

# South Hams Development Management Committee



<b>Title:</b>	<b>Agenda</b>										
<b>Date:</b>	<b>Wednesday, 10th January, 2018</b>										
<b>Time:</b>	<b>11.00 am</b>										
<b>Venue:</b>	<b>Council Chamber - Follaton House</b>										
<b>Full Members:</b>	<p style="text-align: center;"><b>Chairman</b> Cllr Steer <b>Vice Chairman</b> Cllr Foss</p> <p><i>Members:</i></p> <table style="margin-left: auto; margin-right: auto;"> <tr> <td>Cllr Bramble</td> <td>Cllr Hodgson</td> </tr> <tr> <td>Cllr Brazil</td> <td>Cllr Holway</td> </tr> <tr> <td>Cllr Brown</td> <td>Cllr Pearce</td> </tr> <tr> <td>Cllr Cuthbert</td> <td>Cllr Rowe</td> </tr> <tr> <td>Cllr Hitchins</td> <td>Cllr Vint</td> </tr> </table>	Cllr Bramble	Cllr Hodgson	Cllr Brazil	Cllr Holway	Cllr Brown	Cllr Pearce	Cllr Cuthbert	Cllr Rowe	Cllr Hitchins	Cllr Vint
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Cllr Brown	Cllr Pearce										
Cllr Cuthbert	Cllr Rowe										
Cllr Hitchins	Cllr Vint										
<b>Interests – Declaration and Restriction on Participation:</b>	Members are reminded of their responsibility to declare any disclosable pecuniary interest not entered in the Authority's register or local non pecuniary interest which they have in any item of business on the agenda (subject to the exception for sensitive information) and to leave the meeting prior to discussion and voting on an item in which they have a disclosable pecuniary interest.										
<b>Committee administrator:</b>	Kathy Trant Specialist- Democratic Services 01803 861185										

- 1. Minutes** **1 - 20**  
To approve as a correct record and authorise the Chairman to sign the minutes of the meeting of the Committee held on 29 November 2017
  
- 2. Urgent Business**  
Brought forward at the discretion of the Chairman;
  
- 3. Division of Agenda**  
to consider whether the discussion of any item of business is likely to lead to the disclosure of exempt information;
  
- 4. Declarations of Interest**  
Members are invited to declare any personal or disclosable pecuniary interests, including the nature and extent of such interests they may have in any items to be considered at this meeting;
  
- 5. Public Participation**  
The Chairman to advise the Committee on any requests received from members of the public to address the meeting;
  
- 6. Planning Applications**  
To see Letters of Representation and further supplementary information relating to any of the Applications on the agenda, please select the following link and enter the relevant Planning Reference number:  
<http://apps.southhams.gov.uk/PlanningSearchMVC/>
  
- (a) 3787/17/HHO** **21 - 26**  
Householder application for proposed gable roof extension  
Bantham House, Bantham
  
- (b) 3075/17/HHO** **27 - 32**  
Householder application for proposed alterations and extension  
21 Court Park, Thurlestone

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

<b>(c) 1174/17/HHO</b>	<b>33 - 38</b>
Householder application for a proposed extension to an existing dwelling Whitelands Barn, Thorn Farm, Venn	
<b>(d) 1239/17/FUL</b>	<b>39 - 44</b>
Retrospective application for erection of horse walker Totnes Road To Westerland Lane, Marldon	
<b>(e) 1894/17/FUL</b>	<b>45 - 50</b>
Enlargement of existing car park to provide up to 15 spaces and new car park to provide up to 10 spaces. Land at SX 740 491 & 742 498, Avon Valley Woods, Hendon Road, Woodleigh	
<b>(f) 3117/17/FUL</b>	<b>51 - 58</b>
Replacement of existing dwelling with single dwelling 59 Yealm Road, Newton Ferrers	
<b>(g) 3207/17/ADV</b>	<b>59 - 62</b>
Advertisement consent application for erection of 1no. sign New Mills Industrial Estate, Church Road, Modbury, PL21 0TP	
<b>7. Planning Appeals Update</b>	<b>63 - 66</b>

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**MINUTES OF THE MEETING OF THE DEVELOPMENT MANAGEMENT COMMITTEE HELD AT FOLLATON HOUSE, TOTNES, ON WEDNESDAY, 29 NOVEMBER 2017**

<b>Members in attendance</b>			
* Denotes attendance			
∅ Denotes apologies			
*	Cllr I Bramble	*	Cllr J M Hodgson
*	Cllr J Brazil	*	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 (pm only)	∅	Cllr R J Vint

**Other Members also in attendance:**

Cllrs Baldry and Tucker

**Officers in attendance and participating:**

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

**DM.31/17 MINUTES**

The minutes of the meeting of the Committee held on 1 November 2017 were confirmed as a correct record and signed by the Chairman.

