. No development shall take place until there has been submitted to and approved by the Local Planning Authority a scheme of landscaping, which shall include indications of all existing trees and hedgerows on the site and details of any to be retained, together with measures for their protection in the course of development. All planting, seeding, turfing or hard surfacing 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.

#### PRE-COMMENCEMENT CONDITION

5. No development shall commence 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.

6. The traditional walls which surround the application site shall be retained and maintained in accordance with a scheme to be submitted and approved by the Local Planning Authority within 3 months of the date of this planning consent.

Reason: To protect the character of the conservation area and the residential amenity of neighbouring properties

7. Prior to the commencement of development a plan indicating the finished floor levels of the dwellings hereby approved shall be submitted to and approved by the Local Planning Authority. The development shall then be carried out in accordance with the agreed levels plan.

Reason: In order to protect the residential amenity of surrounding properties.

8. The boundary walls of the application site shall be retained and maintained unless otherwise agreed with the Local Planning Authority.

Reason: To protect the character of the Conservation Area and the residential amenities of nearby properties.

9. Prior to the commencement of any part of the site, the Planning Authority shall have received and approved a Construction Management Plan (CMP) including:

- (a) The timetable of the works
- (b) (b) daily hours of construction
- (c) Any road closures;
- (d) Hours during which delivery and construction traffic will travel to and from the site, with such vehicular movements being restricted to between 8.00am and 6pm Mondays to Fridays inc.; 9.00am to 1.00pm Saturdays and no such vehicular movements taking place on Sundays and Bank/Public Holidays unless agreed by the Planning Authority in writing
- (e) The number and sizes of vehicles visiting the site in connection with the development and frequency of their visits
- (f) 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;
- (g) Areas on site where the delivery vehicles and construction traffic will load and 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;
- (h) Hours during which no construction traffic will be present at the site;
- (i) The means of enclosure of the site during construction works; and
- (j) details of proposals to promote car sharing amongst the construction staff in order to limit construction staff vehicles parking off-site
- (k) details of wheel washing facilities and obligations

- (l) The proposed route of all construction traffic exceeding 7.5 tonnes
- (m) Details of the amount and location of construction worker parking
- (n) Photographic evidence of the condition of adjacent public highway prior to commencement of any work.

10. 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 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 elements require written consent of the Local Planning Authority. The scheme shall be implemented as approved.

Reason: A further investigation is required to determine the likelihood of contamination as stipulated in the Phase 1 report already submitted. The condition covers the full range of measures that may be needed depending on the level of risk at the site.

11. 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.

12. No development shall take place until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Local Planning Authority. The development shall be carried out at all times in strict accordance with the approved scheme, or such other details as may be subsequently agreed in writing by the Local Planning Authority.

Reason: To ensure, in accordance with guidance in paragraph 3.69 of South Hams Policy DP6 and paragraph 141 of the National Planning Policy Framework that an appropriate record is made of archaeological evidence that may be affected by the development.

