

South Hams Development Management Committee



Title:	Agenda										
Date:	Wednesday, 5th July, 2017										
Time:	11.00 am										
Venue:	Council Chamber - Follaton House										
Full Members:	<p>Chairman Cllr Steer</p> <p>Vice Chairman Cllr Foss</p> <p><i>Members:</i></p> <table> <tr> <td>Cllr Bramble</td><td>Cllr Holway</td></tr> <tr> <td>Cllr Brazil</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> <tr> <td>Cllr Hodgson</td><td>Cllr Brown</td></tr> </table>	Cllr Bramble	Cllr Holway	Cllr Brazil	Cllr Pearce	Cllr Cuthbert	Cllr Rowe	Cllr Hitchins	Cllr Vint	Cllr Hodgson	Cllr Brown
Cllr Bramble	Cllr Holway										
Cllr Brazil	Cllr Pearce										
Cllr Cuthbert	Cllr Rowe										
Cllr Hitchins	Cllr Vint										
Cllr Hodgson	Cllr Brown										
Interests – Declaration and Restriction on Participation:	Members are reminded of their responsibility to declare any disclosable pecuniary interest not entered in the Authority's register or local non pecuniary interest which they have in any item of business on the agenda (subject to the exception for sensitive information) and to leave the meeting prior to discussion and voting on an item in which they have a disclosable pecuniary interest.										
Committee administrator:	Kathy Trant Specialist- Democratic Services 01803 861185										

1. Minutes

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To approve as a correct record and authorise the Chairman to sign the minutes of the meeting of the Committee held on 07 June 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

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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/>

4097/16/OPA

Outline application with some matters reserved for residential development of circa 8 dwellings, open space and associated infrastructure with all matters reserved except for means of

access (and associated off-site
highway works)
Proposed Development Site
At Sx 663 471, St Anns
Chapel, Bigbury

**** (Upon the conclusion of the above agenda items,
the meeting will be adjourned and reconvened at
2.00pm)****

0607/17/FUL

Conversion and change of use of
former hotel to 6 residential
apartments; conversion and
change of use of hotel annex
apartments to 4 residential
apartments; new build block of 4
residential apartments and new
build single residential house;
with associated landscaping,
access and vehicle parking
works.
Yealm Hotel, 104 Yealm
Road, Newton Ferrers

0894/16/FUL

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

1637/17/HHO

Householder application for
replacement of an existing
extension
6 Waltham Way, Ivybridge

7. Planning Appeals Update (and Appeal Hearing Update)

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MINUTES OF THE MEETING OF THE DEVELOPMENT MANAGEMENT COMMITTEE HELD AT FOLLATON HOUSE, TOTNES, ON WEDNESDAY, 7 JUNE 2017

Members in attendance * Denotes attendance ∅ Denotes apology for absence			
*	Cllr I Bramble	*	Cllr J M Hodgson
*	Cllr J Brazil (am only)	*	Cllr T R Holway
*	Cllr D Brown	*	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 K J Baldry, J Birch, J D Hawkins, E D Huntley and R J Tucker

Officers in attendance and participating:

Item No:	Application No:	Officers:
All agenda items		COP Lead Development Management; Planning Specialists, Deputy Monitoring Officer and Senior Specialist and Specialist – Democratic Services

DM.1/17 **MINUTES**

The minutes of the meeting of the Committee held on 10 May 2017 were confirmed as a correct record and signed by the Chairman.

DM.2/17 **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 D Brown declared a personal interest in the following planning applications that were sited within the South Devon AONB by virtue of being a Member of the South Devon AONB Partnership Committee and remained in the meeting and took part in the debate and vote thereon:

- 3466/16/FUL: Demolition of existing garage and ancillary living accommodation and erection of a new dwelling – The Cottage, 97D Court Road, Newton Ferrers; and
- 3610/16/FUL: Retention of camping use and partial change of use of land for the siting of 4 no. Safari Tents for tourism purposes – Fountain Violet Farm, Mount Ridley Road, Kingswear.

DM.3/17 PUBLIC PARTICIPATION

The Chairman announced that a list of members of the public and town and parish council representatives, who had registered their wish to speak at the meeting, had been circulated.

DM.4/17 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:

**14/0142/15/F Brimhay Bungalows, Development site at SX 7863
6192 Forder Lane, Dartington**

Parish: Dartington

Redevelopment of existing Brimhay Bungalows to provide 32 new dwellings and associated highway (12no. 1 bed apartments, 12 no. market houses and 8 flats)

Case Officer Update: Alternative recommendation suggested

Speakers included: Objector – Ms Trudy Turrell; Supporter – Mr Iestyn John; Dartington Parish Council – Cllr Anna Lunk; and local ward Member – Cllr Hodgson

Recommendation: That delegated authority be given to the COP Lead Development Management to grant Conditional Approval subject to satisfactory completion of a Section 106 Agreement

Committee Decision: **That delegated authority be given to the COP Lead Development Management, in consultation with the Chairman of the Committee, to grant Conditional Approval of the application, subject to satisfactory completion of a Section 106 legal Agreement.**

However, in the event that the Section 106 legal Agreement remains unsigned three months after this resolution, that delegated authority be granted to the COP Lead Development Management, in consultation with the Chairman of the Committee, to refuse the application.

In the debate, the first recommendation that was **PROPOSED** and **SECONDED** was to refuse the planning application for the following reasons:

1. The loss of public open space would be contrary to Policy DP8: 'Open Space, Sport and Recreation';
2. The proposed design would be out of keeping with the character and visual appearance of the rural area; and
3. The loss of protected wildlife habitat species being contrary to Policies DP5 and Core Strategy CS10 (with respect to conserving and enhancing biodiversity).

However, when put to the vote, this recommendation was declared **LOST**.

3466/16/FUL The Cottage, 97D Court Road, Newton Ferrers

Parish: Newton and Noss

Demolition of existing garage and ancillary living accommodation and erection of a new dwelling.

Case Officer Update: Photos from neighbouring property shown and dimensions highlighted following queries raised during the Committee Site Inspection

Speakers included: local Ward Member – Cllr Baldry

Recommendation: Conditional Approval

Committee Decision: **Conditional Approval**

Conditions:

- Time limit;
- Accord with plans;
- Retention of parking for motor vehicles;
- Drainage prior to commencement of development;
- Landscape plan condition;
- Construction Environment Management Plan prior to commencement of development;
- Removal of Permitted Development Rights;
- Landscape scheme prior to commencement of development;
- Unsuspected contamination;
- Prior to installation slate details;
- Prior to installation cladding details; and
- Boundary details to be submitted and approved prior to the commencement of development.

**3610/16/FUL Fountain Violet Farm, Mount Ridley Road,
Kingswear**

Parish: Kingswear

Retention of camping use and partial change of use of land for the siting of 4 no. Safari Tents for tourism purpose

Case Officer Update:	None
Speakers included:	Supporter – Mr Edward Jones; Parish Council – Cllr Hector Newcombe; and local Ward Members – Cllrs Hawkins and Rowe
Recommendation:	Refusal
Committee Decision:	Conditional Approval

Conditions:

- Time limit;
- Accord with plans;
- No external lighting without consent;
- Drainage prior to commencement of development; and
- Landscape scheme prior to commencement of development.

In support of the recommendation to refuse the application, some Members made reference to the potential breaches in policy of approving this application and reiterated just how large the tents were proposed to be. In addition, these Members echoed the case officer recommendation in light of the weight that was applied in the National Planning Policy Framework to protection of the Area of Outstanding Natural Beauty.

However, the majority of Members did not share this view and expressed their support for the proposals and a recommendation was therefore **PROPOSED** and **SECONDED** to conditionally approve the planning application for the following reasons:

- The harm to the landscape character of the AONB was not considered to be so significant to warrant refusal of the application;
- The application will result in economic benefits in both agricultural diversification and tourism; and
- The site location was considered to be sustainable and, with sufficient planting, the Tents would be adequately camouflaged.

0266/16/FUL 5 Christina Parade, Totnes

Parish: Totnes

Erection of 3 bed terrace house with garden and relocation of garages

Case Officer Update:	None
Speakers included:	Parish Council – Cllr Ray Hendricks; and local ward Members – Cllr Birch and Vint
Recommendation:	Conditional Approval

Committee Decision: **Deferral**

A number of outstanding issues were identified during the debate that, in the view of the Committee, necessitated a deferral of the planning application at this meeting. These issues included:

- Whether or not the proposals went beyond the current hardstanding;
- The proposed garage widths and door pivoting arrangements; and
- Clarification over the public right of way and land ownership.

DM.5/17 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.6/17 PERFORMANCE INDICATORS

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

In discussion, the following points were raised:-

- (a) Members welcomed inclusion of the quarterly information relating to enforcement cases and action. With regard to receiving progress updates on cases, local Ward Member(s) were encouraged to meet with enforcement officer(s). Furthermore, in light of the perception remaining amongst local town and parish councils that little enforcement action was being undertaken by the Council, regular updates were therefore felt to be essential for local Members and Clerks;
- (b) The Committee recognised that the volume of work and capacity within the enforcement service remained an issue and reference was made to the Overview and Scrutiny Panel request to consider a review of the Planning Enforcement Service at its meeting on 27 July 2017.

It was then:

RESOLVED

That the latest set of performance indicators be noted.

(Meeting commenced at 11.00 am and concluded at 3.55 pm)

Chairman

Voting Analysis for Planning Applications – DM Committee 7 June 2017

Application No:	Site Address	Vote	Councillors who Voted Yes	Councillors who Voted No	Councillors who Voted Abstain	Absent
14/0142/15/F	Brimhay Bungalows, Forder Lane, Dartington	Refusal	Cllrs Brazil, Hodgson and Vint (3)	Cllrs Bramble, Brown, Cuthbert, Foss, Hitchins, Holway, Pearce, Rowe and Steer (9)		
14/0142/15/F	Brimhay Bungalows, Forder Lane, Dartington	Conditional Approval, subject to the prior satisfactory completion of a S106 Agreement	Cllrs Bramble, Brown, Cuthbert, Foss, Hitchins, Holway, Pearce, Rowe and Steer (9)	Cllrs Brazil, Hodgson and Vint (3)		
3466/16/FUL	The Cottage, 97D Court Road, Newton Ferrers	Conditional Approval	Cllrs Bramble, Brown, Cuthbert, Foss, Holway, Pearce, Rowe and Steer (8)	Cllr Hodgson (1)	Cllrs Hitchins and Vint (2) (Cllr Hitchins by virtue of not being in attendance at the previous Committee meeting)	Cllr Brazil (1)
3610/16/FUL	Fountain Violet Farm, Kingswear	Conditional Approval	Cllrs Bramble, Brown, Hitchins, Hodgson, Holway, Rowe and Vint (7)	Cllrs Cuthbert and Pearce (2)	Cllrs Foss and Steer (2)	Cllr Brazil (1)
0266/16/FUL	5 Christina Parade, Totnes	Deferral	Cllrs Bramble, Brown, Cuthbert, Foss, Hitchins, Hodgson, Holway, Pearce, Rowe, Steer and Vint (11)			Cllr Brazil (1)

PLANNING APPLICATION REPORT

Case Officer: Wendy Ormsby

Parish: Bigbury **Ward:** Charterlands

Application No: 4097/16/OPA

Agent/Applicant:

Alex Graves
1st Floor 3 Silverdown Office Park
Fair Oak Close
Clyst Honiton,
Exeter
EX5 2UX

Applicant:

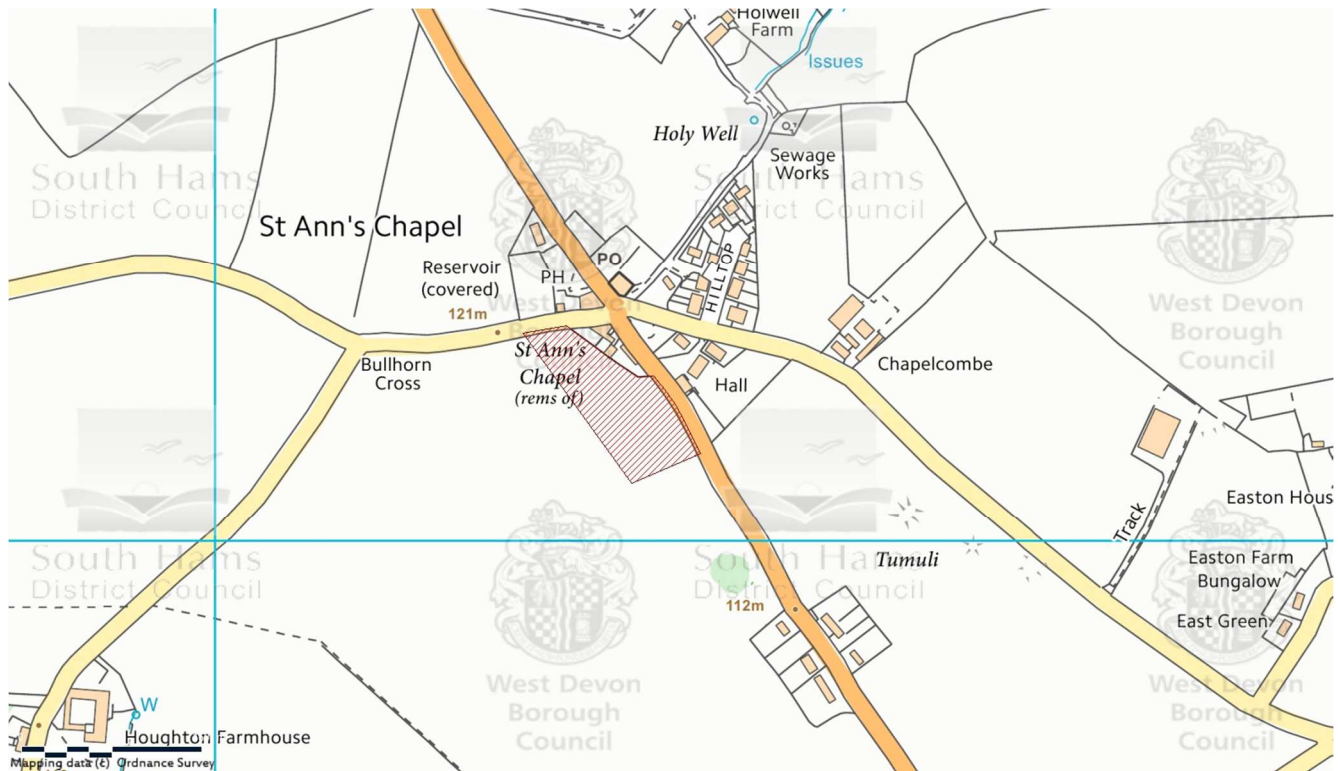
C & S Rodger, R & E Ogilvie-Smals, C & L
Hall, J Davies
C/O Agent