**DM.32/17 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 R Foss declared a personal interest in application number **2821/17/FUL**: Revised application for the conversion of Bovisand Fort and associated buildings, removal of one building, and construction of new towers, an apartment building, 11 new dwellings, new quayside commercial accommodation and conservation of historic fabric, together with associated landscaping, parking and re-establishment of the link to the coastal footpath, creating a total of 81 residential units, office, teaching/studio space, event space, visitor centre and facilities, café and relocation of MOD space and additional commercial space – Fort Bovisand, Bovisand, by virtue of the applicant having a ‘care of’ address of a company that he also used and he remained in the meeting and took part in the debate and vote thereon;

Cllr R Steer declared a personal interest, on behalf of Conservative group Members of the committee, in application **1812/17/OPA**: Outline application with all matters reserved for erection of circa 25 no. age restricted (55+) bungalow/chalet bungalow dwellings, allotments, public

open space and visitor car park – proposed development site at SX 550 523, Land at Venn Farm, Brixton, by virtue of the landowner being a Conservative group Member. Members remained in the meeting for the duration of this item and took part in the vote thereon;

Cllr J Hodgson declared a personal interest in application number **3360/17/FUL**: Development of 49.99MW Battery Storage Facility with associated infrastructure and landscaping – Land at SX 774 647, Riverford Farm, Staverton by virtue of the objector being known to her through friends. She remained in the meeting for the duration of this item and took part in the vote thereon;

Cllr T Holway declared a personal interest in application - **2964/17/FUL**: Proposed construction of dwelling, with associated access, parking and landscaping works – Plot adjacent Old Coastguard Store, East Prawle by virtue of knowing the applicant and he remained in the meeting and took part in the debate and vote thereon;

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:

- **2821/17/FUL**: Revised application for the conversion of Bovisand Fort and associated buildings, removal of one building, and construction of new towers, an apartment building, 11 new dwellings, new quayside commercial accommodation and conservation of historic fabric, together with associated landscaping, parking and reestablishment of the link to the coastal footpath, creating a total of 81 residential units, office, teaching/studio space, event space, visitor centre and facilities, café and relocation of MOD space and additional commercial space – Fort Bovisand, Bovisand
- **1812/17/OPA**: Outline application with all matters reserved for erection of circa 25 no. age restricted (55+) bungalow/chalet bungalow dwellings, allotments, public open space and visitor car park – proposed development site at SX 550 523, Land at Venn Farm, Brixton
- **2027/17/HHO**: Householder application for refurbishment and renovation of existing cottage, new garage/boat store and replacement of rear extension including a new roof terrace – Brook Bakery, Riverside Road West, Newton Ferrers;
- **25/1720/15/O**: Outline application with some matters reserved for erection of 14 no. dwellings, provision of community car park, allotment gardens, access and associated works – Proposed development site at SX 612 502, land north of Church Hill, Holbeton;
- **2964/17/FUL**: Proposed construction of dwelling, with associated access, parking and landscaping works – Plot adjacent Old Coastguard Store, East Prawle.

DM.33/17

## **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.34/17

**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:

**2821/17/FUL Fort Bovisand, Bovisand**

**Parish: Wembury**

**Revised application for the conversion of Bovisand Fort and associated buildings, removal of one building, and construction of new towers, an apartment building, 11 new dwellings, new quayside commercial accommodation and conservation of historic fabric, together with associated landscaping, parking and re-establishment of the link to the coastal footpath, creating a total of 81 residential units, office, teaching/studio space, event space, visitor centre and facilities, café and relocation of MOD space and additional commercial space**

Case Officer Update: Parish Council concerns resolved and response now amended; amended response from EA – will require additional conditions; application will be subject to s106

Speakers included: Supporter – Mr Philip Beagle & Mr Mark Evans: local Ward Member – Cllr Brown

**Recommendation:** That Development Management Committee delegates the authority to the CoP Lead to approve, subject to the conditions listed below and the prior satisfactory completion of a Section 106 Agreement.

However, in the event that the Section 106 legal Agreement remains unsigned six months after this resolution, that the application is reviewed by the COP Lead Development Management, in consultation with the Chairman of the Committee, and if no progress is being made delegated authority is given to the CoP to refuse to application in the absence of an agreed S106 Agreement.

**Committee Decision:** That Development Management Committee delegates the authority to the CoP Lead to approve subject to the conditions listed below and the prior satisfactory completion of a Section 106 Agreement.

However, in the event that the Section 106 legal Agreement remains unsigned six months after this resolution, that the application is reviewed by the COP Lead Development Management, in consultation with the Chairman of the Committee, and if no progress is being made delegated authority is given to the CoP to refuse to application in the absence of an agreed S106 Agreement.

Conditions:

1. The development to which this permission relates must be begun not later than the expiration of three years beginning with the date on which this permission is granted.
2. The development hereby approved shall in all respects accord strictly with drawings and documents set out in the attached Schedule.
3. Prior to their installation details and/or samples of all facing materials and roofing materials to be used in the construction of the proposed development shall be submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out in accordance with those details/samples as approved.
4. 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 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 Planning Authority.
5. No part of the development shall be occupied or used until a landscaping scheme for all public and private areas has been submitted to and approved by the Local Planning Authority, indicating planting, hard surfacing, maintenance of existing cover and any boundary treatments for the proposed development. The hard landscaping elements of the scheme submitted shall be fully implemented prior to occupation of any residential units in accordance with an agreed phasing of works. All planting shall be undertaken in the planting season following the completion of each phase of the development at the latest. The plants shall be protected, maintained and replaced as necessary for a minimum period of five years following the date of the completion of the planting.
6. 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 site investigation scheme, based on the Phase 1 Contaminated Land Assessment submitted with the application to provide information for an assessment of the risk to all receptors that may be affected, including those off site.
  2. The site investigation results and the detailed risk assessment (1) 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.
  3. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (2) 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.
7. 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.