## PLANNING APPLICATION REPORT

**Case Officer:** Sarah Carroll

**Parish:** Totnes

**Ward:** Totnes

**Application No:** 0620/17/HHO

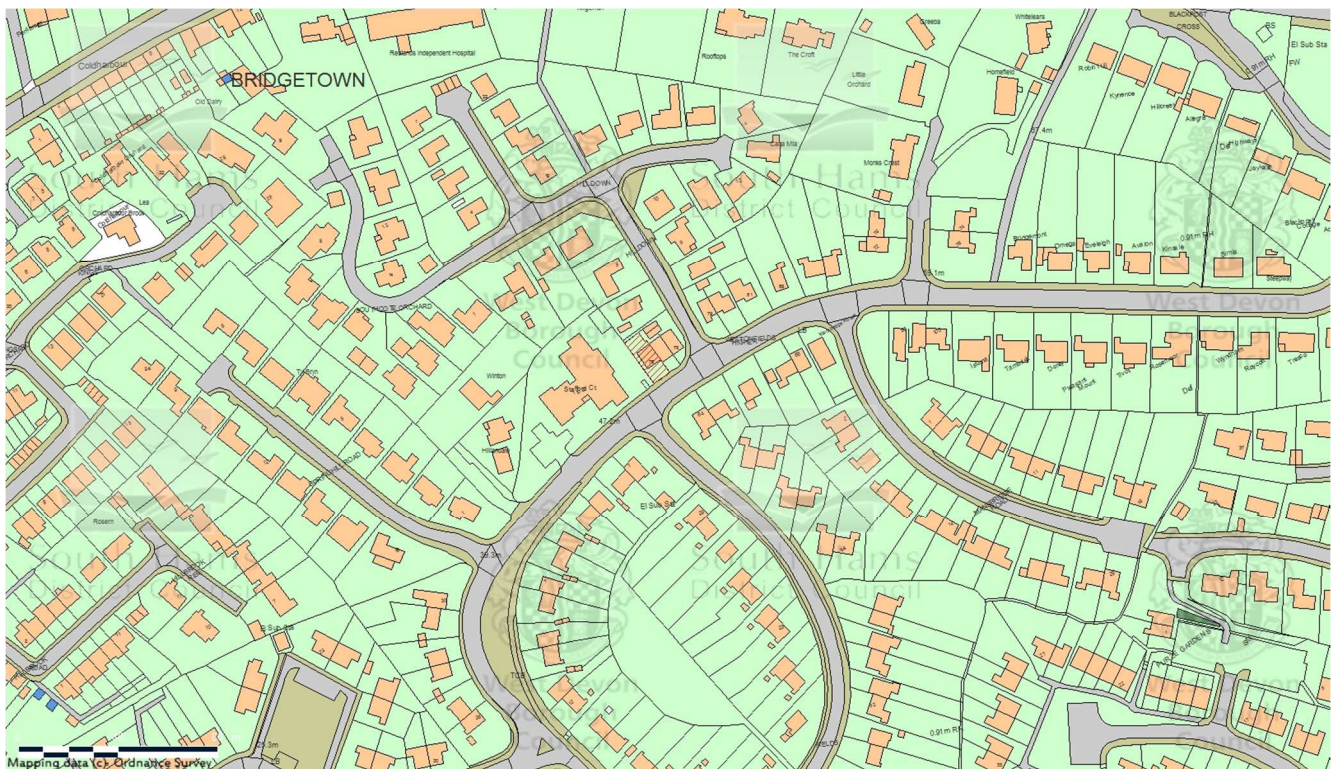
**Agent/Applicant:**

Mr N Evans  
76 Higher Westonfields  
Totnes  
TQ9 5QZ

**Site Address:** 76 Higher Westonfields, Totnes, Devon, TQ9 5QZ

**Development:** Householder application for replacement of existing timber balcony balustrade with stainless steel and frosted glass

**Reason item is being put before Committee:** The applicant is a fiancé of a member of staff



## **Recommendation:** Conditional Approval

### **Conditions**

Time Limit

Accord with Plans

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

The key issues considered are the principle of the development, any neighbour amenity issues and the impact of the design on the host building.

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### **Site Description:**

The site is located on the east side of Totnes in Bridgetown. The property sits in a residential area along a row of three properties. Number 76 is the western end property making it a semi-detached dwelling that is two storey. The property is located within the development boundary and does not hold any special areas of designation.

### **The Proposal:**

The proposal is to replace existing materials on the rear first floor balcony with stainless steel balustrades and frosted glass panels. The existing timber deck and supporting corner posts would be retained, but painted grey to create a more modern look.

### **Consultations:**

- County Highways Authority: N/A
- Environmental Health Section: No comments received.
- Town/Parish Council: No objection.

### **Representations:**

There have been no letters of representation received as a result of this application.

### **Relevant Planning History**

Ref	56/2449/12/F: FUL
Proposal	Householder application to remove pitched roof from alleyway extend walls up to 2nd storey eaves and construct a new flat roof between the two houses.
Decision	Conditional approval: 03 Dec 12

## **ANALYSIS**

### Principle of Development/Sustainability:

The principle of the development is considered acceptable as the proposal is a minor change to an existing domestic residence.

Design/Landscape:

The design is also considered acceptable as the impact of the material changes on the aesthetics of the rear elevation is minimal if not a positive change.

Neighbour Amenity:

There are no amenity issues as a result of the development as there is no increase in size or scale proposed for the balcony. Therefore, the amenity level will remain the same.

Highways/Access:

There are no highway issues to consider as a result of the development.

For the reasoning discussed above officers recommend conditional approval.

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

**Planning Policy**

Section 70 of the 1990 Town and Country Planning Act requires that regard be had to the development plan, any local finance and any other material considerations. Section 38(6) of the 2004 Planning and Compensation Act requires that applications are to be determined in accordance with the development plan unless material considerations indicate otherwise.

The relevant development plan policies are set out below:

***South Hams LDF Core Strategy***

CS1 Location of Development

CS7 Design

CS9 Landscape and Historic Environment

CS10 Nature Conservation

CS11 Climate Change

***Development Policies DPD***

DP1 High Quality Design

DP2 Landscape Character

DP3 Residential Amenity

DP4 Sustainable Construction

DP5 Conservation and Wildlife

DP6 Historic Environment

DP7 Transport, Access & Parking

DP15 Development in the Countryside

DP16 Conversion and Reuse of Existing Buildings in the Countryside

DP17 Residential Extensions and Replacement Dwellings in the Countryside

***South Hams Local Plan***

SHDC 1 Development Boundaries

TP 3 Employment Development in Totnes

TP 7 Environment in Totnes



## ***Emerging Joint Local Plan***

The Plymouth and South West Devon Joint Local Plan (the JLP) will replace the above as the statutory development plan once it is formally adopted.