Site Address: Proposed Development Site At Sx 663 471, St Anns Chapel, Bigbury, Devon

Development: Outline application with some matters reserved for residential development of circa 8 dwellings, open space and associated infrastructure with all matters reserved except for means of access (and associated off-site highway works)

Reason item is being put before Committee: At request of the Ward member for reasons summarised as follows:

- No need for the development – need more affordable homes not private.
- Will be difficult to get a provider for just 3 affordable units.
- Outside Development Boundary and in AONB, Undeveloped Coast and Heritage Coast
- Is major development
- Could lead to further development on adjoining land.
- Material changes since the appeal was considered are JLP, Housing needs survey and Neighbourhood Plan.
- The local community have recently expressed support for an alternative site.
- No need for allotments
- B3392 is dangerous for pedestrians – plans suggest pavements where there are none and where there is no space to provide them.
- Positioning of planter in front of pub will prevent beer deliveries as front access is required for this.
- New layout encourages pedestrians to cross 2 roads instead of one
- Loss of Devon hedges



Recommendation: That delegated authority be given to the COP Lead Development Management, in consultation with the Chairman of Development Management Committee, to grant conditional approval subject to satisfactory completion of a section 106 agreement to secure the following:

- Provision of 30 % on-site affordable housing or 3 dwellings whichever is the greater. In the case that a provider cannot be found this would revert to an off-site contribution of an equivalent amount
- £1000.00 for the new Public Right of Way (PROW) signing.
- Commuted maintenance sum for the highway soakaway. Amount to be determined if
- soakaway testing and ground water monitoring results show that soakaways can actually be
- Incorporated in to the design.
- £5000.00 towards traffic regulation orders.
- Management in accordance with the LEMP
- Ongoing management of the POS
- Off-site contribution for sport and recreation of £35,100
- Education transport contribution of £32,189

Conditions

- Standard outline time conditions
- Accords with plans
- Pre-commencement – programme of archaeological work to be secured and implemented.
- Stage 2 Safety audit and designer's response prior to commencement.

- Details of means of construction of highway
- Construction and Environmental Management Plan
- All of site highway works to be complete before construction of first dwelling
- Details of POS and allotments to be agreed
- LEMP to be agreed
- Unsuspected contamination
- Drainage scheme to be agreed
- Tree Protection
- PD removed – extensions and alterations and roof additions.
- Exterior lighting to be agreed
- Parking and garaging to be provided and retained
- Phasing plan for completion of roads and footpaths

Key issues for consideration:

A similar application, also for circa 8 dwellings was refused planning permission in 2015 and an appeal dismissed on grounds of highway safety in October 2016. The key issue for consideration is if the highway safety concerns have been adequately addressed and if the proposed changes to the scheme raise any other adverse material planning issues. Impact on the character of the area and impact on the setting of the Listed Pickwick Inn are relevant considerations.

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

It is estimated that this development has the potential to attract New Homes Bonus of approximately £9,496 per annum. The Government is implementing reforms to the New Homes Bonus scheme and the length of NHB payments will be reduced from 6 years to 5 years in 2017/18 and 4 years from 2018-19 onwards.

Members are advised that this is provided on an information basis only and is not a material planning consideration in the determination of this application.

Site Description:

The site of 0.98 hectares of Grade 3 agricultural land is located adjacent to the south western edge of St Ann's Chapel; it is located adjacent to, but outside of the development boundary. The application site fronts onto the western arm of the C252 and the southern arm of the B3392. The site is relatively level parcel of land.

St Ann's Chapel is a small village of approximately 40 dwelling focused around a significant 5 arm road junction where the B3392 meets the C252. In the summer the B3392 is a busy tourist route giving access to Bigbury.

St Ann's Chapel contains a village shop with post office, a Grade II listed pub (the Pickwick Inn), Bigbury Village Hall and playing fields.

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

The Proposal:

It is proposed to build circa 8 dwellings. All matters are reserved except access. The indicative layout shows a new road running from the C252 through the application site along the western boundary and linking into the B3392.

The route of the C252 will be diverted through the application site. This existing route will be blocked up to vehicular traffic to the west of the Pickwick Inn, this part of the old road will become a pedestrian and cycle route only.

The area of 'road' south of the Pickwick Inn will have a central 3m route demarcated using granite setts to guide pedestrians to the central point of the route where it is safest to cross the road. A heavy planter will be placed in front of the Pickwick Inn to prevent pedestrians from crossing at the blind corner. The road will be stopped up using a staggered railing west of the Pickwick Inn. These works in front of the Pickwick Inn, within the highway, do not require planning permission and would take place under a combined S38/278 legal agreement with Highway Authority.

Traffic on the C252 will be diverted through the application site via the new road. The majority of the length of the new road will be flanked by a new Devon bank or grass verge and Devon hedge bank. Any proposed footpaths will be mostly behind the hedge.

A bus stop will be provided within the site. A new turning head will be provided opposite 'The Water Tank' for those vehicles that need to access properties in the stopped up area of road.

All existing driveways, garages etc will remain accessible by car.

The indicative masterplan shows 3 x 3 bed terraced houses, 1 x 3bed, 3 x 4bed and 1 x 5 bed detached dwellings. It also shows 8 allotments with parking and a community orchard. The illustrative plans shows a low density development.

To create the new access points approx. 50 of Devon Bank/Hedgerow will be removed. Over 300m of new native Devon Bank/hedgerow is proposed within and around the site.

Consultations:

County Highways Authority – Following the subsequent refusal of the previously submitted application on this site, this Outline Planning Application looks to address the previous reasons for refusal, which were upheld at appeal.

The planning application now proposes a new road link through the development site so that the C252 road for vehicular traffic can be redirected avoiding the substandard Pickwick Inn junction at the B3392. This would have several benefits in road safety terms and these benefits are set out in the Highway Statement Addendum Note submitted with the application.

Following much discussion with the applicant's design engineers, the Highway Authority is now in general agreement with the layout of the newly aligned C road and adjustments to the existing C Road leading to the Pickwick Inn as submitted. These can be viewed on drawing 4187 - 001 Rev N. A stage 1 safety audit and designers response still needs to be submitted with a stage 2 audit and designers response to accompany the latest design.

Following initial concerns regarding a lack of an acceptable drainage strategy that is proven to at least work without SUDS extra information the applicant has now provided a drainage strategy that in principle would be acceptable to the Highway Authority with agreement of the Flood Risk Team.

S106 Requirements –

£1000.00 for the new Public Right of Way (PROW) signing. This will need to be paid prior to commencement of the PROW works.

Commuted maintenance sum for the highway soakaway. Amount to be determined if soakaway testing and ground water monitoring results show that soakaways can actually be incorporated in to the design.

£5000.00 towards traffic regulation orders. This will need to be paid prior to commencement of the development.

Other Legal Requirements to be undertaken prior to commencement –

Stopping up part of the Bigbury Public Footpath 28 this will need to be undertaken as part of a joint stopping up application using S247 of the Planning Act. The Public Rights of Way Team will need to be consulted and at no point shall the PROW become unusable or blocked due to the development without proper alternative provision for its users.

A combined S38/278 legal agreement is required for all the works. In addition it is recommended a deed of dedication is used to make the new road a public highway so that it can be opened to the public to use instantaneously. Then the C Road works can commence following the new road opening. The methods and timescales of works will need to be set out in the phasing strategy.

No objection, subject to conditions

- Environmental Health Section - no comment
- SHDC Ecology – No objection subject to conditions requiring a LEMP and details of the POS and allotments and Section 106 securing management in accordance with the LEMP, ongoing management of the POS and off site contribution for sport and recreation of £35,100.
- Affordable Housing – Support proposal
- Town/Parish Council
- DCC Archaeology – No objection subject to conditions.
- Historic England – No comment
- Natural England – no objection

- SHDC Conservation – no objection
- AONB Unit – no comment
- SHDC Landscape – no objection
- Bigbury Parish Council:

This development will have a significant impact on the local community, to such an extent that the Parish Council decided to hold an Extraordinary Parish Council meeting to discuss and debate the proposal. A total of **eighty** local residents attended this meeting with the five Councillors present.

In accordance with Parish Council Standing Orders minutes of the meeting were written and, in this particular circumstance, it is wholly appropriate to include the text from the minutes as the supporting documentation behind the Council's decision to object to this proposal. The detail is as follows:

'Chair BC, in opening remarks, stated that the meeting was held specifically to allow the Parishioners' to voice their views in respect of the above outline planning application. He noted for the record that neither the SHDC case officer nor the applicant, both having been invited to the meeting, had attended.

He further commented that an application from the same applicant had twice been presented to SHDC Planning Department; and on the second occasion, when refused, went to Appeal and that Appeal was lost. The Inspector determined that there was a lack of safe pedestrian access to local facilities.

The new proposal contained a fresh access and splay from the proposed site to the B3392, together with, closing vehicular access off the B3392 to the C252 towards Bull Horn Cross and on to Ringmore and Challaborough, as well as Kingston, creating a pedestrian zone. Chair BC then opened the meeting to parishioners for comments and opinions. During the course of the meeting there were 29 separate contributions from those present, of whom seven spoke more than once numbering 18 of the contributions.

In essence the comment was overwhelmingly expressing reservations and objections to the Application for all of the following reasons.

Whilst it was understood there was clear evidence of central government easing planning restrictions to satisfy the general shortage of housing nationally and that locally the District Council had a shortfall in its five year land supply, no evidence had been produced, even for the limited scale, of demand for the level of "open market housing" contained in this application.

Furthermore, given that legislation had given additional statutory bite to Neighbourhood Planning Groups (NHPG), this application was premature in the light of the Bigbury Parish Council NHPG not having completed its work, which includes a Housing Needs Survey. Given that the process is well under way, it is relevant, and should have the influence the NHP is intended to have over various matters, including future development.

Concern was also expressed that since much of the Parish fell within the AONB, insufficient

weight might be given to the views of that Body.

It was clarified that since this was an outline application, several matters will be the subject of conditions, many more matters are characterised as “Reserved Matters”, since they will be dealt with if or when a full application is made.

It was also made clear that Devon County Council (DCC) Highways would be responsible for the infrastructure and engineering matters related to all Highway and Pedestrian issues. Therefore, it was expected that there would be a Section 106 Legal Agreement to cover not only the usual statutory contributions; but also contributions and considerations related to Road Safety and Pedestrian Safety.

Clear concern was expressed that the outline application had failed to properly or adequately address the Judgement given by the Inspector at Appeal. It was the overwhelming view from comment and parishioners’ reaction to the application that the situation would be far worse for those living in the immediate proximity of St Ann’s Chapel and those travelling to and from Bigbury Village, Bigbury on Sea and in particular those living in Ringmore, Challaborough and Kingston, both in terms of safety and convenience.

In terms of both safety and convenience it was felt the solution offered gave insufficient consideration to the probable increased journey times for those in the villages, bottle necks caused by commercial vehicles seeking unloading access to the Pickwick, as well as a lack of

pedestrian pavements to encourage people to take the safe route across the B3392 between residences on Chapel Corner and the Pickwick to Holywell Stores and residences on the St Ann’s Chapel side of the B3392. Also, motorists travelling up the tidal road, or the Ashford Road, (i.e. Hilltop, Easton, Combe, Aveton Gifford, Kingsbridge, Salcombe etc.) to Kingston, Ringmore or Challaborough would have to make an awkward left turn by Holywell Stores, then a right turn across oncoming traffic, a potential cause of considerable congestion, especially in summer.

Allied to this was a very strong view that the position of the proposed pedestrianised area would simply encourage those travelling on the B3392, either way, and especially in the season, to drive faster through the area, significantly increasing the danger to pedestrians trying to cross the road in either direction. There appeared to be nothing in the plans to give adequate early warning or the means to slow traffic. It was understood that DCC Highways Dept. were opposed to any coherent form of suitable traffic calming; although these are B and C class roads and not A roads.

There was also concern that the planned treatment around the cross roads would inhibit an ancient trade route, as well as have an adverse effect on the vicinity’s Heritage assets. Essentially, the new road layout was out of character and keeping of St Ann’s Chapel’s “quirky” charm.

Several comments, to some degree, simply gave additional weight to the main comments made and summarised above. However, it was also important to record that several parishioners attending the meeting had had great difficulty or failed completely to gain access to the SHDC Planning section of their website, which has given greater emphasis to the meeting itself, as for some, it was their first opportunity to comprehensively view the outline planning application.

Although thought to be a good idea, there was likely to be insufficient time available to

engage a professional independent planning consultant to advise and act on behalf of the Parish.

Chair BC brought the meeting to order. Based on the many and varied planning reasons that came out of the meeting and that have been summarised above the meeting was asked to vote on the following questions:

Those in favour of the Outline Planning Application: - 1 (A Parishioner acting as Devil's advocate).

Those against the Outline Planning Application: - 73.

Those abstaining from voting on the Outline Planning application: - 6.

In addition, all Parish Councillors present voted against the Outline Planning Application.

The BPC Councillors confirmed that the Parish's reasons for objecting to the application for outline planning consent would be forcefully put to the SHDC Planning Case Officer and subject to the progress of the outline planning application, further measures would be considered, including professional representation and any related costs considered and voted on by the BPC.

- Ringmore Parish Council: objects on the grounds that the proposed road re-alignment does nothing to improve road safety at this difficult junction. The existing layout effectively calms traffic, slowing vehicles down. The new layout is likely to increase the speed of traffic travelling to and from the A370 to Bigbury. Higher speeds will make the exit from the Ringmore road even more difficult.

The new houses will completely change the character of the area in this AONB

Representations:

Approximately 77 letters of objection (however some people have written more than once) have been received on grounds that include the following:

- The scheme will increase highway danger, not reduce it.
- Current road layout creates natural traffic calming as vehicles are forced to slow down.
- The change to the junction will encourage traffic to travel faster past the Pickwick Inn junction.
- The new road junction is on the narrowest part of the road and will be dangerous and difficult to navigate in a large/long vehicle.
- Route will become more complicated for users.
- Unsafe for pedestrians accessing village shop
- Should have a safety audit
- Not the preferred site for housing in the village
- There will be no loading area for the Pickwick Inn
- The development will increase traffic movements in a congested area.
- The development will be over dominant
- Adverse impacts due to noise/smells/obtrusive lighting.