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

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

9. Prior to commencement of any part of the construction phases of the development (including demolition but excluding preparatory works such as localised repairs to historic fabric, archaeology etc) the Planning Authority shall have received and approved a Construction Management Plan (CMP) including:

- (a) the timetable of the works;
- (b) daily hours of construction;
- (c) any road closure;
- (d) hours during which delivery and construction traffic will travel to and from the site, with such vehicular movements being restricted to between 08.00am and 6.00pm Mondays to Fridays, 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 advance;
- (e) the number and sizes of vehicles visiting the site in connection with the development and the 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 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;
- (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 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;

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

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

10. Prior to the commencement of the construction phase of the development hereby approved, (including demolition but excluding preparatory works such as localised repairs to historic fabric, archaeology, site security, access arrangements and basic infrastructure etc), details of the disposal of foul water shall be submitted to and approved in writing by the Local Planning Authority and the approved foul water system shall be installed prior to occupation of the dwelling(s). Following its installation the approved scheme shall be permanently retained and maintained thereafter.

11. Prior to commencement of the new accommodation block a detailed schedule of repairs to the quay and harbour wall shall be agreed in writing with the local planning authority. The agreed works shall be fully completed to the satisfaction of the local planning authority prior to the occupation of any part of the approved development. The harbour wall and quay shall thereafter be maintained in accordance with the agreed details.

12. Prior to the use or occupation of any part of the development a detailed plan for public safety precautions/procedures/actions to be implemented in a flood or storm event shall be agreed in writing with the local planning authority. The action plan shall be reviewed and updated as appropriate in accordance with changing guidance from statutory bodies.

13. 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 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 Surface Water and Foul Water Drainage Assessment (job No. 14172; dated May 2017; Appendix K1 of the Fort Bovisand Regeneration Project), Flood Risk Assessment (job No. 14172; Rev. B; dated May 2017) Proposed Drainage Layout sheet 01 of 04 (drawing No. 200; Rev. P4; dated September 2015), Proposed Drainage Layout sheet 02 of 04 (drawing No. 201; Rev. P4; dated September 2015), Proposed Drainage Layout Sheet 03 of 04 (drawing No. 202; Rev. P4; dated September 2015), Proposed Drainage Layout Sheet 04 of 04 (drawing No. 203; Rev. P4; dated September 2015), MicroDrainage model outputs (File 14172-MD Summary Rev. A), Flood Flow Exceedance Path Sheet 1 of 4 (drawing No. 500; Rev. P5; dated September 2015), Flood Flow Exceedance Path Sheet 2 of 4 (drawing No. 501; Rev. P5; dated September 2015), Flood Flow Exceedance Path Sheet 3 of 4 (drawing No. 502; Rev. P5; dated September 2015), Flood Flow Exceedance Path Sheet 4 of 4 (drawing No. 503; Rev. P5; dated September 2015).

14. No part of the development hereby permitted shall be commenced 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 Local Flood Authority.

15. No part of the development hereby permitted shall be commenced until the detailed design of the proposed surface water drainage management system which will serve the development site for the full period of its construction 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. This temporary surface water drainage management system must satisfactorily address both the rates and volumes, and quality, of the surface water runoff from the construction site.

16. Prior to first occupation the applicant must provide to the local planning authority a revised emergency response plan based on the latest Devonport Off-site Emergency Plan. This plan is to be agreed in writing by the local planning authority and implemented in perpetuity.

17. Prior to implementation the planting scheme for green roofing shall be submitted to and agreed in writing by the local planning authority. The planting shall then be established and thereafter maintained in accordance with the agreed specification.

18. All works shall be carried out on site in accordance with the Unexploded Ordnance Threat Assessment Report unless otherwise agreed in writing with the local planning authority.

19. No part of the development shall be used until a scheme for external lighting (if any) has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the purpose, position, type, direction, luminance, cowling, time of operation and use of motion sensors for all external lights to the buildings and surrounding land. Upon the commencement of the use the external lighting shall accord strictly with the approved details.

20. Prior to commencement of development, a Bat Mitigation Strategy shall be submitted to and agreed in writing by the LPA, detailing the location and requirements of bat roosts, their access points and corresponding external requirements including unlit corridors. This should include a phasing plan showing how bat roosts will be available at all times, and also updated plans/drawings reflecting the locations and requirements of the bat roosts and associated features. The identified and planned roosts and associated features shall be thereafter maintained as agreed.

21. Prior to commencement of development, a Wildlife Lighting Plan shall be submitted to the LPA, reflecting the dark corridors required for bats (noting the particular requirements of the light-sensitive species recorded on site) and other species. This should be endorsed in writing by a suitably qualified ecologist. All lighting on site, both during construction and ongoing, shall then accord with the agreed plan unless otherwise agreed in writing by the local planning authority.

22. Prior to commencement of development, a Reptile Method Statement (RMS) and Mitigation Strategy shall be submitted to and agreed in writing by the Local Planning Authority. All recommended works shall then be carried out in accordance with the RMS.

23. Prior to commencement of development, a Landscape Ecological Management Plan (LEMP) shall be submitted to and agreed in writing by the local planning authority, incorporating requirements for birds, bats, reptiles, and other protected species as advised by the various ecology reports. This should contain details of specific provisions (e.g. locations and type of bird nesting boxes/provision, hibernacula), habitat creation and planting schedules, and ongoing management and maintenance arrangements. All

recommendations contained in the agreed LEMP shall be enacted and maintained unless otherwise agreed in writing with the local planning authority.

24. Prior to occupation or use of any part of the site, details of the proposed interpretation boards, and residents leaflet shall be submitted to and agreed in writing by the local planning authority. (NB – this should be formulated in consultation with the Tamar Estuaries Consultative Forum). The boards and leaflets shall then be displayed, maintained and distributed in accordance with an agreed timescale with the boards being in place prior to opening of the site to public access.