Annex 1 of the National Planning Policy Framework (the Framework) provides guidance on determining the weight in relation to existing and emerging development plan policies.

- For current development plan documents, due weight should be given to relevant policies according to their degree of consistency with the Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given).
- For the JLP, which is an emerging development plan, the weight is to be determined by the stage of its preparation, the extent to which there are unresolved objections, and its degree of consistency with the Framework.

The JLP is at a relatively advanced stage of preparation, with the pre-submission version formally approved by South Hams District Council, West Devon Borough Council and Plymouth City Council for a six-week period for representations, pursuant to Regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations. It is also considered to be consistent with the policies of the Framework, as well as based on up to date evidence. However, until the Regulation 19 stage has concluded, and the scale and nature of representations known, it is considered that the JLP's policies will generally have limited weight within the planning decision. The precise weight will need to be determined on a case by case basis, having regard to all of the material considerations.

The policies relevant to this development proposal are:

SPT1 Delivering sustainable development

TTV2 Delivering sustainable development in the Thriving Towns and Villages Policy Area

TTV25 Spatial priorities for development in Totnes

DEV10 Delivering high quality housing

DEV21 Conserving the historic environment

DEV31 Specific provisions relating to transport

DEV22 Development affecting the historic environment

Other material considerations include the policies of the Framework itself and guidance in National Planning Practice Guidance (NPPG).

### **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 number(s) site location plan, block plan, 002, 004 and the design and access statement received by the Local Planning Authority on 24/02/2017.

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.

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# **South Hams District Council Agenda Item 7**

## **DEVELOPMENT MANAGEMENT COMMITTEE 12-Apr-17**

**Appeals Update from 2-Mar-17 to 4-Apr-17**

### **Ward West Dart**

APPLICATION NUMBER : **3040/16/FUL** APP/K1128/W/17/3168011  
APPELLANT NAME: Mr & Mrs D Rimmer  
PROPOSAL : Replacement of outbuilding with single dwelling (alternative to 23/2331/15/F for conversion of outbuilding to single dwelling)  
LOCATION : Lower Ashridge Farm, Harberton, TQ9 6EW  
APPEAL STATUS : Appeal Lodged  
APPEAL START DATE: 21-March-2017  
APPEAL DECISION:  
APPEAL DECISION DATE:

### **Ward Dartington and Staverton**

APPLICATION NUMBER : **2766/16/PAM** APP/K1128/W/17/3167952  
APPELLANT NAME: Mr T Headford  
PROPOSAL : Prior approval for a change of use from storage building (Class B8) and any land within its curtilage to Dwellinghouse (Class C3)  
LOCATION : Unit 3+ Barkingdon Business Park, Staverton, Devon, TQ9 6AN  
APPEAL STATUS : Appeal Lodged  
APPEAL START DATE: 21-March-2017  
APPEAL DECISION:  
APPEAL DECISION DATE:

### **Ward Kingsbridge**

APPLICATION NUMBER : **0996/16/FUL** APP/K1128/W/16/3166274  
APPELLANT NAME: Mr J Savage  
PROPOSAL : Conversion of existing tractor and mower storage barn into 2 bedroom accessible Annexe for Family Care Purposes  
LOCATION : 14 Allotment Gardens, Kingsbridge, TQ7 1NT  
APPEAL STATUS : Appeal Lodged  
APPEAL START DATE: 21-March-2017  
APPEAL DECISION:  
APPEAL DECISION DATE:

### **Ward Newton and Yealmpton**

APPLICATION NUMBER : **2236/16/FUL** APP/K/1128/W/16/3167190  
APPELLANT NAME: Mr S Hockaday  
PROPOSAL : Construction of two dormer bungalows  
LOCATION : Land At Sx 553 487, Parsonage Road, Newton Ferrers  
APPEAL STATUS : Appeal Lodged  
APPEAL START DATE: 21-March-2017  
APPEAL DECISION:  
APPEAL DECISION DATE:

### **Ward Stokenham**

APPLICATION NUMBER : **2906/16/VAR** APP/K1128/W/17/3168369  
APPELLANT NAME: Mr P Fleming  
PROPOSAL : Variation of condition numbers 2, 3 and 4 following grant of planning consent 20/2136/15/F to allow removal of northern boundary fence from approved plans and provision of trellis to eastern boundary.  
LOCATION : 1 Longpark Cottages, East Portlemouth, TQ8 8PA  
APPEAL STATUS : Appeal Lodged  
APPEAL START DATE: 21-March-2017  
APPEAL DECISION:  
APPEAL DECISION DATE:

APPLICATION NUMBER : **3536/16/CLE** APP/K1128/X/17/3168674  
APPELLANT NAME: Mr W Lomax  
PROPOSAL : Application for a lawful development certificate for existing unrestricted full residential use for dwelling (resubmission of 2199/16/CLE)  
LOCATION : 2 Higher Borough, Chivelstone  
APPEAL STATUS : Appeal Lodged  
APPEAL START DATE: 09-March-2017