- Local drainage/flooding issues
- Contrary to planning policy and guidance including policy DP15.
- Adverse impact on the character of the village
- Adverse impact on the setting of a Listed Building
- Loss of Devon banks – adverse impact on wildlife and character of the area.
- Adverse impact on AONB, site sits high in the skyline.
- The LVIA is inaccurate
- Does not address local housing need
- No affordable housing is provided
- New cul-de-sac in front of pub will be used for ad hoc parking for shoppers
- Unsustainable location – no jobs, no public transport, limited local facilities.
- Major development in AONB/Heritage Coast
- Fails AONB derogation test.
- Use of concrete and bollards – suburbanising a rural village
- North facing gardens – poor design
- Great Crested Newts are present in the pond of the Old Bakery
- Premature in advance of the Neighbourhood plan
- Loss of passing trade to shop
- Poor sight lines for pedestrians
- Planter will force pedestrians to cross 2 roads instead of one.
- New housing needs survey and JLP are a material change since appeal decision
- Community has recently voted strongly in favour of an alternative development site and this is a new material consideration since the appeal

Relevant Planning History

05/0570/15/O – Outline application (with some matters reserved) for residential development of circa 8 dwellings with point of access, open space and associated infrastructure

Refused for the following reasons and dismissed at appeal:

1. The proposed development is likely to generate an increase in pedestrian traffic on a highway lacking adequate footways and also adequate visibility at the junction of the C252 and the B3392 with consequent additional danger to all users of the road contrary to paragraph 32 of the National Planning Policy Framework and Policy DP7 of the South Hams LDF.
2. The proposed development would be likely to result in a pedestrian access which does not provide adequate visibility from and of emerging pedestrians, contrary to paragraph 32 of the National Planning Policy Framework and Policy DP7 of the South Hams LDF
3. The proposal for 8 dwellings attracts a requirement to provide affordable housing and infrastructure contributions for open space, sports and recreation, education and education transport. In addition legal obligations are required regarding the implementation and management of a LEMP and to secure the ongoing management of and access to the public open space. In the absence of a Section 106 Agreement,

or similar unilateral agreement to secure these provisions the proposal is contrary to Policies CS6, CS8, CS10, DP5 and DP8 of the South Hams LDF

Prior to the appeal hearing the Council accepted that the second reason for refusal had been satisfied. The issues raised in reason 3 were addressed through the submission of a Section 106 agreement offering

The appeal hearing then focused on the first reason for refusal, summarised by the Inspector as follows;

In light of the above the main issue in this case is the effect of increased pedestrian activity associated with the site on highway safety, having particular regard to visibility at the junction of the C252 (the C road) with the B3392 (the B road).

Following a detailed assessment of the highway safety issues the Inspectors found as follows:

In light of the foregoing, I am not satisfied that the relationship of the appeal site to the services and facilities within the village would allow for a scheme that would minimise conflicts between traffic and pedestrians, including those intended future occupiers that may have mobility difficulties. The likely increase in the number of pedestrian movements across the B road at a point where there is a significant limitation on visibility would result in a severe and detrimental effect on the highway safety of users of the road. This would be in conflict with the safety objectives of DPD Policy DP7 and the Framework. The lack of pavements within the village and other villages in the area, does not justify the proposal.

The Inspector specifically addressed this issue of impact on the Listed Building The Pickwick Inn and concluded that the proposal would not be harmful to its setting.

A number of representations were made to the Inspector by third parties raising other issues including landscape/AONB impact, impact on the character of the area, lack of need and neighbour amenity. These matters were discussed at the hearing. The Inspector does not specifically address these points in her decision letter however her concluding comment is as follows:

For the above reasons, and having regard to all other matters raised, the appeal is dismissed.

This statement indicates that the Inspector has considered all the matters raised by the Council and third parties. The application was only dismissed on the grounds of highway safety.

ANALYSIS

Principle of Development/Sustainability:

The site is located outside of but immediately adjacent to the development boundary of St Ann's Chapel. The site is within the AONB and Heritage Coast.

Since the appeal hearing the Joint Local Plan (JLP) has entered the stage of Regulation 19; at this stage it can be afforded little weight. The Neighbourhood Plan is still at a very early

stage of preparation and cannot yet be afforded any weight. A recent housing needs survey has been undertaken which identifies a need for 21 affordable homes within the Bigbury Parish of mainly 2 and 1 bed units; at the time of the appeal an earlier housing needs survey was considered which also identified a need for affordable homes in the village, the new survey raises no new issues in this regard.

There have been no other material changes in the planning circumstances of the site, ie:

The Council cannot demonstrate a 5 year housing land supply and so Paragraph 49 of the NPPF applies. As such policies relating to the supply of housing must be seen as out of date; this includes policies such as CS1 of the current Development Plan which seeks to limit development to within identified settlement boundaries.

The presumption in favour of sustainable development set out in paragraph 14 of the NPPF does not apply as this site is in the AONB, however this does not preclude development in the AONB.

The principal of development was only deemed unacceptable by the Council and the Inspector having regard to highway safety issues.

The scheme now proposes less affordable housing (3 units or 30% whichever is the greater). In the context of 8 dwellings this is one unit less than the 50% (4 units) proposed in the last scheme. This is a reflection of government guidance on the provision of affordable housing on smaller sites and is compliant with that. The applicant is offering on-site provision (subject a provider being willing to take the units on) which is no longer a requirement but is considered to be more beneficial to the local community.

This application proposes the same quantum of development on the same site with a similar layout. The principal of the development is therefore acceptable if the highway safety issues are overcome and subject to no other, new, adverse material considerations

Design/Landscape:

The site is located within the South Hams AONB; the Paragraph 115 of the NPPF states that:

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

Policy CS9 of the South Hams LDF states that in designated AONB's their conservation and enhancement will be given great weight

Policy DP2 states that development proposals will need to demonstrate how they conserve and/or enhance the South Hams landscape character.

The development is not considered to constitute major development in the AONB so paragraph 116 of the NPPF does not apply.

No landscape objection was raised to the previous application from the AONB Unit or from the Council's landscape specialist. The Inspector did not dismiss the appeal because of landscape impact, she raised no concerns at all in this respect.

The proposed application differs from the original application only in that the access road now extends slightly further so that it emerges onto the C252 (previously only a pedestrian link here). This new opening onto the road is within a visually discrete location in terms of the wider landscape, the road here being flanked by Devon hedgebanks and with buildings nearby. The proposed highway alterations in the vicinity of the pub will also have no wider landscape impact.

It is concluded that there is no material difference to the landscape impact of the current proposals as compared to the appeal scheme and as such there can be no justified objection to the scheme on landscape/AONB grounds.

Neighbour Amenity:

Policy DP3 of the South Hams LDF states that development will be permitted provided that it does not have an unacceptable impact on the living conditions of occupiers of nearby properties.

The quantum and scale of development is very similar to the appeal scheme and this is an outline application. The Inspector raised no concern about impact on neighbour amenity in considering the appeal scheme.

This application is different to the appeal scheme in the following keys area:

The access road now joins the C252 and diverts traffic through the application site. The new road opening will be visible from The Water Tank however a new hedge is proposed to one side of their existing access which will mitigate views. Traffic will no longer pass through this section of the C road which will result in a much quieter and safer environment for the dwellings which front this part of the road, they will retain existing vehicular access to their properties.

Traffic will be diverted to the new access on the B road which is set away from any existing dwellings.

It is considered that the proposed development will offer an improved residential amenity for those dwellings fronting the stopped up area of road and the impact on other dwellings in the village will be no greater than the scheme considered acceptable in this regard by the Inspector

Impact on the character of the area

Objections to this application have been made stating that the development would have an adverse impact on the character of the village.

This issue was not a reason for refusing the last application and was not a reason used by the Inspector to justify dismissing the appeal.

The material difference between this application and the refused scheme is the proposal to create an access into the site from the C252, opposite the new dwelling 'The Water Tank' as part of the proposal to reroute the C252 through the application site. This new opening could impact on the character of the village. A further material change is the proposal to close off the current route of the C252 such that a pedestrianised area with footpath and cycle link only to the C252 would be created on the land to the south of The Pickwick Inn.

The new access into the site from the C252 will result in the loss of some Devon hedgebank; the new road will also be wider to meet modern standards. Where possible Devon hedgebanks and grass verges will abutt the new road with any footpaths set behind the hedge. This will help to maintain the rural character of the road.

The stopping up of the C252 within the heart of the village will eliminate traffic from part of the village and in particular from in front of the pub. The route of the road will still be evident and will remain passable on foot and by bicycle, maintaining the historic street pattern of the village whilst allowing the possibility of the creation of useable public realm into this small village that at present is very traffic dominated.

On balance it is considered that the proposed changes to this scheme will have a positive impact on the character of the village, serving to remove traffic from part of the village and providing some public realm back within the village

Heritage

The Inspector considered the previous scheme and concluded that there would be no adverse impact on the Listed Pickwick Inn.

The Council's Conservation Specialist has considered the current scheme and his comments include the following:

The Pickwick Inn

This historic building which is grade II listed and which incorporates the remains of the C15 St. Anne's Chapel occupies a most prominent position within the village settlement. The new proposed amendments by virtue of the re-ordering of the immediately adjacent road network have the potential to impact on the listed building and its setting.

Both the current and the historic relationship between the listed public house and the road network is significant and as such Officers have worked closely with both the applicant and the Highways Dept to ensure that the legibility of this relationship is maintained and not rationalised to such an extent that it would be to the detriment of the special interest of the heritage asset.

There is a strong argument to suggest that by deflecting existing traffic movements (which currently pass immediately in front on the public house) away from the listed building, embracing a pedestrian and cycle route only will bring obvious benefit to the listed building and its setting.

The building will be less vulnerable from potential structural damage offered by heavy goods vehicles that currently pass it on a regular basis and there is a real opportunity to create an enhanced public realm environment, allowing for a greater public appreciation and enjoyment of the asset which will arguably promote the economic viability of the public house as an on-going business thus assisting in securing its long-term preservation.

Officers are aware that works undertaken to the highway, whether they be adjacent to listed structures or otherwise can be undertaken outside of the planning system and as such welcome the opportunity to pass comment on such proposals with particular reference to maintaining the legibility between the listed public house and the immediate historic thoroughfare.

The wider (Village) setting

Officers agree with the statement in the Heritage Addendum para 4.3.1 which states:

“The village is not a designated conservation area nevertheless it does have an inherent historic character and it is a feature within the South Devon AONB which should be preserved.....”

Therefore it is important that in order to preserve the character of the settlement the development proposal should be delivered in a manner which compliments the immediate environs and is not one that jars against it. The careful consideration of appropriate architectural detailing, the use of a palette of material that sits comfortably within the vernacular together with the appropriate use boundary treatments will be a key factor if the scheme is to be successfully integrated into the historic settlement.

As long as there is a confidence that the above matters can be dealt with satisfactorily through future ‘reserved matters’ application then I raise NO OBJECTION to the development proposals from a heritage perspective.

As such it is considered that no adverse heritage related impacts will arise from this development.

Drainage:

South West Water and DCC Flood Risk have raised no objections with regard to foul and surface water drainage subject to appropriate planning conditions.

Ecology:

Ecology was not a reason for dismissing the previous appeal. Local residents had previously raised concern about the loss of 25m of Devon bank that would result from the provision of the vehicular visibility splay and access. The current scheme includes a greater loss of hedgebank, approx. 50m as a second opening is proposed

This matter has been considered and it has been concluded that this loss of habitat can be mitigated through the submission of a Landscape and Ecological Management Plan (LEMP). The application indicates a provision of over 300m of new native hedgerows will be planted. Subject to appropriate planning conditions and Section 106 obligations with regard to a LEMP the impact on the ecology of the area is considered to be acceptable.

Highways/Access:

Highway safety was the reason this application was dismissed at appeal, principally due to poor visibility for pedestrians on the C road trying to cross the B road to access the shop and buses. The proximity of the Pickwick Inn to the road severely restricts visibility.

The proposed development seeks to overcome this in the following way:

The C road will be diverted through the application site. The C road where it passes the Pickwick Inn will be stopped up to vehicular traffic creating a pedestrianised area. This will allow pedestrians to stand safely in the middle of (what was) the road to achieve a greater visibility splay. Granite sets and the positioning of a heavy planter outside the pub will guide pedestrians to cross at the safest point.

On the opposite side of the road is an existing verge; from there to get to the shop it will be necessary to cross a further road, however this road carries significantly less traffic than the B road

The existing road junction at the Pickwick Inn is dangerous for all highway users due to the very poor visibility here. The Highway Authority see this road diversion as an improvement in highway safety for all users of this junction.

Concerns have been raised by local residents that the road alterations will make highway safety worse for reasons including:

Increased journey times

Bottle necks caused by vehicles unloading at Pickwick Inn

Extra turn when coming from tidal road will increase congestion

Will encourage traffic to travel faster on the B road

If there is any increase in journey times it will be barely perceptible, the diversion being only 130m long (approx.)

There is access to the Pickwick Inn from the rear. If front access is required for beer deliveries then it will still be possible for vehicles to drive into the pedestrian area.

Vehicles coming from the tidal road wanting to continue west will have to divert along the B road to then turn right, however all the vehicles arriving from the west on the C road that want to travel south on the B road will be diverted from the village completely. It is not considered that there will be increased congestion as a result of the proposed development.

The road layout on the B road will remain unchanged. In the centre of St Ann's Chapel the road will still pinch in at the pub and there will still be a 4 way cross road (previously 5 way). This layout will continue to encourage drivers to reduce their speed as they pass through the village.

The Highway Authority supports this application. It is considered that safe pedestrian access can be provided to users of the proposed development and the reasons for dismissing the previous appeal have been overcome. The scheme presents added benefits of improving a dangerous junction in the heart of the village and providing safer pedestrian access to the village hall and playing fields for some existing residents.

The highway and access impacts are considered to be acceptable.

Conclusion

This application is a revised version of a scheme dismissed at appeal in 2016. The appeal was dismissed on highway safety grounds only.