25. Prior to commencement of works, a Construction and Ecology Management Plan (CEMP) shall be submitted to and agreed in writing by the local planning authority, incorporating requirements for protection of habitats and species during the operational phase, including timings, no-go areas, and Ecological Clerk of Works. The requirements of the CEMP shall then be fully enacted.

26. A biodiversity and habitat protection scheme shall be agreed in writing with the local planning authority prior to commencement. These works agreed and additional biodiversity enhancement works shall be enacted within a timescale agreed in writing with the local planning authority.  
Reason: To secure the protection and enhancement of habitats and deliver biodiversity benefits to the site.

27. Works to the buildings on site shall not in any circumstances commence unless the LPA has been provided with either:  
a) evidence that a European Protected Species Licence for bats has been issued by Natural England authorising the works to go ahead; or  
b) a statement in writing from Natural England or a suitably qualified ecologist to the effect that they do not consider that the works will require a licence.

28. Prior to the commencement of development, details and assessments of all existing and new buildings included in the development hereby permitted, using dynamic assessment methods shall be submitted demonstrating the compatibility of the structures with the following dynamic loadings

Full reflected pressure	= 9.8kPa
Full Reflected Impulse	= 1270kPa-ms
Incident Pressure	= 4.8kPa
Incident Impulse	= 705kPa –ms
Shock Front Velocity	= 347 m/s
Peak Dynamic Pressure	= 0.0805Kpa
Peak Particle Velocity	= 11.28 m/s

29. A finalised version of the Sustainable Transport Strategy submitted in conjunction with this application shall be implemented from the commencement of use of the visitor centre and shall thereafter be complied with to the satisfaction of the Local Planning Authority.

**1812/17/OPA Proposed development site at SX 550 523, Land at Venn Farm, Brixton**

**Parish: Brixton**

**Outline application with all matters reserved for erection of circa 25 no. age restricted (55+) bungalow/chalet bungalow dwellings, allotments, public open space and visitor car park**

Case Officer Update: Applicants have appealed to Planning Inspector on grounds of non-determination. Officer's view is that the application is not valid and further information is requested. The Inspector will seek a view on the outcome of the application if it had been determined through the normal process and Members are therefore being asked for their views.

A further letter has been received from the Parish Council stating their Neighbourhood Plan is at Regulation 14 stage and the land on which this application is sited is designated as strategic green space.

Speakers included: Objector – Mr Geoff Davis: Parish Council representative – Cllr Michael Wills: local Ward Member – Cllr Baldry

**Recommendation:** That the Council RESOLVE that were it in a position to determine this application it would refuse planning permission

**Committee Decision:** That the Council RESOLVE that were it in a position to determine this application it would refuse planning permission

**25/1720/15/O Proposed development site at SX 612 502, Land North of Church Hill, Holbeton**

**Parish: Newton and Noss**

**Outline application with some matters reserved for erection of 14 no. dwellings, provision of community car park, allotment gardens, access and associated works**

Case Officer Update:

Speakers included: Objector – Ms Sandi Marshall: Supporter – Mr Mildmay-White: Parish Council representative – Cllr Pete Hearn: local Ward Member – Cllr Baldry

**Recommendation:** Delegate authority to CoP Lead Development Management, in consultation with the Chairman, to conditionally grant planning permission, subject to a s106 legal agreement.

However, in the event that the s106 legal agreement remains unsigned six months after this resolution, that the application is reviewed by the CoP Lead Development Management, in consultation with the Chairman of the Committee, and if no progress is being made delegated authority is given to the CoP Lead to refuse the application in the absence of an agreed s106 agreement.

**Committee Decision:** Delegate authority to CoP Lead Development Management, in consultation with the Chairman, to conditionally grant planning permission, subject to a s106 legal agreement.

However, in the event that the s106 legal agreement remains unsigned six months after this resolution, that the application is reviewed by the CoP Lead Development Management, in consultation with the Chairman of the Committee, and if no progress is being made delegated authority is given to the CoP Lead to refuse the application in the absence of an agreed s106 agreement.

The Section 106 should secure the following:

- 35% on site provision of affordable housing
- £38.306 towards infrastructure at Ivybridge Community College
- £13,851 toward school transport
- Ongoing management and maintenance of open space, SUDs features, landscape and wildlife features in accordance with LEMP in perpetuity
- Provision of footpath link to Church Hill
- £380 per occupier for improvements to Holbeton play area and provision of a skate facility on the playing field or other play facilities to be agreed by the local Parish Council
- £595 per occupier for improvements to the Holbeton playing field to allow increased use for sports
- Public access and on-going management of the allotment area in perpetuity
- Public access, use in perpetuity and ongoing maintenance and management of the car park

### **Conditions**

- Standard outline time conditions (3 years + 2 years)
- Accords with plans
- Access and visibility splays to be constructed and laid out and maintained for that purpose, in accordance with approved plan and details
- Pre-commencement – Construction Environmental Management Plan
- Pre-commencement – details of road construction to to be agreed
- Pre-commencement – suitable highway drainage scheme to be agreed and then implemented
- Pre-commencement – ground investigation to be undertaken to prove that the 1:2:5 batter slopes adj. the car park are safe
- Pre-commencement – Programme of percolation test to be agreed and undertaken in consultation with LLFA.