APPEAL DECISION:

APPEAL DECISION DATE:

**Ward Wembury and Brixton**

APPLICATION NUMBER : **3511/16/OPA** APP/K1128/W/17/3170695  
APPELLANT NAME: Mr & Mrs D Court  
PROPOSAL : Outline planning application with some matters reserved for construction of detached (3 bedroom) house and garage, including non-mains sewerage system  
LOCATION : The Old Station, Chittleburn Hill, Brixton, PL8 2BH  
APPEAL STATUS : Appeal Lodged  
APPEAL START DATE: 21-March-2017

APPEAL DECISION:

APPEAL DECISION DATE:

**South Hams District Council**  
**DEVELOPMENT MANAGEMENT COMMITTEE 12-Apr-17**  
**Appeal Hearings/Public Inquiry from 2-Mar-17**

**Ward Kingsbridge**

APPLICATION NUMBER : **28/1560/15/O** APP/K1128/W/16/3156062  
APPELLANT NAME: H2 Land Ltd  
PROPOSAL : Outline application with some matters reserved for residential development scheme for 32no. dwelling at allocated site K4  
LOCATION : Proposed Development Site At Sx 7392 4386, Allocated Site K4, Garden Mill, Kingsbridge  
APPEAL STATUS : Appeal Lodged  
APPEAL START DATE: 07-October-2016  
TYPE OF APPEAL **Informal hearing**  
DATE OF APPEAL HEARING OR INQUIRY: 29-March-2017  
LOCATION OF HEARING/INQ: Cary Room, Follaton House,  
Plymouth Road, Totnes

APPEAL DECISION:

APPEAL DECISION DATE:

**Ward Tavistock North**

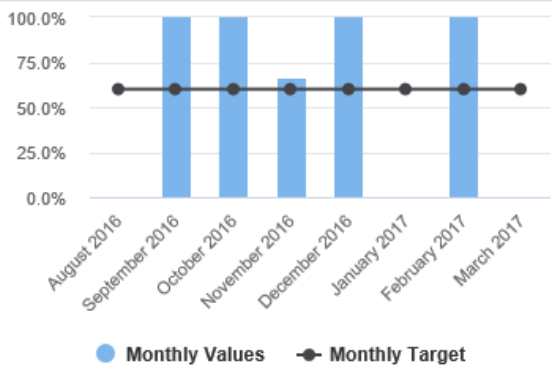
APPLICATION NUMBER : **3536/16/CLE** APP/K1128/X/17/3168674  
APPELLANT NAME: Mr W Lomax  
PROPOSAL : Application for a lawful development certificate for existing unrestricted full residential use for dwelling (resubmission of 2199/16/CLE)  
LOCATION : 2 Higher Borough, Chivelstone  
APPEAL STATUS : Appeal Lodged  
APPEAL START DATE: 09-March-2017  
TYPE OF APPEAL **Public Inquiry**  
DATE OF APPEAL HEARING OR INQUIRY:  
LOCATION OF HEARING/INQ:

APPEAL DECISION:

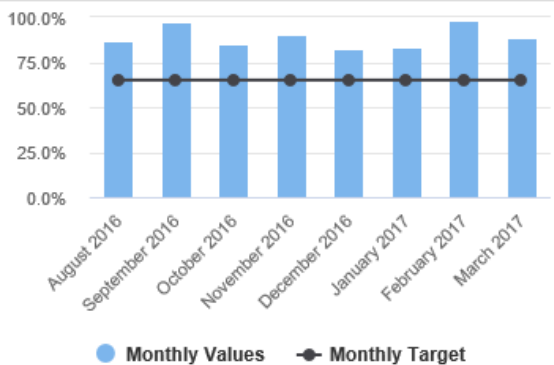
APPEAL DECISION DATE:

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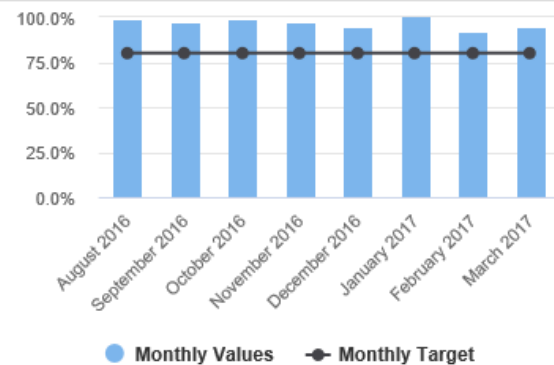
SH-P1 Major apps with extensions