This scheme is materially different in that it proposes to divert the C252 through the application site and to pedestrianise the area in front of the Pickwick Inn. This is considered to overcome the highway safety objection as well as improving highway safety for all road users at this junction.

The material changes potentially impact on the character of the village and on the setting of the Listed Pickwick Inn.

It is considered that the impacts on the character of the village and on the setting on the Listed Building will be positive, subject to sensitive detailing to be agreed as part of any reserved matters application

All other material considerations such as landscape/AONB impact, neighbour amenity, and the principal of development have been deemed acceptable through the previous appeal decision.

As such it is recommended that conditional planning permission be granted subject to the 106 recommendations set out at the beginning of this report.

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

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. The precise weight to be given to policies within the JLP will need to be determined on a case by case basis, having regard to all of the material considerations as set out on the analysis above.

PLYMOUTH AND SOUTH WEST DEVON JOINT LOCAL PLAN -: PUBLICATION as considered by the Full Councils end Feb/Early March 2017)
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
TTV30 Empowering local residents to create strong and sustainable communities
TTV31 Development in the Countryside
DEV1 Protecting amenity and the environment
DEV2 Air, water, soil, noise and land
DEV3 Sport and recreation
DEV4 Playing pitches
DEV8 Meeting local housing need in the Thriving Towns and Villages Policy Area
DEV9 Accessible housing
DEV10 Delivering high quality housing
DEV20 Place shaping and the quality of the built environment
DEV21 Conserving the historic environment
DEV22 Development affecting the historic environment
DEV24 Landscape character
DEV27 Nationally protected landscapes
DEV28 Protecting and enhancing biodiversity and geological conservation
DEV30 Trees, woodlands and hedgerows
DEV34 Delivering low carbon development
DEV35 Renewable and low carbon energy (including heat)
DEV37 Managing flood risk and Water Quality Impacts

Considerations under Human Rights Act 1998 and Equalities Act 2010

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

Proposed conditions

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

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

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

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

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

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

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

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

4. The details hereby approved shall in all respects accord strictly with drawings numbers xxx

Reason: To ensure that the proposed development is carried out in accordance with the drawings forming part of the application to which this approval relates.

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

Reason: In the interests of visual and residential amenity.

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

Reason: In the interests of ecological interest.

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

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

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

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

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

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

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

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

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

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

- (a) the timetable of the works;
- (b) daily hours of construction;
- (c) confirmation (by means of a site location plan) of the route(s) to and from the site to be used by delivery and construction traffic, together with a details of temporary AA Road Signing Strategy;

- (d) any road closure;
- (e) hours during which delivery and construction traffic will travel to and from the site;
- (f) the number and sizes of vehicles visiting the site in connection with the development and the frequency of their visits;
- (g) the compound/location where all building materials, finished or unfinished products, parts, crates, packing materials and waste will be stored during the demolition and construction phases;
- (h) areas on-site where delivery vehicles and construction traffic will load or unload building materials, finished or unfinished products, parts, crates, packing materials and waste with confirmation that no construction traffic or delivery vehicles will park on the County highway for loading or unloading purposes, unless prior written agreement has been given by the Local Planning Authority;
- (i) provision of wheel wash facilities, dust suppression and noise limitation measures;
- (j) hours during which no construction traffic will be present at the site;
- (k) the means of enclosure of the site during construction works;
- (l) details of proposals to promote car sharing amongst construction staff in order to limit construction staff vehicles parking off-site;
- (m) site management arrangements, including the site office and developer contact number in the event of any construction/demolition related problems, and site security information; and
- (n) a road condition survey using photographic evidence neat to each proposed entrance to the site.

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

Reason: In the interests of residential amenity, public convenience and highway safety, including taking into account school pickup and delivery times and preventing inconvenient obstruction and delays to public transport and service vehicles and to emergency vehicles.

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

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

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

- (a) Part 1, Class A (extensions and alterations);
- (b) Part 1, Class C (roof addition or alteration);

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

14. No part of the development hereby permitted shall be commenced until the detailed design of the proposed permanent surface water drainage management system has been submitted to and approved in writing by the Local Planning Authority in consultation with Devon County Council as the Lead Local Flood Authority. The drainage scheme shall be designed in accordance with SUDs.

Reason: To ensure that surface water runoff from the development is managed in the interest of flood risk and in accordance with the principles of sustainable drainage systems.

Prior to any development continuing beyond slab level within the site full landscaping and maintenance details of the proposed public open space and allotments shall be submitted to and approved in writing by the Local planning Authority details. Development shall take place in accordance with the approved details before the end of the first planting season following the practical completion of the development or occupation of the 6th dwelling whichever is the sooner. If any plant, tree or shrub planted within these areas should die or become diseased or damaged within the first five years of planting they shall be replaced with a similar plant.

Reason: In the interests of amenity

15. 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 Policy DP6 of the South Hams LDF and para 141 of the NPPF, that an appropriate record is made of archaeological evidence that may be affected by the development

16. A stage 2 safety audit and designer's response shall be submitted prior to any works commencing.

Reason - in the interests of highway safety.

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

Reason - To ensure safe and suitable access is available to the site.

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PLANNING APPLICATION REPORT

Case Officer: Wendy Ormsby
Noss

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

Application No: 170607 0607/17/FUL

Agent/Applicant:

Mr Evans
Cedar House
Membland
Newton Ferrers
PL8 1HP

Applicant:

Mr Friend
Hayne House
Bolham
Tiverton
EX16 7RE

Site Address: Yealm Hotel, 104 Yealm Road, Newton Ferrers, PL8 1BL

Development: Conversion and change of use of former hotel to 6 residential apartments; conversion and change of use of hotel annex apartments to 4 residential apartments; new build block of 4 residential apartments and new build single residential house; with associated landscaping, access and vehicle parking works.

Reason item is being put before Committee. At the request of both Ward Members for the following reasons: The sensitivity of the location; the appropriateness of the annex development in the AONB; overdevelopment; overlooking of neighbouring property, contentious.



Recommendation: That delegated authority be given to the COP Lead Development Management, in consultation with the Chairman of Development Management Committee, to grant conditional approval subject to satisfactory completion of a section 106 agreement to secure the following:

- Off-site contribution towards affordable housing: £122,710
- Education infrastructure: £49,322 (secondary school only)
- Education transport: £9,291
- Early years education: £3,750
- Contribution of £14,441.35 towards improvements to play and sports facilities in Butts park, Newton Ferrers.
- Contribution of £485.65 towards the Yealm Estuary Environmental Management Plan

Conditions

- Time
- Accords with plans
- Materials to be agreed
- Landscaping and woodland management plan to be agreed and implemented
- Pre-commencement - Detail of works to seek to secure retention of beech tree to be agreed and implemented
- Pre-commencement - Tree protection plan to be agreed and implemented
- Parking to be provided and maintained prior to occupation
- Pre-commencement* – further ground investigation of slope stability in relation to proposed soakaways to be agreed with LPA and DCC
- Pre-commencement* – detailed design of permanent surface water management system to be agreed.
- Pre-commencement* – full details of adoption and maintenance of surface water management to be agreed.
- Pre-commencement* – details of exceedance pathways and overland flow routes to be agreed.
- Universal condition for development on land affected by contamination
- Verification Report (contamination)
- Unsuspected contamination
- Pre-commencement - Construction Environmental Management Plan including pollution control measures.
- No mud, stones, water or debris to be deposited on public highway
- No works to 'Room 4' (as per the Ecological Appraisal Report room numbering) should be undertaken until the LPA has been provided with a copy of the licence issued by Natural England.
- Development in accordance with Ecology Strategy
- Details of alternative bat perch to be agreed, implemented and retained
- No part of the new apartment block or new dwelling is to be occupied until a minimum of three of the apartments within the converted hotel building have been completed to the satisfaction of the local planning authority and made available for use.
- The new dwelling shall not be occupied or brought into use until all 6 of the apartments within the converted hotel building have been completed to the satisfaction of the Local Planning Authority and made available for use.
- Full details of doors and windows to be used in the converted hotel building to be agreed

- External lighting to be agreed
- Foul drainage to be agreed
- Boundary treatments to be agreed

(Pre-commencement conditions with * allow for the extended access way to be provided before these details are agreed to provide access for site investigations as required by other conditions)

Key issues for consideration: Impact on the AONB and on the character of the area in terms of design and density of development; impact on protected trees, heritage impacts, and highway impact. Whether any harm likely to be caused by the development is outweighed by benefits arising from it.

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

It is estimated that this development has the potential to attract New Homes Bonus of approximately £17,805 per annum.

The Government is implementing reforms to the New Homes Bonus scheme and the length of NHB payments will be reduced from 6 years to 5 years in 2017/18 and 4 years from 2018-19 onwards.

Members are advised that this is provided on an information basis only and is not a material planning consideration in the determination of this application.

Site Description:

The application site occupies a prominent location overlooking the deep water pool of the river Yealm. The site is located approximately $\frac{3}{4}$ mile west of the village centre of Newton Ferrers and is approx. 0.8 hectares in size.

The existing main building is the former Yealm Hotel, this is a substantial attractive building in a commanding location overlooking the estuary, dating from the end of the 19th century. The building is currently vacant and in a state of disrepair, although some internal works to the building have recently commenced. The building has been boarded up for security reasons.

The hotel is set in large spacious grounds which have, for some time, existed as fairly unmanaged, overgrown scrubland. The plot also accommodates a two storey annex comprising four 2 bed self-contained hotel apartments to the west of the hotel building and a number of outbuildings. The annex was developed in the 1960s/70s and is an unattractive building typical of its era. The scrubland to the west, which was originally levelled to provide a tennis court, has recently been cleared of overgrown vegetation and some authorised tree works have taken place. This included the felling of a significant beech tree which was diseased.

A Woodland Tree Preservation Order and single Tree Preservation Order apply to the majority of the remaining trees within the grounds.

The site is within walking distance of the village facilities and services within the village itself; the nearest shop is within a relatively level walk approximately 800m away. The site directly

fronts onto a regular bus route and associated links to local public transport services including River Yealm Ferry service during the summer months (Easter to mid-September) which links Yealm Steps with Warren Point and Wide Slip. An independent water taxi from Yealm Steps in front of the site, also run by the same ferryman, operates between the 1st of April and 30th September.

There is an existing vehicular access onto Yealm Road and car parking for a minimum of 7 vehicles within the site.

A substantial single residential property adjoins the site to the south east of the main building, a small informal builders yard lies on part of the west boundary and the rear (north boundary) comprises a steeply sloping woodland which has a public footpath along its boundary linking Yealm Road to Lower Court Road. To the north west of the site beyond the public footpath is a further, large dwelling.

The site is viewed against the backdrop of the existing substantial vegetation and trees. The estuary of the River Yealm fronts the site to the south, between which is Yealm Road.

The former Yealm Hotel was proposed for listing to Historic England who decided the building did not merit listing. It is none the less considered to be a non-designated heritage asset worthy of retention. A Statement of Historical Significance forms part of the application submission. Whilst the building has fallen into dis-repair it appears to be structurally sound. It has been empty and boarded up since 2011.

The site is within the Development Boundary of Newton Ferrers. It is within the South Devon Area of Outstanding Natural Beauty and Heritage Coast.

The Proposal:

The proposed development includes the following:

Change of use and conversion of the Yealm Hotel to 6 residential apartments. There will be additional dormers added into the roof slopes and modest extensions at the side and rear. The principal façade which fronts the river will remain for the most part unchanged. Since submission the plans have been amended to improve the design of the new dormers so that they are more in keeping with the building

The annexe building will be upgraded and raised in height through the provision of a larger roof with a more traditional pitch. The building will be converted into 4 apartments.

To the west of the site, in the vicinity of the old tennis courts a new block of four apartments will be constructed in a contemporary version of vernacular design and materials, including traditional pitched natural slate roofs with slate hanging and render to the elevations.

To the east of the site, on the site of an existing raised terrace a new 2 storey, 3 bed dwelling is proposed. This is of contemporary architecture being a simple cubic, flat roofed building including a mostly glazed front elevation set underneath an overhanging eaves and balcony. Materials include a zinc roof and timber clad elevations. Since submission the plans have been amended to drop the height of the house by setting it lower in the ground.

26 on-site parking spaces are proposed.

The existing access will be used. The access road will be extended further into the site, to the north west to provide access to the new apartment block. The plans show that the large beech tree on the site, which is subject to a TPO as being felled. The applicants intend to try to retain the tree if possible but the proximity of the necessary access road does put the life of the tree at risk. Mitigating planting is proposed if the tree is lost.

Small formalised amenity areas are proposed adjacent to the buildings however the remainder of the site (approx. half the site) which is proposed to be retained as a managed woodland will be available as communal amenity space.

Ridge heights of the buildings will be as follows:

Main converted hotel building –	29.26
Annexe Building	25.70
Apartment block	26.41 rising to 27.76
New dwelling	22.65

Existing floor space on the site is 1187.07 sq m; as proposed this will increase by 531.17 sq m to a total of 1718.24 sq. m

Total accommodation is 10 x 2 bed units and 5 x 3 bed units ranging from 49 sq m. to 135 sq m in size

Consultations:

- County Highways Authority: No objection subject to conditions. *The Highway Authority notes the access is poorly aligned and has poor visibility to the right for drivers exiting into Yealm Road. However, the proposals will reduce the amount of traffic using the existing access and also the proposals provide the added benefit that a more reasonable level of on-site parking is being provided.*
- DCC Flood Risk: No in-principle objection subject to conditions
- DCC Education: No objection subject to financial contributions
- Police AOL: No objection, detailed comments provided.
- Environmental Health Section: No objection subject to conditions
- SHDC Landscape: No objection. – detailed comments provided
- SHDC Trees: No objection – detailed comments provided
- AONB Unit: No comment
- Open Space Sport and Recreation: No objection subject to financial contribution towards improved play provision at Butts Park, Newton Ferrers.

- Natural England: The site is in close proximity to the Plymouth Sound and Estuaries SAC. The LPA should determine whether the proposal is likely to have significant effect on any European site. They recommend the following:

To prevent potential recreational disturbance, we understand that Cornwall Council and Plymouth City Council have set up a strategic approach to collect contributions in order to mitigate pressures associated with recreational disturbance. The contributions provide funding and support for the Tamar Estuaries Consultative Forum and Yealm Estuary Management Group, or appropriate funding and support for the management structures undertaking the management scheme work in relation to the SAC. In addition, the funding is utilised to support recreation linked projects/actions identified in the Tamar Estuaries Management Plan, Yealm Estuary Environmental Management Plan, any revisions or updates of these plans and/or other relevant management plans.