- Pre-commencement – detailed design of permanent surface water drainage management system to be agreed with LLFA.
- Pre-commencement – Details of adoption and maintenance arrangements for proposed surface water drainage management system to be agreed with LLFA
- Pre-commencement – detailed design of surface water management during construction to be agreed with LLFA
- Pre-commencement - LEMP to be agreed
- Details of allotments to be agreed and implemented
- Unsuspected contamination
- Details of footpath to be agreed and implemented
- Pre-commencement – Arboricultural Impact Assessment to be submitted, agreed and implemented
- Pre-commencement – Arboricultural Method Statement to be submitted, agreed and implemented
- Pre-commencement – Tree protection plan to be submitted, agreed and implemented
- Removal of PD – roof alterations, means of enclosure, hardstandings, boundary treatments.
- Garages and parking areas to be provided in accordance with approved details prior to occupation
- Vehicular access and road to be provided in accordance with phasing plan to be agreed
- No external lighting in public areas other than that agreed in lighting strategy
- Development in accordance with Ecology Report
- Materials to be agreed
- Boundary treatments

**2964/17/FUL                      Plot adjacent Old coastguard Store, East Prawle**

**Parish: Chivelstone**

**Proposed construction of dwelling, with associated access, parking and landscaping works**

Case Officer Update:                      None

Speakers included:                      Objector – Ms Karen Hill: Parish Council representative – Cllr Sean Jeffrey: local Ward Member – Cllr Brazil

**Recommendation:**                      Conditional Approval

During discussion, the Ward Member advised that there was no church in the village, it was not on a bus route and the shop had now closed, so the site was not sustainable. The site was within the AONB, on the undeveloped coast and within a Conservation Area.

Other Members stated that this application was difficult to support as it would completely block the open views from the village green towards the sea and change the character. There was no need for a house as proposed, the village needed reinvigorating through affordable housing.

**Committee Decision:** Refusal

Reasons:

The proposed development by virtue of siting, massing, scale and the relationship with the village green, including reducing the views across the undeveloped coast from the village green does not conserve the landscape and scenic beauty of the South Devon AONB. Furthermore the proposal fails to preserve or enhance the character and appearance of the East Prawle conservation area. The development is therefore considered to be contrary to policies DP2, DP6 and DP15 of the South Hams Development Policies, policies CS1 and CS9 of the South Hams Core Strategy and paragraph 115 of National Planning Policy Framework.

**3360/17/FUL Land at SX 774 647, Riverford Farm, Staverton**

**Parish: Staverton**

**Development of 49.99MW Battery Storage Facility with associated infrastructure and landscaping**

Case Officer Update: Air conditioning units for the batteries would be at ground floor level, additional condition proposed;  
s106 Heads of Terms to be revised to include provision and ongoing maintenance of 4 hectares land to provide for establishment of grassland to be agreed by the LPA in consultation with Natural England;  
Revise condition 20 – lighting – ‘routine servicing and maintenance shall take place in daylight hours only and without the use of artificial light’.  
Natural England have withdrawn their objection. A Habitat Regulations Assessment has been undertaken which is favourable

Speakers included: Objector – Mr Gavin Fennell: Supporter – Mr Andrew Troup: Parish Council representative – Cllr Ray Hill: local Ward Member – Cllr Hodgson

**Recommendation:** Delegate to CoP Lead Development Management, in consultation with the Chairman of Committee, to conditionally grant planning permission, subject to a s106 legal agreement.



However, in the event that the s106 legal agreement remains unsigned six months after this resolution, that the application is reviewed by the CoP Lead development Management in consultation with the Chairman of Committee, and if no progress is being made delegated authority is given to the CoP Lead to refuse the application in the absence of an agreed s106 agreement.

**Committee Decision:** Delegate to CoP Lead Development Management, in consultation with the Chairman of Committee, to conditionally grant planning permission, subject to a s106 legal agreement.

However, in the event that the s106 legal agreement remains unsigned six months after this resolution, that the application is reviewed by the CoP Lead development Management in consultation with the Chairman of Committee, and if no progress is being made delegated authority is given to the CoP Lead to refuse the application in the absence of an agreed s106 agreement.

The Section 106 should secure the following:

- Provision and ongoing maintenance of newly created habitat (including attenuation pond), as outlined in the Great Crested Newt Mitigation Strategy, and in accordance with a Planting and Maintenance Plan.
- Provision and on-going maintenance of a minimum of 4ha of newly created bat foraging habitat on land indicated on drawing number ... to provide for the establishment of grassland, other biodiversity features and future management strategy in accordance with a LEMP to be agreed by the LPA in consultation with Natural England.

### Conditions

- Time
- Accords with plans
- Prior to commencement – road condition survey to be submitted and approved
- Prior to commencement – details of vehicular access including visibility splays and surfacing to be submitted, approved and implemented.
- Prior to commencement – scheme to assess and mitigate the risks to controlled waters as a result of the development to be submitted, agreed and implemented.
- Habitat creation and compensation measures shall be provided as outlined within the Great Crested Newt Mitigation Strategy (RPS, October 2017) unless otherwise agreed by the LPA.
- Prior to commencement, submission of a planting and maintenance plan for the retained and newly created habitat including attenuation pond.