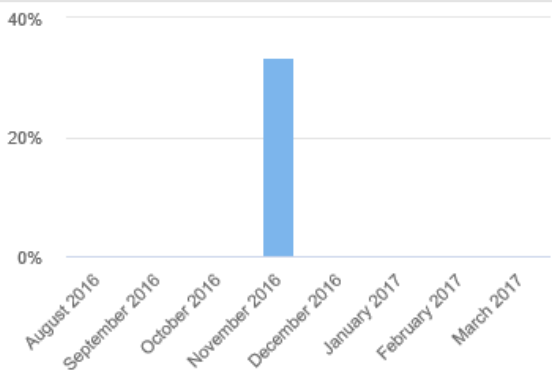
SH-P2 Minor apps with extensions



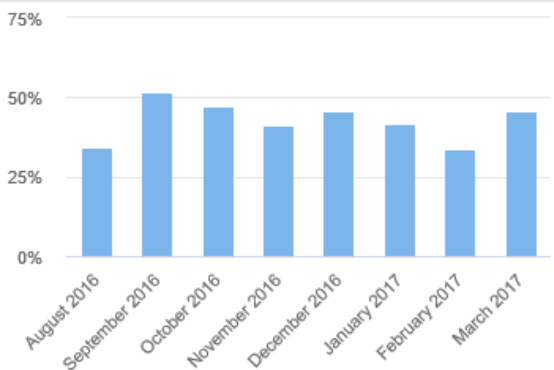
SH-P3 Other apps with extensions



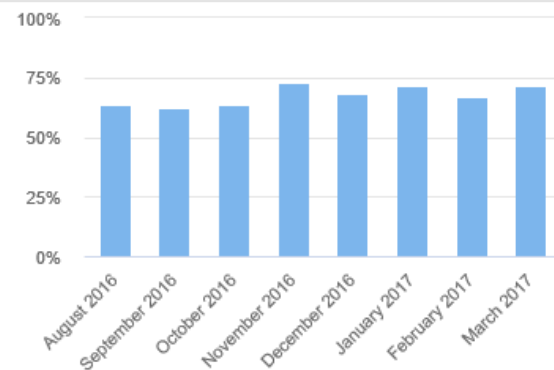
SH-P4 Major applications excluding extensions

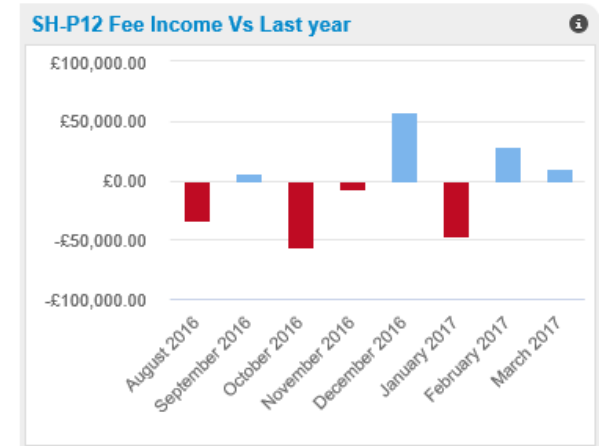
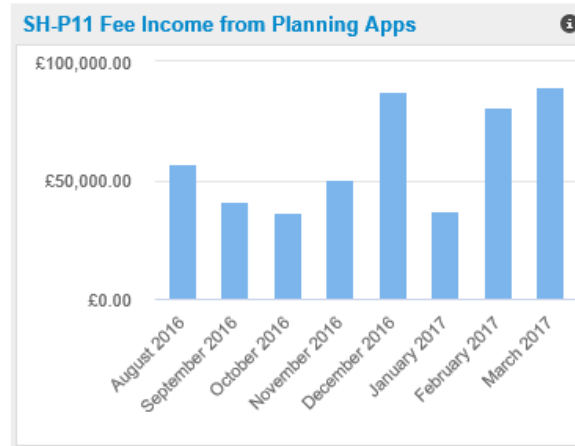
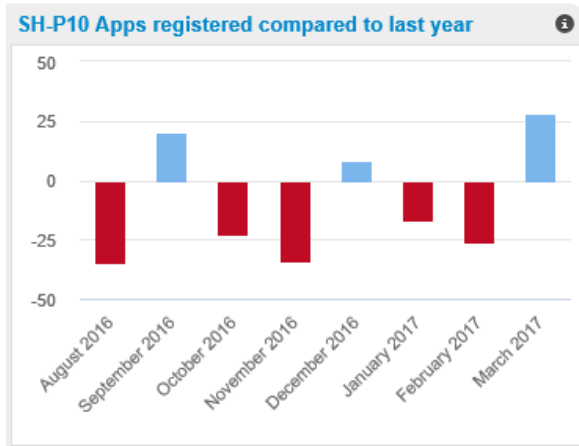
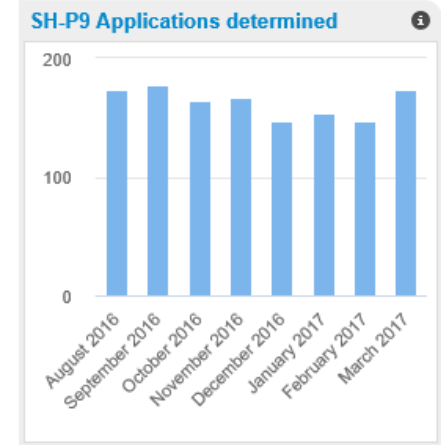
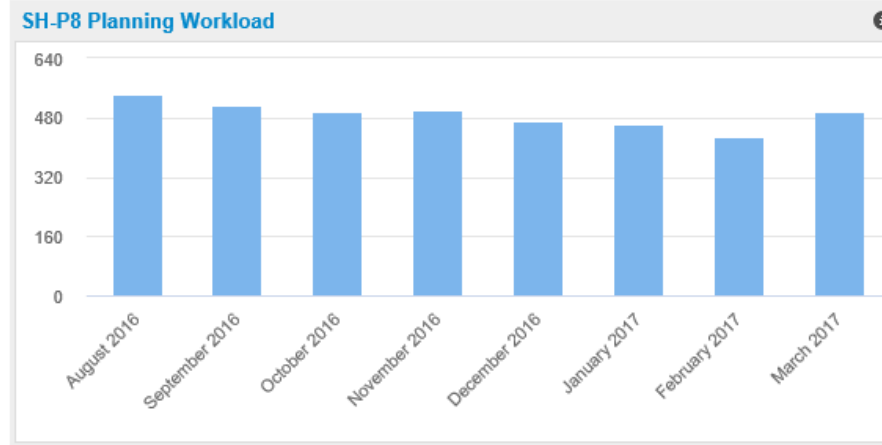