As such we advise that mitigation will be required to avoid such an effect occurring and enable you to reach a conclusion of “no likely significant effect”. You should not grant permission until such time as this mitigation has been secured.

No objection raised with regard to impact on the Yealm Estuary SSSI subject to pre-commencement conditions to provide a SUDs drainage scheme to protect water quality and the provision of the Construction and Environmental Management Plan to control construction phase impacts.

- Ecology: *The Ecological Appraisal advises that one of the store rooms under the hotel (referred to as Room 4) is used as a night time feeding perch by an individual lesser horseshoe bat. This use will be lost as part of the proposed development and accordingly an EPS Licence will subsequently be required from Natural England to allow the works to proceed. Where a Habitats Regulations offence (in this case loss of resting place) is triggered, the LPA is required to consider the 3 derogation tests and accordingly whether NE is likely to subsequently grant a EPSL.*

If you consider the first 2 tests met, then I would suggest Natural England would be likely to grant an EPSL in this case.

The following condition should be applied:

- *No works to ‘Room 4’ (as per the Ecological Appraisal Report room numbering) should be undertaken until the LPA has been provided with a copy of the licence issued by Natural England pursuant to Regulation 53 of The Conservation of Habitats and Species Regulations 2010 authorising the works to go ahead, or confirmation from a suitably qualified ecologist that a licence is not required.*

Impact on SSSI: Agree with assessment within Ecological Appraisal Report, a prior to commencement CEMP must be conditioned and contain pollution prevention measures.

In line with Natural England comments and following consideration of the Habitat Regulations a contribution of £485.65 towards the Yealm Estuary Environmental Management Plan should be secured via a Section 106 agreement to mitigate impact on the Yealm Estuary

- Affordable housing: No objection subject to a financial contribution of £122,710 towards off-site affordable housing provision

- Ministry of Defence: No objection
- SHDC Conservation: No objection (verbal discussion)
- Town/Parish Council: Objection:

Newton & Noss Parish Council, whilst approving the plans for the main hotel building and existing annex improvements, objected to the application in relation to the two additional buildings for the following reasons;

1. Local Plan MP12 - development which would significantly alter the density of buildings or damage the landscape and character of Policy Area 1 (specific to that area of Newton Ferrers.) Reason – since this policy was instigated (1996) permission for only 1 new single dwelling property has been given in Policy Area 1. This application proposed 15 dwellings and 2 new buildings
2. NPPF Para 15 - failure to give “great weightto conserving landscape and scenic beauty in ... Areas of Outstanding Natural Beauty.” Reason – overdevelopment of site (buildings’ footprint to double, unbroken line of development, 3m between hotel and the proposed house.)
3. NPPF Para 7 – failure to support socially and economically sustainable development. Reason – 8 out of 14 flats were considered to be of a limited size, thus ensuring the likelihood they would be sold as second homes rather than meet downsizing identified in the Parish Housing Needs Survey.
4. LDF SO18 and DP 2 – failure to conserve and enhance the quality of the District’s countryside and coastal landscapes. Reason – overdevelopment of site (buildings’ footprint to double, unbroken line of development, 3m between hotel and the proposed house.)
5. LF SO 22 – failure to achieve development whichrespects its location. Reason – the proposed house was out of character with surroundings.
6. LDF DP 3 – unacceptable impact on living conditions of occupiers of nearby properties. Reason – the new annex would overlook the garden of Yealm House resulting in a loss of privacy.
7. The Design and Access Statement stated that South Hams District Council 5 year housing targets were not met. This was not thought to be correct. The proposal was therefore not supporting a specific national or local housing need.
8. Over development.
9. The proposals were not appropriate in an Area of Outstanding Natural Beauty– it was understood that the AONB unit had not yet formally responded but that they may have a number of serious concerns.
10. A specialist heritage planning officer from South Hams District Council advised the Parish Council in October 2015 that there was no formal process to identify a building or structure as a ‘non-designated heritage asset’. He did however confirm that the River Yealm Hotel was a building he would judge to be a heritage asset, even though it had been rejected for listing by Historic England. If and when an application was received to alter, extend or demolish the building, or to build within its setting, then

paragraph 135 of the National Planning Policy Framework (NPPF) would be applied by officers in making their planning assessment.

Para 135 stated 'The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that affect directly or indirectly non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.'

If a major re-development scheme came forward the officer advised that it would be hoped that a developer would use SHDC pre-application service and would be willing to pay for a Design Review process. South Hams District Council was aware of the recommendations of para 62 of the NPPF in this regard.

11. The proposed house was too close to the boundary and hotel

12. Conversion of non-residential to residential.

13. A construction management plan was imperative.

Representations:

Approximately 8 **letters of support** have been received which include reasons as follows

- Proposals are appropriate for size of site
- Sensitive to former hotel
- New buildings are appropriate and well designed
- Developer should be commended for retaining hotel building
- Landscape setting will be enhanced
- Site has been an eyesore for years
- Will not generate more traffic than the hotel did in its heyday.
- Makes best use of derelict buildings
- Provides accessible apartments for people to downsize into.

Approximately 11 **letters of objection** have been received which include reasons as follows:

- (Pleased hotel is being retained)
- Adverse impact on waterfront
- Will dominate the view from the Pool and River Yealm
- Woodland at rear needs to be preserved – could be on peppercorn lease to village
- 2 bed flats at only 49 sq. m are below RIBA guidelines of 61 sq. m and so will be used as holiday lets only.
- Inadequate parking which will lead to congestion elsewhere
- Loss of tree – adverse impact on AONB
- Poor quality design in the AONB
- Overdevelopment of site
- Noise pollution
- Increase in traffic
- Loss of green space
- Modern house design is inappropriate and unsustainable
- Contrary to planning policy – MP12, NPPF

- Only one new house approved in low density policy area in last 20 years
- Inadequate capacity of mains drains
- Trees have already been removed from the site to facilitate this development
- CGI images are misleading taken only from in front of the hotel building, colours have been used to minimise impact (incorrectly) and trees will not always be in leaf.
- Needs Construction Management Plan
- No ecology strategy
- Over large annexe will dominate the site
- Alterations to Hotel building are unsympathetic
- Encroachment of development to west in this wooded setting
- Buildings will merge together making them appear as one continuous development
- Light pollution from glazing
- Loss of trees has and will make the site more visible from the river
- Loss of views from public footpath at rear of site
- New planting will take years to mature
- Adverse impact on setting of lifeboat house
- Traffic survey took place at quiet time of the year – November
- Will be used as second homes and will not meet local housing need

3 undecided comments were submitted which include comments reference above and also:

- Units should have restriction to prevent use as second/holiday homes
- Will the buildings contain lifts?

River Yealm and District Association – object for reasons including the following:

- (Support principle of retaining hotel building on site)
- Overdevelopment of the site
- Contrary to NPPF para 115, AONB policies, Policy MP12.
- Siting is out of character with area (not random)
- Transport Statement is based on irrelevant data as the survey took place in winter and since the hotel was last fully operational traffic situation was very different and a lot less busy/congested

Planning History

4120/16/TPO - Proposed work to protected trees - T1: Cypress - Fell. T2: Yew - Fell. T3: Holm Oak - crown reduction over site by 3m. T4: Monterey Pine - remove major deadwood over site. T5: Beech - crown raise to 5m. G1: Holm Oak - Fell trees on bank and top of bank – Allowed December 2016

ANALYSIS

Principle of Development/Sustainability:

Para 14 of the NPPF sets out a presumption in favour of sustainable development; development that accords with the Development Plan should be approved without delay and where the development plan is absent, silent or relevant policies are out of date, granting permission unless:

— any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or

— specific policies in this Framework indicate development should be restricted (such as in the AONB)

The site is located within the Development Boundary of Newton Ferrers where the principal of development is normally supported subject to all other material planning considerations.

The site is also a brownfield site, Policy CS5 of the South Hams LDF states that at least 50% of new housing should be on previously developed land. The NPPF at para 51 encourages the use of empty buildings for housing.

The site, while towards the edge of the village is well related to Newton Ferrers offering a relatively level walk to the nearest shop and top of the main street. In terms of its location this is considered to be a sustainable site.

Saved policy MP12 from the South Hams Development Plan, 1996 is referred to by objectors to this application. This states, inter alia, that development which would significantly alter the density of buildings or damage the landscape and character of Policy Areas 1 and 2 on the Proposals Map will not normally be permitted. The site lies within Policy Area 1.

This policy has limited weight when considered in the context of the NPPF. It is more appropriate to consider each application on its merits against the character and landscape qualities of the area. The application site is set in an area characterised by low density development. The proposed development will increase the density of development on the plot however the overall density of the development will remain relatively low with a significant proportion of the site remaining as managed woodland. The landscape and character impacts of the development are explored further later in this report.

The Newton and Noss Neighbourhood plan is now at Reg 14 stage and proposes to include the low density policy and policy areas. This plan currently carries little weight

Concerns have been raised by local residents about the likelihood of the dwellings to be used as second homes. Policy M3P-12 of the Neighbourhood Plan proposes a policy restricting new dwellings to use as permanent homes only. This policy carries insufficient weight at present to justify a planning restriction on this basis

Loss of tourism

Policy DP12 states that:

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

The Yealm Hotel closed in 2011 after a number of years operating at a reduced level. The site has been marketed and no offers came forward to purchase the site for tourism purposes. To renovate and restore this hotel and the site as a whole requires significant investment if it is to be done sympathetically. There has also been a changing trend in tourism such that hotels in less accessible locations are becoming less popular for longer 7-14 night stays, with an increasing demand for self-catering accommodation.

It is considered that there is no proven demand for the facility and it can no longer make a positive contribution to the economy

Affordable housing and viability

The proposal is eligible for Vacant Building Credit in respect of calculations of affordable housing contributions. The proposal will contribute a sum of £122,710 towards off-site affordable housing. This is in line with policy after taking the Vacant Building Credit into account.

The application has been subject to a viability assessment which has indicated that the scheme can only support contributions up to £200, 00 in total. The requested policy compliant contributions amount to £229,433.65 (affordable housing, education, recreation and ecology)

In this instance it is proposed to reduce the contribution towards Butts Park to £14,441.35 to bring the total contributions within the viable limits of the development

Landscape Impact

The site is within the AONB and Heritage Coast and therefore in a very sensitive location. The landscape and arboricultural impacts of this application have been assessed by the Council's landscape specialist as follows:

In considering this application and assessing potential impacts of the development proposal against nationally protected landscapes, in addition to the Development Plan, the following legislation, policies and guidance have been considered:

- Section 85 of the Countryside and Rights of Way (CRoW) Act;
- Section 11 of the NPPF in particular paragraphs; 109 and 114-116;
- The National Planning Practice Guidance (NPPG) particularly Section 8-001 to 8-006 on Landscape; and
- The South Devon AONB Management Plan and its Annexes.

In respect of the principle policy tests in the NPPF, this application is not considered to constitute "*major development*" in the context of paragraph 116, due to its scale and form on the settlement edge. In consideration of the location of the proposal within the South Devon AONB, great weight will be given to this fact in the planning balance.

In reviewing the proposed development, consideration has been given to the scale, location and form; initial assessment of the design and limited mitigation raised a number of concerns with officers. On this basis, discussions were convened to highlight these, and provide for positive engagement in addressing specific elements that may conflict with policy and the objectives of the SD AONB Management plan.

As a result, the proposed scheme has been amended and refined, with greater consideration given to mitigation, acknowledging the sensitivity of the landscape and need to conserve the

character and visual amenity. On this basis the overall scheme has been reviewed and following submission for the amendment is now supported and no objection raised. The woodland and individual beech tree (to front of annexe building), within the grounds are subject to TPO 933 (as confirmed with modifications).

Landscape Character and Visual Impact

In considering the potential impacts of this proposed development it is important to understand the baseline landscape character and the visual amenity. The submission does not include an LVIA but landscape has been considered as part of the Design and Access statement; this is noted. In addition to this, further discussion has seen the appointment of a landscape architect by the applicant. The appointment has seen the submission of more detailed landscape mitigation, and a reduced height of the single dwelling to the east of the hotel. The importance of the protected tree has been acknowledged and there is a genuine wish to retain this, however, more substantial mitigation has been offered should the tree have to be removed to implement access to the western part of the site.

The proposed development is within the settlement boundary of Newton Ferrers, on the heavily wooded headland at the confluence between the River Yealm and Newton Creek. Whilst this part of Newton Ferrers is settled at low densities, the characteristics are significantly different to the main settle area above Newton Creek to the north-east and the adjacent village of Noss Mayo. The headland remains sylvan in nature, with a predominance of mixed species woodland trees, extending down the full length of the steep slope to the water's edge. This is interspersed with larger residential buildings but more dominantly, the Yealm hotel.

It is acknowledged that the site is within the settlement boundary and there is residential development within this riparian landscape. However at this specific location is it much lower in density with defined, modest individual buildings such as the hotel, and to the west, Yealm House, appearing as such within a strongly treed setting. Additionally, across the lower slopes and close to the tidal waters, the landscape is punctuated with mature trees that provide largely uninterrupted canopy across the headland. In assessing the impacts, conserving this character will be important and shall guide mitigation.

In assessing the landscape character, reference is made to the Devon Character areas (LCA) and the Local Character types (LCT). The site is within *LCA 47 Plymouth and Modbury Farmlands* but is influenced greatly by the immediately adjacent *LCA 4 – Bigbury Bay Coastal Plateau*. These have high scenic qualities, with picturesque villages often centred on a square towered church. The LCT is *3G - River valley slopes and combes*, which is recognised for key characteristics noted above, with well wooded slopes that fringe the creeks and rivers, emphasising the landform. Settlements are in a clustered pattern of historic villages, sheltered by the landform. These include some larger historic riverside settlements on the lower reaches of the main estuaries, such as Newton Ferrers on a creek off the River Yealm. Historically the growth and prosperity of these settlements was strongly linked with the rivers and estuaries, including fishing, trade and boat building.

In terms of *views and perceptual qualities*, the often wooded slopes provide a sense of enclosure and seclusion. There is a strong visual and topographical link with the rivers and estuaries, with views empathised from the readily accessible water, where the landscape changes and contrasts between the undeveloped, often wooded slopes and the adjacent nestled settlements. At this location, the settlement is sparser and more dispersed, and therefore highly sensitive to change though the introduction of new development and remodelling of buildings, in particular where this is seen as linear or continuous built form.