- Works shall adhere to measures within the Conservation Action Statement (Appendix 5 of the Preliminary Ecology Appraisal, Acorn Ecology, July 2017).
- No ground works should commence until the LPA has been provided with a copy of the licence with respect to Great Crested Newts issued by Natural England pursuant to Regulation 53 of The Conservation of Habitats and Species Regulations 2010 authorising the works to go ahead.
- Prior to commencement of development a Landscape and Ecological Management Plan/Bat Mitigation Strategy for the 'Greater horseshoe bat mitigation land' should be submitted to and agreed by the LPA.
- The 'Greater horseshoe bat mitigation land' shall be prepared in advance of commencement of development.
- Pre-commencement – detailed surface water management scheme to be submitted, agreed and then implemented.
- Mitigation measures set out in Noise Assessment by RPS dated September 2017 to be adhered to.
- Acoustic fencing to be erected in accordance with approved details prior to development being commissioned
- Pre-commencement: Notwithstanding the submitted masterplan, detailed existing and proposed levels for the site and its surroundings to ensure that the ground remodelling is sensitively 'blended' into the surrounding contours without abrupt changes in level (the current contours shown are too coarse to ensure that this is the case). Any material not used in the construction of the levels as approved must be removed from site to a licenced facility.
- Pre-commencement : A Construction Method Statement for the ground works, detailing the methodology for constructing the level changes. This should include site preparation (stripping and storage of topsoil and fencing to protect the boundary vegetation), the creation of the new levels and their compaction, the removal of any debris, and the reinstatement of the topsoil. The restoration and making good of the site compound should also be included.
- Pre commencement: A Landscape Strategy to include:
  - a concept statement explaining how the proposed landscape treatment responds to the landscape character of the area;
  - the location, number, species, density, form and size of proposed tree, hedge and shrub planting;
  - details of any changes to the site access, including hedgerow removal; creation of visibility splays; kerbs, signage or other highways infrastructure; and gates, fencing or other structures.
  - the method of planting, establishment and protection of tree, hedge and shrub planting;
  - a timetable for the implementation of all landscaping; and

- a management plan detailing the management of the landscaped areas for a minimum period of 10 years.

Colours of the containers and other equipment within the compound to be agreed prior to installation.

- Details of lighting (temporary construction lighting and permanent lighting) including function, location, design and intensity to be agreed prior to installation. Routine servicing and maintenance shall take place during daylight hours only and without the use of artificial light.
- Details of CCTV infrastructure including height and location of any mounted equipment to be agreed prior to installation
- Pre-commencement: A decommissioning strategy to be submitted to and approved in writing by the LPA.
- Air conditioning units to be located at ground level in accordance with details to be agreed

**3083/17/FUL            Ivybridge Leisure Centre, Leonards Road,  
Ivybridge**

**Parish: Ivybridge**

**Erection of an extension to provide new swimming pool and alterations to allow refurbishment to existing leisure centre**

Case Officer Update:            Holding objection re drainage as the site is in a 'critical' area has been resolved since report published, recommendation to approve subject to additional drainage conditions

Speakers included:            Town Council representative – Lesley Hughes

**Recommendation:**            Authority be delegated to the CoP Lead Development management in consultation with the Chairman of Committee to approve the application subject to the outstanding drainage issue being resolved (and necessary drainage conditions being added)

**Committee Decision:**        Authority be delegated to the CoP Lead Development management in consultation with the Chairman of Committee to approve the application subject to the outstanding drainage issue being resolved (and necessary drainage conditions being added)

**Conditions**

1. Time limit
2. Accord with plans
3. Construction Management Plan
4. Details of any external lighting to be agreed
5. Recommendations of ecology report
6. Foul drainage
7. Surface water drainage

**2027/17/HHO Brook Bakery, riverside Road West, Newton Ferrers**

**Parish: Newton and Noss**

**Householder application for refurbishment and renovation of existing cottage, new garage/boat store and replacement of rear extension including a new roof terrace**

Case Officer Update: None

Speakers included: Ward Member – Cllr Baldry (Statement read)

**Recommendation:** Refusal

**Committee Decision:** Refusal

**3071/17/FUL 18A and 18B, Leechwell Street, Totnes**

**Parish: Totnes**

**Replacement of existing 2 no. 2 storey dwellings with a single new dwelling with room in the roof and roof top terrace**

Case Officer Update: None

Speakers included: None

**Recommendation:** Conditional Approval

**Committee Decision:** Conditional Approval

Conditions:

1. Time limit
2. Accord with plans
3. Samples of materials
4. Unexpected contamination
5. Construction management plan

DM.35/17 **PLANNING APPEALS UPDATE**

Members noted the list of appeals as outlined in the presented agenda report. The COP Lead Development Management presented further detail on specific cases.

DM.36/17 **PERFORMANCE INDICATORS**

The COP Lead Development Management introduced the latest set of performance indicators related to the Development Management service. Members agreed that future presentation of PIs should be on a quarterly basis.

It was then:

**RESOLVED**

That the latest set of performance indicators be noted.

(Meeting commenced at 11.00 am and concluded at 6.00 pm)