SH-P5 Minor applications excluding extensions



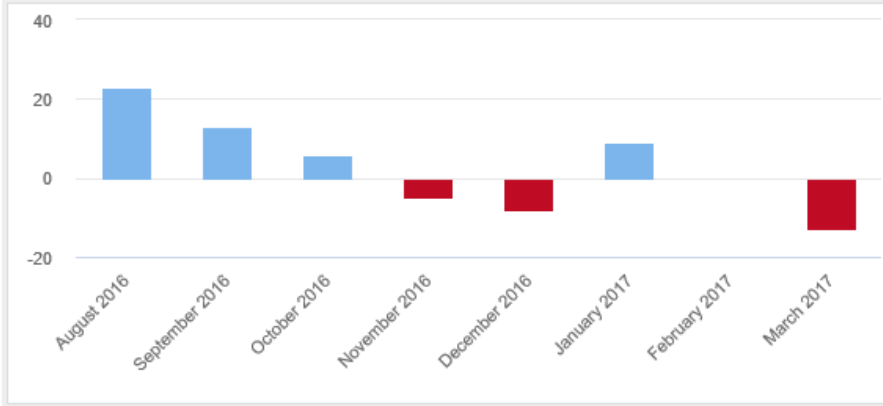
SH-P6 Other applications excluding extensions