Key landscape sensitivities include protecting the secluded, rural tranquil valley landscape from modern larger scale development; maintaining intact historic settlement patterns, with distinct Devon vernacular in riverside settings.

Similarly *LCT 4a - Estuaries* form dynamic landscapes which change with tides and weather conditions. They are strongly naturalistic and tranquil, and have semi-natural habitats that are highly important for biodiversity. But also recognised for settlements that are often associated with the estuaries and form a popular destination for both land and water based activity. This includes clustered areas of moorings, marinas and boating infrastructure, seen locally here within the River Yealm. Again, *views and perceptual qualities* are sensitive to change and noted as generally tranquil, although some parts are influenced by nearby or adjacent urban development. Where neighbouring areas are settled, this can have a major impact on visual unity and tranquillity.

In understanding the baseline character and visual amenity, a comparison can be made to the impacts of the proposal and the resultant changes, and subsequently considered in a policy context which shall seek to conserve and/or enhance the special qualities of the landscape character and visual amenity. In doing this, the proposed development with more recent amendments has been carefully considered to ensure the character is broadly conserved and the appearance of the whole scheme is acceptable. This includes making sure the development does not appear as a continuous linear form, with variation introduced through designs and screening with new and existing planting.

The potential loss of the significant beech tree, within the site, is noted because its loss will have a detrimental impact upon the character and visual amenity where it currently contributes to the wooded slope, and screens the annexe building. However, it is acknowledged that attempts have been made to retain this important tree but should it be removed, the offered mitigation will contribute over time and will replace the present benefits through continuous canopy down across the site.

In consideration of the above appraisal, the proposed development in its revised form better conserves landscape character and visual amenity, and is therefore acceptable. The principal of bringing the Yealm Hotel back into occupied use, as residential apartments is supported, and accepting the large grounds in which it stands, provides opportunities for delivering additional residential units, the current proposal broadly achieves this whilst establishing a hierarchy between built form and treed setting. On this basis, no objection is raised.

Protected Landscape

As noted the proposed development is with the South Devon AONB, which is given the greatest of weight in the planning balance. The current proposed development will have an impact on the South Devon AONB; however, this is limited through design, scale and mitigation. It is acknowledged that some development is acceptable in combination with the renovation of the hotel, and that the current proposal broadly achieves this, with the overall character, special qualities and visual amenity conserved.

Arboricultural Impact

The site is subject to TPO 933, which seeks to protect the woodland and an individual beech tree within the grounds of the former hotel. The submitted management plan is noted and would positively contribute to the future retention and management of the woodland. The loss

of other mature trees are noted and the impacts resulting from these trees being felled, although it is noted that in arboricultural terms, these were over-mature or in a poor condition. There is a strong intention to retain the protected mature beech tree but may be lost to facilitate access to the additional units on the former tennis court. This tree has significant amenity value in arboricultural terms, its contribution to the landscape character and as a screen to existing buildings. However, through negotiation, if the tree is felled, substantial new planting will be established to reduce the immediate impacts and longer term retention of these important landscape features.

Recommendation

In consideration of the above assessments no objection is raised subject to conditions securing amendments and substantial mitigation.

Officers concur with the view of the landscape Specialist, that this proposal does not constitute major development in the AONB.

The landscape specialist recognises the great weight that must be given to conserving the AONB and raises no objection on grounds of landscape impact.

Design/Heritage

The site is not in a Conservation Area nor within the setting of a Conservation Area. The main Yealm Hotel building however is considered to be a non-designated heritage asset. Para 135 of the NPPF states that:

The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that affect directly or indirectly non designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

This proposal has the significant benefit of retaining the non-designated heritage asset, restoring it and bringing it back into a viable use to secure its future. The building is considered to be a significant feature within the landscape that is highly valued locally. Representations submitted in respect of this application are supportive of the re-use of the hotel building even if not supportive of other aspects of the scheme.

The proposed conversion of the hotel building is considered to be sympathetic with minimal changes to the principal façade.

The annexe building exists, it is an unattractive building with a very shallow pitch roof but currently does sit quietly in the site. The proposed conversion includes a new larger roof and will change the building from 2 storey to 2.5 storey. The height of the building will increase by approx. 2.5m. Additional glazing will be added in the two new front facing gables, otherwise the amount of glazing remains similar.

The annexe remains set well back from the front of the main hotel and as converted will be approx. 3.5m lower than the main hotel. It will remain subservient to the main hotel building and will not detract from the prominence and setting of this heritage asset. The appearance of the annexe building will be enhanced; it will use traditional materials and the use of gables and triangular roof lights relate well to the hotel building.

If it is not possible to retain the protected beech tree the annexe will become more visible within the site until mitigation planting becomes established.

New build is proposed by way of the new apartment building to the west of the site and the contemporary dwelling to the east. Objections have been raised to these new buildings on the grounds that they represent overdevelopment of the site.

The applicant has submitted viability information which has been reviewed by the Council. The information has shown that this level of enabling development is required to cross fund the conversion of the existing buildings on site. The retention of the hotel building as a viable building is highly desirable and this should be weighed against any harm that may arise from the necessary enabling development.

The apartment building is a substantial building set in the western portion of the site. The building is well articulated with varying roof heights which step down towards the hotel building; the footprint is set around a corner, it will not present as a single facade when viewed from the river.

The design form is traditional using a pitched slate roof with render and slate hung elevations, relative to many modern buildings the amount of glazing is not excessive.

Existing trees on the site boundary and below on Yealm Road provide significant screening between the hotel building and the proposed apartments, a number of these trees are evergreen holm oaks. Due to the landscaping and siting of the apartments they will not read as a significant part of the setting of the hotel building as they are effectively around the corner. Viewed from the river the most significant relationship is with the attractive lifeboat building below on the water's edge which is a historic stone building. For this reason the external materials proposed for the apartments now include slate hanging to reflect the heavy grey materials in the lifeboat building.

The proposed new dwelling sited to the east of the hotel is contemporary in form, being flat roofed and of a simple regular shape including a mostly glazed front elevation. This elevation will be overhung by eaves and a balcony which will serve to reduce some of the potential light pollution from the building. Timber brise-soleils are also proposed to soften the appearance. Representations have been submitted about the inappropriate contemporary form of this dwelling as well as criticism of the way in which this infill will reduce the visual separation of buildings within the site.

The nearest neighbour to this site to the east is a substantial two storey dwelling that has very large windows in its front elevation surrounded by rectangular rendered walls. The roof appears to be shallow pitched and due to this and the dark colour the roof is not at all prominent. When viewed from the river this building has the appearance of a more contemporary, highly glazed, angular building. The proposed new dwelling will not be out of place in this context.

The contemporary design, including a flat roof keeps the bulk of the building to a minimum such that it will appear as a very recessive building compared to the hotel; due to the height difference there will still be a feeling of space between the hotel and the eastern site boundary. The contemporary design contrasts with the heritage architecture of the hotel and helps to maintain the primacy of this building. There are also established trees which will screen much of the new dwelling from views from the river.

Objections have been raised in respect of the small size of some of the units. Two of the apartments are 49 sq. m. These are within the converted annexe building and reflect the size of the existing units. The provision of smaller units does offer a more affordable type of accommodation on the site and serves to widen the variety of housing mix on the site in accordance with policy HP11 of the South Hams LDF.

The proposed development will secure the long term future of a valued non-designated heritage asset and will restore a derelict site which had become unsightly in the landscape. It has been demonstrated that the scale of additional new build on the site is necessary to achieve a viable form of development. The proposed design, scale and layout of the development is considered to be acceptable and proportionate to the size of the site. The proposed development is in accordance with policies DP1 and DP6 of the South Hams LDF

Neighbour Amenity:

Concern has been raised about the potential for overlooking from the new apartment building into the large dwelling sited to the north-west. Due to site levels there is no potential for overlooking into the house itself, only to its gardens. The common boundary, which includes a public right of way, is well treed but there are some gaps between them.

The north elevation of the apartment block provides 3 small windows at first floor level and one full height narrow window on the corner furthest from the neighbour. Having regard to the distance from the boundary, change in levels, existing tree screen and size of the windows proposed it is considered that there will be no significant loss of privacy to the neighbouring property.

The proposed single dwelling will not overlook the existing neighbour to the east nor will it cause any significant loss of light.

Impact on amenity is considered to accord with Policy DP3 of the LDF.

Highways/Access:

The Highway Authority raise no objection to this application. In reaching this view they will have considered the lawful use of the site; whilst it may not have been operating at full capacity for a number of years before closing, the lawful use remains as a hotel and this use could recommence at any time. The Highway Authority will have taken into account the amount of traffic a fully functioning hotel could generate and this would be appropriate.

Ecology

The Ecological Appraisal advises that one of the store rooms under the hotel (referred to as Room 4) is used as a night time feeding perch by an individual lesser horseshoe bat. This use will be lost as part of the proposed development and accordingly an EPS Licence will subsequently be required from Natural England to allow the works to proceed. Where a Habitats Regulations offence (in this case loss of resting place) is triggered, the LPA is required to consider the 3 derogation tests and accordingly whether NE is likely to subsequently grant a EPSL.

Derogation tests

1. Imperative reason of overriding public interest: The bat feeding perch is located in a building that is currently in a derelict state but which is a valued non designated heritage asset. The proposed development would bring the building back into a long term viable use. In addition additional housing will be provided. The development would therefore bring about a positive overriding public benefit
2. No satisfactory alternative: This part of the building is required to provide a lift access into the main building, without which the site would remain inaccessible to persons with mobility restrictions. There is nowhere else that the lift could be sited and as such there is no satisfactory alternative.
3. Maintenance of favourable conservation status: An alternative perch will be provided within the development in accordance with details to be agreed with the LPA

It is considered that the derogation tests have been met and as such it is expected that Natural England would issue the relevant licence.

The site is in close proximity to the Plymouth Sound and Estuaries Special Area of Conservation (SAC). In order to mitigate any impact on this designated site financial contributions should be paid in order to mitigate pressures associated with recreational disturbance. The contributions provide funding and support for the Tamar Estuaries Consultative Forum and Yealm Estuary Management Group, or appropriate funding and support for the management structures undertaking the management scheme work in relation to the SAC. The contribution should be calculated in accordance with an agreed per-household formula which in this instance amounts to £485.95

Subject to the proposed conditions and financial contributions the ecological impacts of this development are considered to be acceptable.

Drainage

No objections have been received from DCC Flood Risk, It is considered that the site can be adequately drained

Planning balance

The proposal seeks to redevelop a brown field site, located within the settlement boundary which will bring back into viable use, through a sympathetic conversion, a locally valued non-designated heritage asset. This weighs strongly in favour of the development.

The development will provide market housing and contributions towards off site affordable housing at a time when this Council cannot demonstrate a 5 year housing land supply. This weighs in favour of the development.

The proposed development will increase the density of development in an area characterised by low density development, however the overall density of development will remain relatively low. The character of the site will change to some degree however and this weighs against the development.

The site is located within the AONB and the conservation of the AONB must be given great weight. The landscape impact is considered to 'broadly conserve' the AONB; there will be a change in the appearance of this part of the AONB as a consequence of the development but

the scale, design and siting is considered to be sympathetic. Any adverse impact will be limited but weighs against the development and through para 115 of the AONB this has added weight.

After careful consideration it is concluded that the benefits of the development outweigh any adverse impacts and as such it is recommended that conditional planning permission be granted

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

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

South Hams Local Plan

MP 12 Newton Ferrers and Noss Mayo

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. The precise weight to be given to policies within the JLP will need to be determined on a case by case basis, having regard to all of the material considerations as set out on the analysis above.

PLYMOUTH AND SOUTH WEST DEVON JOINT LOCAL PLAN -: PUBLICATION as considered by the Full Councils end Feb/Early March 2017)
SPT1 Delivering sustainable development
SPT2 Sustainable linked neighbourhoods and sustainable rural communities
SPT3 Provision for new homes
SPT11 Strategic approach to the natural environment
SPT13 European Protected Sites – mitigation of recreational impacts from development
TTV1 Prioritising growth through a hierarchy of sustainable settlements
TTV2 Delivering sustainable development in the Thriving Towns and Villages Policy Area
TTV29 Site allocations in the Smaller Towns and Key Villages
TTV30 Empowering local residents to create strong and sustainable communities
DEV1 Protecting amenity and the environment
DEV2 Air, water, soil, noise and land
DEV3 Sport and recreation
DEV4 Playing pitches
DEV8 Meeting local housing need in the Thriving Towns and Villages Policy Area
DEV9 Accessible housing
DEV10 Delivering high quality housing
DEV15 Supporting the rural economy
DEV20 Place shaping and the quality of the built environment
DEV21 Conserving the historic environment
DEV22 Development affecting the historic environment
DEV24 Landscape character
DEV27 Nationally protected landscapes
DEV28 Protecting and enhancing biodiversity and geological conservation
DEV30 Trees, woodlands and hedgerows
DEV34 Delivering low carbon development
DEV35 Renewable and low carbon energy (including heat)
DEV37 Managing flood risk and Water Quality Impacts

Considerations under Human Rights Act 1998 and Equalities Act 2010

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

Planning Conditions

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

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

2. Development shall take place strictly in accordance with drawing numbers xxx

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 with.

- 3 Notwithstanding any details indicated on the submitted and approved drawings and documents, prior to their installation details and samples of facing materials, roofing 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.

Reason: In the interests of visual amenity, to preserve the setting of the non-designated heritage asset and to ensure an appropriate landscape impact.

- 4 Prior to its installation full details of any exterior 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.

Reason: To protect the countryside from intrusive development

5. Prior to the commencement of the development hereby approved (with the exception of the westward extension to the access road), 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.

Reason: To safeguard the amenities of the locality, to ensure that the development is adequately drained and in the interests of ecology and public health.

- 6 Prior to their installation full details of any boundary treatments, including any fencing, railings or balustrades, shall be submitted to and agreed in writing by the Local Planning Authority. Development shall take place in accordance with the approved details.

Reason: In the interests of the visual amenity of the area and to preserve the setting of the non-designated heritage asset.

7. 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
 - Details of how the construction process will be managed to minimize the risk of pollution into the marine environment.
 - Details the method(s) of controlling noise, dust and other potential environmental impacts during the construction phase.