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Chairma

## Voting Analysis for Planning Applications – DM Committee 29 November 2017

<b>Application No:</b>	<b>Site Address</b>	<b>Vote</b>	<b>Councillors who Voted Yes</b>	<b>Councillors who Voted No</b>	<b>Councillors who Voted Abstain</b>	<b>Absent</b>
2821/17/FUL	Fort Bovisand, Bovisand	Conditional Approval	Cllrs Steer, Foss, Pearce, Holway, Bramble, Brown, Rowe, Hodgson, Brazil (9)	(0)	(0)	Cllrs Cuthbert, Hitchins, Vint (3)
1812/17/OPA	Proposed development site at sx 550 523, Land at Venn Farm, Brixton	If the Council were in a position to determine, it would Refuse	Cllrs Steer, Foss, Pearce, Holway, Bramble, Brown, Rowe, Hodgson, Brazil (9)	(0)	(0)	Cllrs Cuthbert, Hitchins, Vint (3)
Page 18 1720/15/O	Proposed development site at SX 612 502, Land north of Church Hill, Holbeton	Conditional Approval	Cllrs Steer, Foss, Hitchins, Holway, Bramble, Brown, Rowe, Brazil (8)	Cllrs Pearce, Hodgson (2)	(0)	Cllrs Cuthbert, Vint (2)
	2964/17/FUL	Plot adjacent Old Coastguard Store, East Prawle	Refusal	Cllrs Foss, Hitchins, Holway, Bramble, Brown, Brazil, Pearce, Hodgson (8)	Cllrs Rowe, Steer (2)	(0)
3360/17/FUL	Land at SX 774 647, Riverford Farm, Staverton	Conditional Approval	Cllrs Foss, Holway, Bramble, Brown, Brazil, Pearce, Rowe, Steer (8)	Cllr Hodgson (1)	(0)	Cllrs Cuthbert, Vint, Hitchins (3)
3083/17/FUL	Ivybridge Leisure Centre, Leonards Road, Ivybridge	Conditional Approval	Cllrs Foss, Holway, Bramble, Brown, Brazil, Pearce, Rowe, Steer (8)	(0)	Cllr Hodgson (1)	Cllrs Cuthbert, Vint, Hitchins (3)
2027/17/HHO	Brook Bakery, Riverside Road West, Newton Ferrers	Refusal	Cllrs Foss, Holway, Bramble, Brown, Brazil, Pearce, Rowe, Steer, Hodgson (9)	(0)	(0)	Cllrs Cuthbert, Vint, Hitchins (3)
3071/17/FUL	18A and 18B Leechwell Street, Totnes	Conditional Approval	Cllrs Foss, Holway, Bramble, Brown, Brazil, Pearce, Rowe, Steer, Hodgson (9)	(0)	(0)	Cllrs Cuthbert, Vint, Hitchins (3)



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## PLANNING APPLICATION REPORT

**Case Officer:** Chris Mitchell

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

**Application No:** 3787/17/HHO

**Agent/Applicant:**

Mr Alex P Gath  
Wayside  
West Charleton  
Kingsbridge  
TQ7 2AJ

**Applicant:**

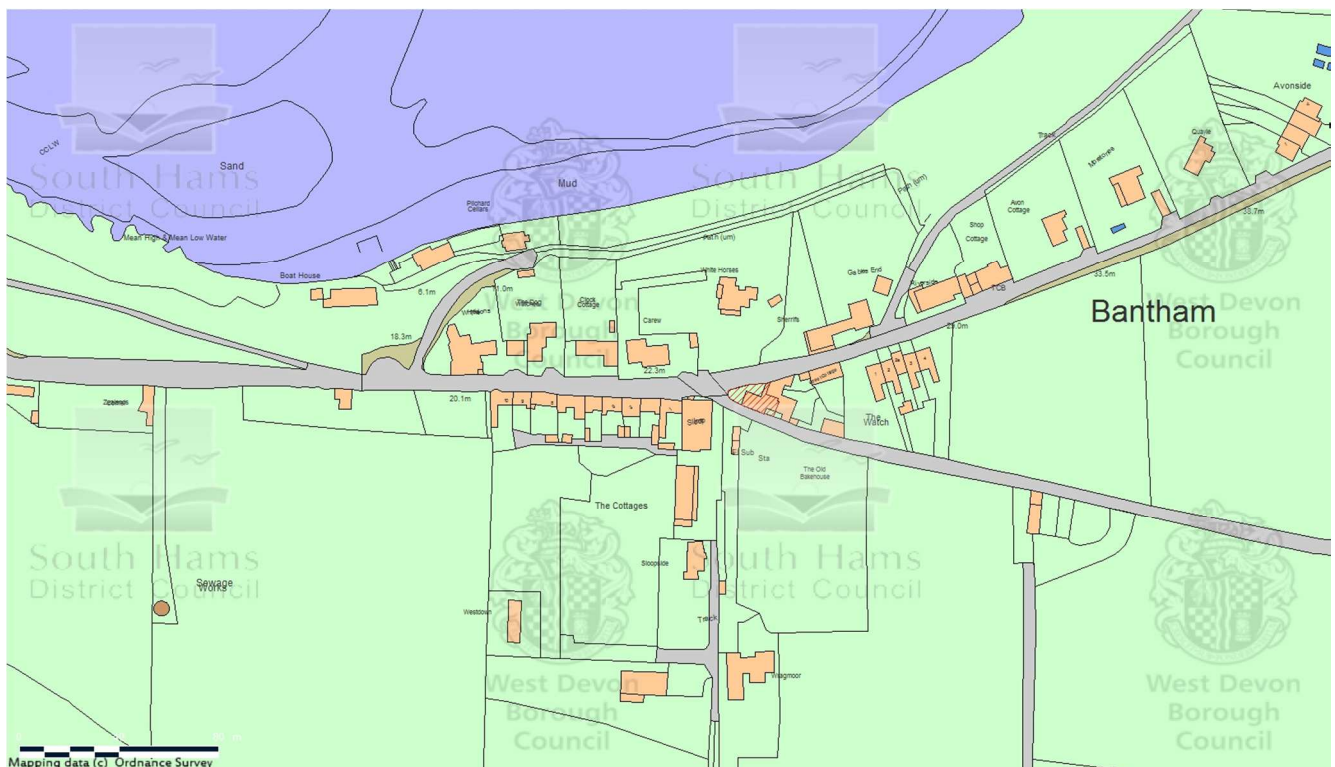
Mr & Mrs P Kirvan  
Bantham House  
Bantham  
TQ7 3AJ

**Site Address:** Bantham House, Bantham, Devon, TQ7 3AJ

**Development:** Householder application for proposed gable roof extension (resubmission of 1850/17/HHO)

**Reason item is being put before Committee:**

- Poor design, contrary to DP1 and DEV10. To achieve acceptable design, a gable ridge should be subservient to the main roof ridge to which it relates, or if unavoidable, at the same level, but never above.
- Some (less than substantial) harm caused to the setting of the listed building the Sloop Inn, but no public benefit justification given.
- Bantham House should be considered a non-designated heritage asset, given its prominent position. The proposed gable will do nothing to enhance its appearance.