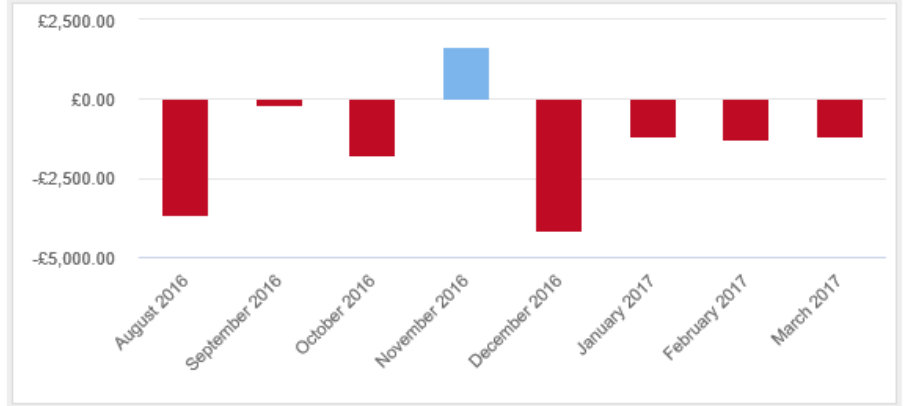


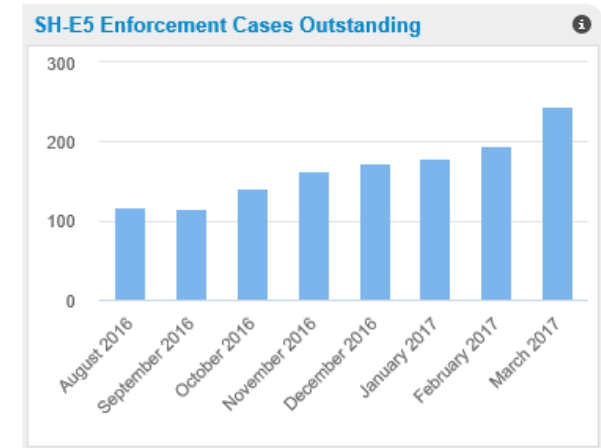
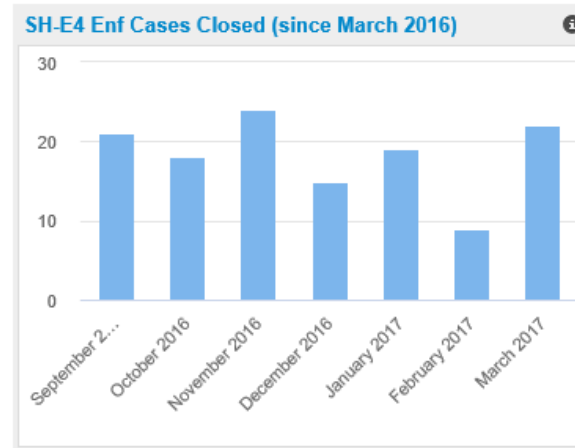
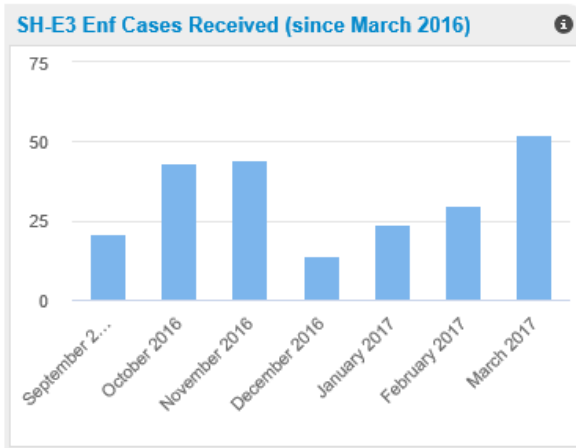
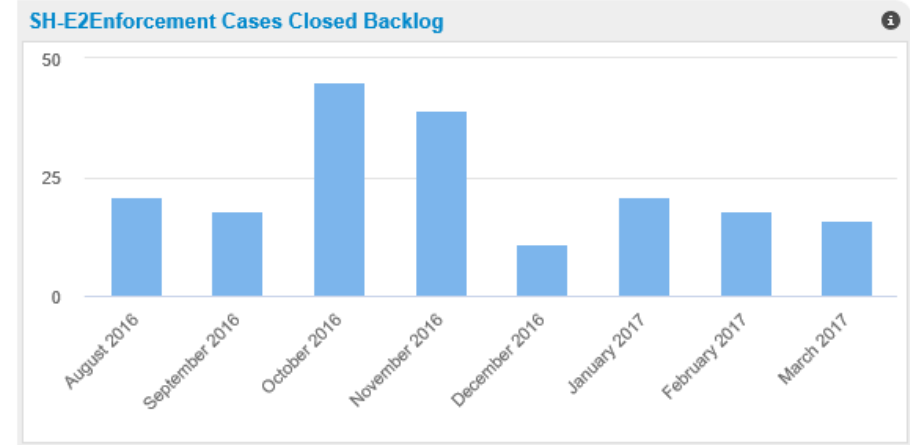
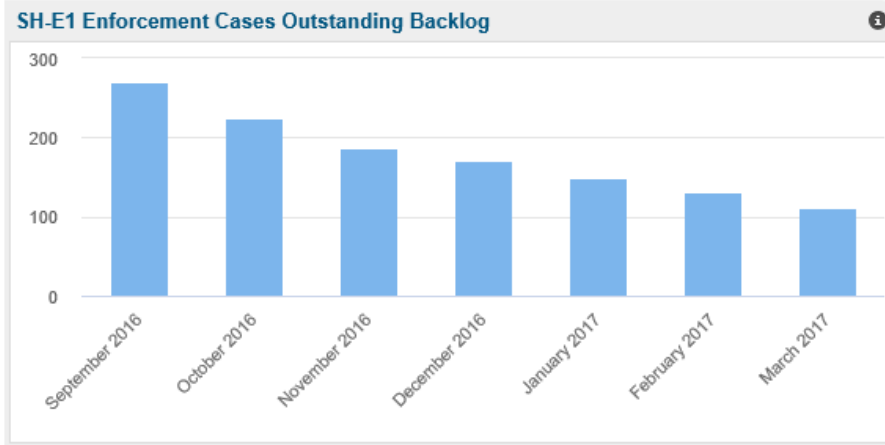