Development shall take place in accordance with the approved details

Reason: In the interests of the amenity of the area and in the interest of ecology

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

Reason: In the interests of visual and residential amenity.

9. PRE-COMMENCEMENT – No development shall take place until full details of how construction of the new access road will take place in the vicinity of the protected beech tree in the centre of the site, to ensure the tree has the best possible chance of survival, have been submitted to and approved in writing. Development shall take place in accordance with the approved details

Reason: In the interest of amenity.

10. No development of the new buildings above slab level shall take place until a detailed scheme of hard and soft landscaping and details of the proposed woodland management scheme have been submitted to and approved in writing by the Local Planning Authority. The schemes submitted shall be fully implemented in the planting season following the completion of the development, or in accordance with a timetable to be agreed with the LPA. All new 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 to enhance the amenities of the site and locality.

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

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

12. Prior to the commencement of development, the following components of a scheme to deal with the risks associated with contamination of the site shall be submitted to and approved, in writing, by the Local Planning Authority. That scheme shall include all of the following elements unless specifically excluded, in writing, by the Local Planning Authority.

1. A preliminary risk assessment/desk study identifying:
 - All previous uses
 - Potential contaminants associated with those uses
 - A conceptual model of the site indicating sources, pathways and receptors
 - Potentially unacceptable risks arising from contamination at the site
2. A site investigation scheme, based on (1) to provide information for an assessment of the risk to all receptors that may be affected, including those off site.
3. The site investigation results and the detailed risk assessment (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
4. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

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

Reason: The phase I assessment has identified the need for further assessments to be undertaken. The condition covers the full range of measures that may be needed depending on the level of risk at the site. If the LPA is satisfied with the information submitted with the application they can decide to delete any of elements 1 to 4 no longer required. The LPA may still decide to use the whole condition as this would allow them to declare the information no longer satisfactory and require more or better quality information if any problems are encountered in future.

13. 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. The report shall include results of sampling and monitoring

carried out to demonstrate that the site remediation criteria have been met. It shall also include, where relevant, a plan (a “long-term monitoring and maintenance plan”) for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action and for the reporting of this to the local planning authority.

Reason: Without this condition, the proposed development on the site may pose an unacceptable risk to the environment. This is listed as a separate condition as it gives the LPA the option to choose a later control point: i.e. prior to occupation, rather than commencement of the development for the main phase of the remedial works.

- 14 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.

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

Reason: In the interest of highway safety

16. No works to ‘Room 4’ (as per the Ecological Appraisal Report room numbering) should be undertaken until the LPA has been provided with a copy of the licence issued by Natural England pursuant to Regulation 53 of The Conservation of Habitats and Species Regulations 2010 authorising the works to go ahead, or confirmation from a suitably qualified ecologist that a licence is not required.

Reason: In the interests of wildlife conservation

17. Development shall take place in accordance with the recommendations as set out in the Ecological Appraisal Report prepared by Engain Ltd and dated 13 February 2017.

Reason: In the interests of wildlife and ecology.

- 18 No part of the new apartment block or new dwelling is to be occupied until a minimum of three of the apartments within the converted hotel building have been completed to the satisfaction of the local planning authority and made available for use.

Reason: To ensure the works to secure the long term viability of the non-designated heritage asset take place as proposed.

- 19 The new dwelling shall not be occupied or brought into use until all 6 of the apartments within the converted hotel building have been completed to the satisfaction of the Local Planning Authority and made available for use.

Reason: To ensure the works to secure the long term viability of the non-designated heritage asset take place as proposed

- 20 Prior to their installation full details of doors and windows to be used in the converted hotel building, including detailed cross sections shall be submitted to and approving in writing by the Local Planning Authority. Development shall take place in accordance with the approved details.

Reason: In the interests of historic building conservation.

21. No part of the development hereby permitted (except the westward extension of the access road) shall be commenced until further ground investigation considering the slope stability of the site in relation to the proposed soakaways has been completed and the results submitted to, and approved in writing by, the Local Planning Authority, in consultation with Devon County Council as the Lead Flood Authority.

Reason: To ensure that any surface water being discharged into the ground would not significantly reduce the stability of the slope. Also, depending on the geology of the slope, surface water discharged into the ground could seep out of the slope further downhill.

22. No part of the development hereby permitted shall be commenced (except the westward extension of the access road) until the detailed design of the proposed permanent surface water drainage management system has been submitted to, and approved in writing by, the Local Planning Authority, in consultation with Devon County Council as the Lead Flood Authority. The design of this permanent surface water drainage management system will be in accordance with the principles of sustainable drainage systems, and those set out in the Proposed Drainage Strategy (Drawing Number: 16034-010, dated January 2017) and WinDes Calculations (Report Ref. 16034, First Issue, dated February 2017).

Reason: To ensure that surface water runoff from the development is managed in accordance with the principles of sustainable drainage systems.

23. No part of the development hereby permitted shall be commence (except the westward extension of the access road) until the full details of the adoption and maintenance arrangements for the proposed permanent surface water drainage management system have been submitted to, and approved in writing by, the Local Planning Authority, in consultation with Devon County Council as the Lead Flood Authority.

Reason: To ensure that the development's permanent surface water drainage management systems will remain fully operational throughout the lifetime of the development.

24. No part of the development hereby permitted shall be commenced (except the westward extension of the access road) until details of the exceedance pathways and overland flow routes across the site in the event of rainfall in excess of the design

standard of the proposed surface water drainage management system have been submitted to, and approved in writing by, the Local Planning Authority, in consultation with Devon County Council as the Lead Flood Authority.

Reason: To ensure that the surface water runoff generated from rainfall events in excess of the design standard of the proposed surface water drainage management system is safely managed.

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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

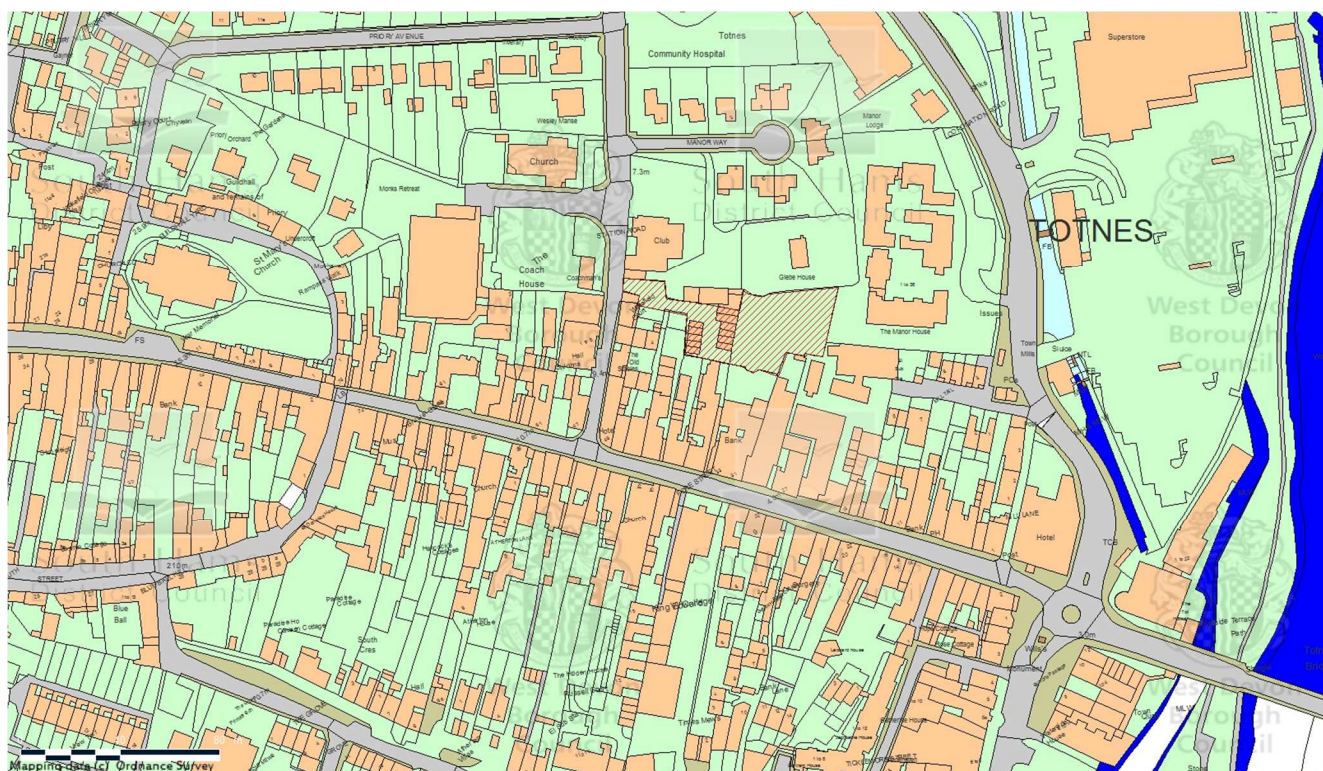
Applicant:

Mr David Hart
C/O Stratton Creeber 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

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 SH: No comments
- Totnes Town Council: No objection. Amended response dated 16/6/16: The 6 week consultation period should run from the 25th 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 23rd 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.

Drainage: **Objection:** Based on the information provided we would object to the current proposal on the grounds of insufficient information. As such we would recommend that the application is not decided until these issues have been overcome.

Observations and comments

The Flood risk Assessment submitted with this application indicated that soakaways will be used to manage the surface water. No plans have been provided and there

doesn't look to be enough room on site to fit any size soakaway and comply with the minimum 5m clearance to buildings as required by building regulations.

As there is no gravity connection to the sewer then there is no option of a fall back solution as a pumped surface water scheme is unsustainable and would not be supported. As the only option is for soakaways then we will need to be confident that they will work and can be accommodated on site.

The foul drainage is proposed to be connected to the public sewer. This will require written confirmation from SWW that their system has capacity.

SuDS should be designed to reduce or manage the surface water as close to source as possible. The drainage hierarchy should be followed with the top of the list as first choice. Evidence will be required to show each option has been explored and discounted.

1. By infiltration, soakaway.
2. Discharge to a water course, attenuation maybe required.
3. Discharge to the public sewer, attenuation will be required and permission from SWW.

This information is required before a complete assessment of the application can be made.

Overcoming the objection

To overcome the objection the applicant will need to provide:

1. Drainage assessment providing full details of the surface water scheme.
2. If soakaways are proposed then testing to BRE digest 365 will be required. Please provide test pit logs and calculate the infiltration rate in m/s
3. SuDS to be designed for a 1:100 year + 40%cc return period. Supported by calculations and testing were required.
4. Written confirmation from SWW to connect the foul drainage to the public sewer.

A REVISED DRAINAGE STRATEGY WAS SUBMITTED BY THE APPLICANT AND THE FOLLOWING IS THE REVISED DRAINAGE RESPONSE:

The principle of the drainage scheme is ok. A few minor points are:

1. The discharge rate could do with being lower as otherwise you are always discharging at the 1:100 year rate (unless it is designed to meet each of the return periods.)
2. There will need to be a management and maintenance plan to show who is responsible and frequency for cleaning etc.
3. Confirmation that the attenuation and flow control device are in communal /shared space.
4. Surface water and foul drainage runs should be kept separate until the last manhole connecting to the combined sewer

I would suggest that the final details along with the management and maintenance plan can be dealt with by condition

Relevant Planning History

56/0470/74/4 - Extension of existing Lloyds Bank car park to provide ten additional spaces for customers. Approved 20th 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 4th 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 back land 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 reasonably 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 an off-site affordable housing contribution.

Drainage: There was originally a drainage objection to the proposal, however the applicant has submitted a revised drainage strategy which is acceptable to our drainage engineers provided some minor details are secured by planning condition.

Planning Balance

Having secured amendments to the scheme which has overcome the immediate neighbours concerns there is no longer an issue with the development affecting the residential amenity of neighbouring properties. In Conservation terms the development proposes quality materials and does not have a negative impact on nearby listed buildings. Access to the site is tight, but acceptable by virtue of the fact that the site has been used as a car park for a number of years. The loss of the car park has been raised as a concern however as it is a private car park, the applicant could if he wished close it whenever he chooses and so it is not an issue which as a Planning Authority can be controlled and as such is not a material consideration in this case.

It is therefore considered that the scheme as amended is acceptable and approval 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

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 14th 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 hardsurfacing comprised in the approved landscaping scheme shall be carried out by the end of the first planting and seeding seasons following the occupation of the buildings or completion of the development, whichever is the sooner. Any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species unless the Local Planning Authority gives written consent to any variation. The landscaping scheme shall be strictly adhered to during the course of the development and thereafter.

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

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.

13. Prior to the commencement of development details of the discharge rate; a management and maintenance plan showing who is responsible and the frequency of cleaning; confirmation that the attenuation and flow control device are in communal/shared space and confirmation that the surface water and foul drainage runs are kept separate until the last manhole connecting to the combined sewer shall be submitted to and agreed by the Local Planning Authority. The drainage scheme shall then be constructed in accordance with these agreed details.

Reason: To ensure adequate foul and surface water drainage is provided for the site.