SH-P13 Pre-Apps received compared to last year

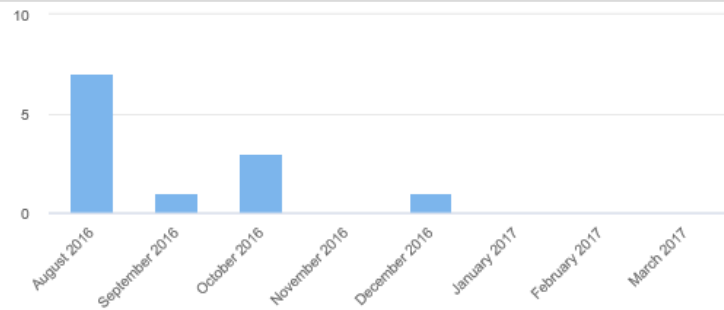


SH-P14 Fee Income from Pre-Apps compared to last year

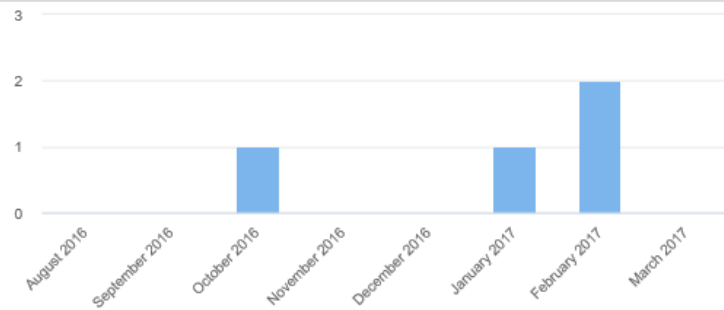




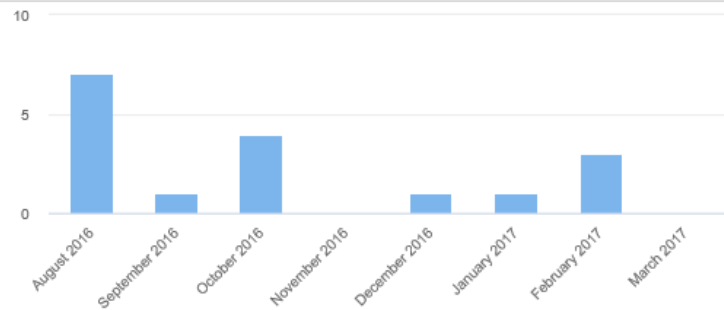
W2PEC 30 Appeal Decisions (Officer Delegated)



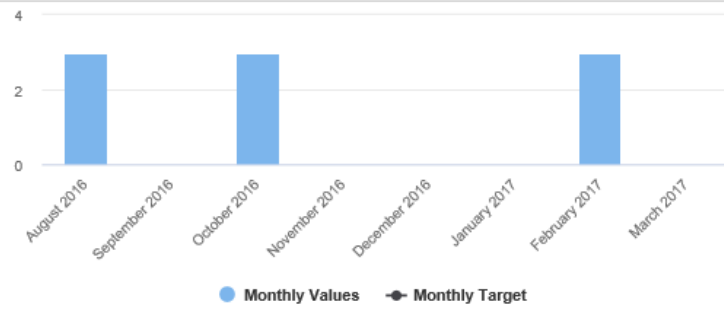
W2PEC 31 Appeal Decisions (Committee)



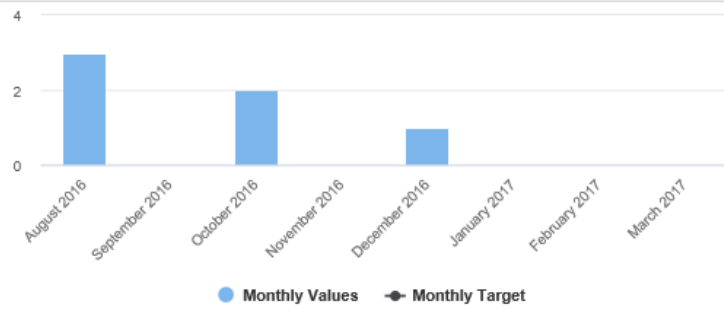
W2PEC 28 Appeal Decisions



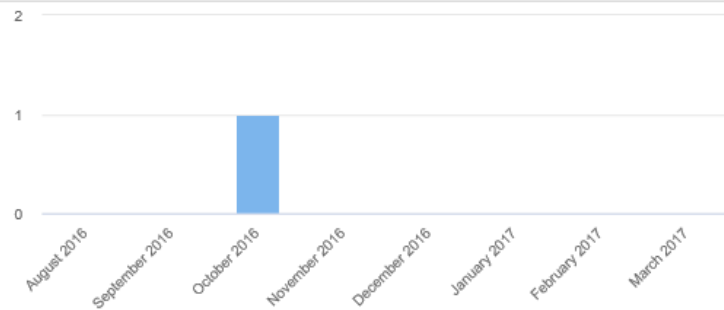
BV204a Total planning appeals allowed



W2PEC A Appeals allowed - officer decision



W2PEC 29 Appeals allowed - member against officer decision



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