PLANNING APPLICATION REPORT

Case Officer: Chris Mitchell

Parish: Ivybridge **Ward:** Ivybridge East

Application No: 1637/17/HHO

Agent/Applicant:

Mr Paul Hayman
7 The Pippins
Ivybridge
PL21 9TL

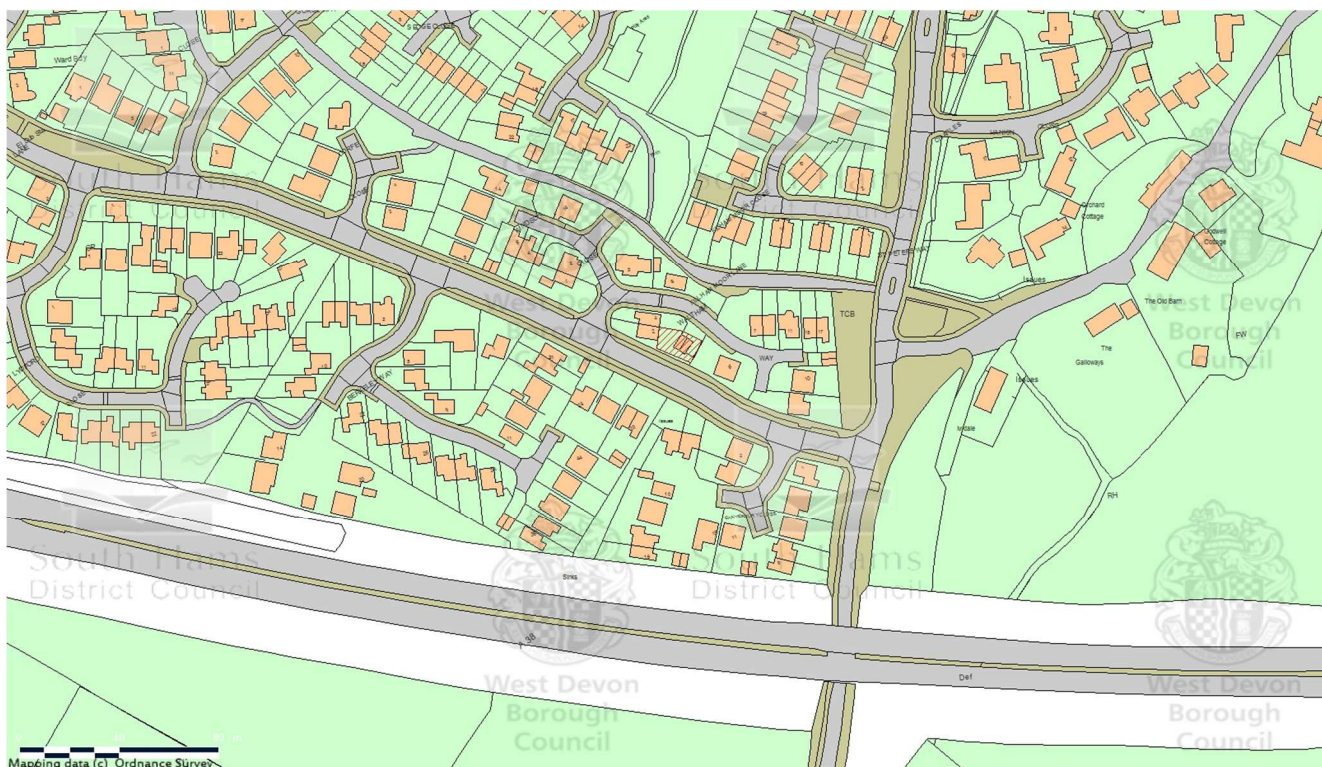
Applicant:

Mrs Henstock
6 Watham Way
Ivybridge
PL21 0YF

Site Address: 6 Waltham Way, Ivybridge, PL21 0YF

Development: Householder application for replacement of an existing extension

Reason item is being put before Committee Mrs Henstock is an employee of South Hams District Council



Recommendation: Conditional Approval

Conditions

Standard time limit
Adherence to plans
Materials to match

Key issues for consideration: Design and impact upon neighbouring properties.

Site Description:

The site is located to the south east of Ivybridge Town Centre with access taken from Woolcombe lane via Waltham Way. The property is a late 20th Century detached dwelling house built with rendered walls, UPVC windows and tiled roof.

The Proposal:

The proposal is to replace an existing UPVC conservatory on the same footprint with a solid extension with block walls, rendered with UPVC windows and doors, tiled roof with roof lights.

Consultations:

- | | |
|--------------------------------|--|
| • County Highways Authority | No objection |
| • Environmental Health Section | No comments received |
| • Town/Parish Council | Support - The committee were also in support of the Waltham Way resident who has requested a condition for traffic management in the cul-de-sac whilst building works are undertaken |

Representations from Residents

There have been one letters of representation received covering the following points:

- Concern is raised to delivery lorries and builders vans as the property is in a cul-de-sac and the planning officer should place management conditions on any approval give.

Relevant Planning History

27/0283/94/3	Residential development and associated works Conditional Approval
27/0699/88/3	161 residential units plus garages and associated roads and sewers Conditional Approval
27/0393/83/2	Residential development Conditional Approval
27/1711/81/1	Construction of access road car parking residential development public open space and land for community uses Conditional Approval

ANALYSIS

Principle of Development/Sustainability:

The principle of the replacement of the conservatory with an extension of the same dimensions is acceptable.

Design/Landscape:

The proposed design of the extension would match the existing property and whilst seen from the road it would not cause any visual detriment upon the character and appearance of the existing property of local area.

Neighbour Amenity:

The concern raised by a neighbour and supported by the Town Council to deliveries of materials and builders vans to undertake the construction of this development is noted though the property benefits in having two off street car parking spaces suitable for deliveries to be unloaded onto and the existing road widths are more than sufficient to permit delivery lorries to access the site.

The issue of obstructing estate road and the turning head is a civil matter and not one that planning would become involved with especially for such a small development would not result in significant material deliveries to adversely impact upon the neighbouring area. Therefore there is no overriding need to place a condition on any planning permission granted for a construction management plan.

Highways/Access:

No objection received by the highway Authority.

Conclusion

The proposed extension is considered to be acceptable and the concerns raised by neighbour have been taken into account though due to there being sufficient off road parking to the property and adequate estate road widths and therefore there is no reason to place a construction management plan on any permission being granted.

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

Development Policies DPD

DP1 High Quality Design
DP2 Landscape Character
DP3 Residential Amenity
DP5 Conservation and Wildlife

South Hams Local Plan (please delete as necessary)

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. The precise weight to be given to policies within the JLP will need to be determined on a case by case basis, having regard to all of the material considerations as set out on the analysis above.

PLYMOUTH AND SOUTH WEST DEVON JOINT LOCAL PLAN -: PUBLICATION (as considered by the Full Councils end Feb/Early March 2017)

DEV1 Protecting amenity and the environment
DEV2 Air, water, soil, noise and land
DEV20 Place shaping and the quality of the built environment

Considerations under Human Rights Act 1998 and Equalities Act 2010

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

Proposed Conditions

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

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

2. The development hereby approved shall in all respects accord strictly with drawing number WY/02/2017 and site location Plan received by the Local Planning Authority on 26th May 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.

3. The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those of the existing building, unless amendments have been agreed in writing with the Local Planning Authority. Reason: In the interests of visual amenity.

INFORMATIVES

1. This authority has a pro-active approach to the delivery of development. Early pre-application engagement is always encouraged. In accordance with Article 35(2) of the Town and Country Planning Development Management Procedure (England) Order 2015 (as amended) in determining this application, the Local Planning Authority has endeavoured to work proactively and positively with the applicant, in line with National Planning Policy Framework, to ensure that all relevant planning considerations have been appropriately addressed.

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

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South Hams District Council Agenda Item 7
DEVELOPMENT MANAGEMENT COMMITTEE 5-Jul-17
Appeals Update from 25-May-17 to 23-Jun-17

Ward Dartmouth and East Dart

APPLICATION NUMBER : **0004/16/FUL** APP/K1128/W/16/3163014
APPELLANT NAME: Lilifred Estates Limited
PROPOSAL : Proposed change of use and alterations to ground floor to create garaging, parking and ancillary storage
LOCATION : 11 Lower Street Dartmouth Devon TQ6 9AN
APPEAL STATUS : Appeal Decided
APPEAL START DATE: 14-December-2016
APPEAL DECISION: Upheld (Conditional approval)
APPEAL DECISION DATE: 02-June-2017

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 decided
APPEAL START DATE: 07-October-2016
APPEAL DECISION: Upheld (Conditional approval)
APPEAL DECISION DATE: 05-June-2017

Ward Marldon and Littlehempston

APPLICATION NUMBER : **34/1946/15/O** APP/K1128/W/16/3162947
APPELLANT NAME: Mr William Gilbert
PROPOSAL : Outline application with some matters reserved for construction of 2no. bungalows
LOCATION : Proposed Development Site At SX 866 628, Moorview, Marldon
APPEAL STATUS : Appeal Decided
APPEAL START DATE: 16-November-2016
APPEAL DECISION: Dismissed (Refusal)
APPEAL DECISION DATE: 26-May-2017

Ward Newton and Yealmpton

APPLICATION NUMBER : **3976/16/FUL** APP/K1128/W/17/3173207
APPELLANT NAME: Market Square Limited
PROPOSAL : Demolition of single dwelling and the erection of two detached dwellings.

LOCATION : Whitegates, Parsonage Road, Newton Ferrers, PL8 1AS
APPEAL STATUS : Appeal Lodged
APPEAL START DATE: 15-June-2017
APPEAL DECISION:
APPEAL DECISION DATE:

APPLICATION NUMBER : **2236/16/FUL** APP/K1128/W/16/3167190
APPELLANT NAME: Mr S Hockaday
PROPOSAL : Construction of two dormer bungalows
LOCATION : Land At Sx 553 487, Parsonage Road Newton Ferrers Devon
APPEAL STATUS : Appeal decided
APPEAL START DATE: 21-March-2017
APPEAL DECISION: Dismissed (Refusal)
APPEAL DECISION DATE: 15-June-2017

APPLICATION NUMBER : **2660/16/FUL** APP/K1128/W/17/3172347
APPELLANT NAME: Mr D Watson
PROPOSAL : Conversion of farmhouse and eastern wing of hotel to 9 self-contained apartments with associated parking.

LOCATION : Smithaleigh Hotel, Smithaleigh, PL7 5AX
APPEAL STATUS : Appeal Lodged
APPEAL START DATE: 12-June-2017

APPEAL DECISION:
APPEAL DECISION DATE:

APPLICATION NUMBER : **BF/SH/Enf Little Acre** APP/K1128/C/17/3172258 & 3172259
APPELLANT NAME: Mr & Mrs Duff
PROPOSAL : Without planning permission, the material change of use of the land from a mixed use of Equestrian for the keeping of horses and agricultural to a mixed equestrian and permanent residential use
LOCATION : Little Acre, Yealmpton
APPEAL STATUS : Appeal Lodged
APPEAL START DATE: 06-June-2017

APPEAL DECISION:
APPEAL DECISION DATE:

APPLICATION NUMBER : **BF/SH/Enf Little Acre** APP/K1128/C/17/3172262 & 3172263
APPELLANT NAME: Mr & Mrs Duff
PROPOSAL : Without planning permission the material change of use of the agricultural building from agriculture to a residential use.
LOCATION : Little Acre, Yealmpton
APPEAL STATUS : Appeal Lodged
APPEAL START DATE: 06-June-2017

APPEAL DECISION:
APPEAL DECISION DATE:

Ward Salcombe and Thurlestone

APPLICATION NUMBER : **3519/16/FUL** APP/K1128/W/17/3174774
APPELLANT NAME: Mr S Culley
PROPOSAL : Conversion of single dwelling house into two dwellings and extensions to front rear and sides.
LOCATION : Vantage Point, Bonaventure Road, Salcombe, TQ8 8BE
APPEAL STATUS : Appeal Lodged
APPEAL START DATE: 16-June-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 decided
APPEAL START DATE: 21-March-2017
APPEAL DECISION: Partially upheld
APPEAL DECISION DATE: 23-June-2017

APPLICATION NUMBER : **3611/16/VAR** APP/K1128/W/17/3171783
APPELLANT NAME: Mr S Bryson
PROPOSAL : Application for variation of condition number 3 (ancillary accommodation restriction for 'The Shippen') following grant of planning permission 10/0326/13/F
LOCATION : The Shippen, Locks Farm, East Prawle, TQ7 2BU
APPEAL STATUS : Appeal Lodged
APPEAL START DATE: 12-June-2017

APPEAL DECISION:
APPEAL DECISION DATE:

APPLICATION NUMBER : **3811/16/FUL** APP/K1128/W/17/3173720
 APPELLANT NAME: Mrs N Dunstan
 PROPOSAL : Retrospective use of land for storage of a one caravan for a period of 6 months and construction of a storage building
 LOCATION : Dunstone Cross Water Storage Tank, Dunstone Cross Kingsbridge, TQ7 2EP
 APPEAL STATUS : Appeal Lodged
 APPEAL START DATE: 15-June-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 decided
 APPEAL START DATE: 21-March-2017
 APPEAL DECISION: Upheld (Conditional approval)
 APPEAL DECISION DATE: 14-June-2017

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 decided
 APPEAL START DATE: 21-March-2017
 APPEAL DECISION: Upheld (Conditional approval)
 APPEAL DECISION DATE: 21-June-2017

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South Hams District Council
DEVELOPMENT MANAGEMENT COMMITTEE 05 -July-17
Appeal Hearings/Public Inquiry from 25-May-17

Ward Bickleigh and Cornwood

APPLICATION NUMBER : **04/1129/15/F** APP/K1128/W/16/3167179
APPELLANT NAME: Taylor Wimpey Exeter
PROPOSAL : Re-advertisement (Receipt of amended site location plan)for Construction of 65 no. dwellings together with associated landscaping, car parking and infrastructure
LOCATION : Proposed Development Site At Sx 4744 6168, Allern Lane, Tamerton Foliot
APPEAL STATUS : Appeal Lodged
APPEAL START DATE: 02-February-2017
TYPE OF APPEAL **Public inquiry**
DATE OF APPEAL HEARING OR INQUIRY: 12-September-2017
LOCATION OF HEARING/INQ: Follaton House, Plymouth Road, Totnes, TQ9 5NE

APPEAL DECISION:
APPEAL DECISION DATE:

Ward Newton and Yealmpton

APPLICATION NUMBER : **BF/SH/Enf Little Acre** APP/K1128/C/17/3172258 & 3172259
APPELLANT NAME: Mr & Mrs Duff
PROPOSAL : Without planning permission, the material change of use of the land from a mixed use of Equestrian for the keeping of horses and agricultural to a mixed equestrian and permanent residential use
LOCATION : Little Acre, Yealmpton
APPEAL STATUS : Appeal Lodged
APPEAL START DATE: 06-June-2017
TYPE OF APPEAL **Public inquiry**
DATE OF APPEAL HEARING OR INQUIRY:
LOCATION OF HEARING/INQ:
APPEAL DECISION:
APPEAL DECISION DATE:

APPLICATION NUMBER : **BF/SH/Enf Little Acre** APP/K1128/C/17/3172262 & 3172263
APPELLANT NAME: Mr & Mrs Duff
PROPOSAL : Without planning permission the material change of use of the agricultural building from agriculture to a residential use.
LOCATION : Little Acre, Yealmpton
APPEAL STATUS : Appeal Lodged
APPEAL START DATE: 06-June-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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