**Recommendation:** Conditional Approval

**Conditions**

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

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

2. The development hereby approved shall in all respects accord strictly with drawing number Location Plan received by the Local Planning Authority on 7th November 2017 and drawing number P11 A received by the Local Planning Authority on 16<sup>th</sup> November 2017 and

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

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

Reason: In the interests of visual amenity.

4. Constructional details at a scale of 1:20 of all eaves and verges shall be submitted to and approved in writing by the Local Planning Authority. All new and replacement fascia boards shall be fitted tight to the wall face. The barge shall be finished either with a close fitting board or natural slate, or the wall finish taken directly up to the underside of the roof covering.

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

5. Details of proposed design and finish of all doors and window to be used on the development and agreed with the Local Planning Authority and shall thereafter be retained and maintained.

Reason: In the interests of visual amenity.

**Key issues for consideration:** The design of the gable on upon existing building, impact upon neighbouring listed properties, impact upon AONB and impact upon neighbours.

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**Site Description:**

The site is located within the village of Bantham on a corner plot of land between the roads of Bantham and Aunemouth Cross Road The dwelling house is finished with rendered walls at ground floor with slate hanging above together with crenelated section around the front door on the south elevation and timber windows and doors and natural slate roof.

**The Proposal:**

The proposal is for the construction of a gable on the south elevation of the property to provide adequate head room to a second floor bedroom. The gable would be built with walls finished in hung natural slate, timber windows and a natural slate roof.

**Consultations:**

- County Highways Authority                                  No objection

- Environmental Health Section                      No comments received
- Town/Parish Council                                      Object - We object to the above on the grounds that the new gables are out of proportion and should not protrude above the existing roof line.

**Representations from Residents**

Comments have been received and cover the following points:

None

**Relevant Planning History**

- |             |   |
|-------------|---|
| 3099/17/PRH | Pre application enquiry for proposed alteration and extension to loft.<br>Officer Support |
| 1850/17/HHO | Householder application for a proposed dormer window.<br>Withdrawn                        |

**ANALYSIS**

History

The previous application 1850/17/HHO proposed the installation of a flat dormer window on the façade of the property, this was not considered to be acceptable as it would harm the character and appearance of the building. Bantham House is designated as Non Designated Heritage Asset (NDHA) as it is an important corner property within the historic streetscape of Bantham.

Following a pre-application enquiry 3099/17/PRH it was agreed that whilst the projection of a gable above the ridge of the existing property would be unfortunate it would be the only solution to achieve the minimal head height for a bedroom in the roof the property. Therefore a gable would have less of visual impact upon the roof of the dwelling subject to its design and detailing of eaves, barge boards, etc. Consequently officer support was given to this proposal though would be subject to the submission of a planning application.

Principle of Development/Sustainability:

The proposed alteration to the property with the installation of gable roof is an improvement to that of the previously submitted dormer window. It is noted that whilst the ridge of gable would project above the existing ridge line of the property it has limited visual impact upon the existing street scene due to not being visible from the street to the south, a small projection on the north east elevation, which cannot be seen from the main road through Bantham.

The proposed gable would be seen from the road from West Buckland as entering into Bantham though it is not considered that it would adversely impact upon the character of the local area or cause any substantial harm to neighbouring listed buildings.

It is noted that there are distance views to the property from south though these views will look directly toward the gable and the projection above the ridge would have visual impact.

Design and Appearance:

Whilst concern has been raised by the Parish Council to the harm that such a proposal would have upon the street scape of Bantham and the neighbouring listed properties due to the siting of the property, it is noted that it is not within a Conservation Area. The main view of the gable is from the public footpath located to the south of the property adjacent to the Sloop Inn car park. However, other views of the proposed gable are severally limited from public vantage points around the village.

It is accepted that a well detailed gable as proposed does not, in itself, harm the LB setting on the south side. Were it being offered along with other elevational improvements then enhancement could be argued; as proposed it is closer to neutral. Therefore the proposal has been considered on its merits and is not reasoned to have a harmful impact upon the character and appearance of the existing dwelling house or neighbouring properties.

It is acknowledged that the property is recognised as non-designated heritage asset and consideration has been given to the status of the building and the proposed extension. Therefore on balance this proposal achieves the room height to the property and provides a sensitive design that does not in officer's opinion significantly harm the character and appearance of the local area or the wider Area of Outstanding Natural Beauty (AONB).

It is therefore recommended that detailed conditions shall be placed on any permission granted, for eaves, barge board details, window details and samples of materials be submitted to and approved in writing with the Local Planning Authority.

#### Conclusion:

The proposed gable is considered to be acceptable as it would have natural impact upon the non-designated heritage asset and therefore would not adversely harm the character and appearance of the setting neighbouring listed buildings and local landscape character and wider AONB.

***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:

#### **DEVELOPMENT PLAN**

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

CS1 Location of Development

CS7 Design

CS9 Landscape and Historic Environment

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

DP1 High Quality Design

DP2 Landscape Character

DP3 Residential Amenity

DP6 Historic Environment

DP15 Development in the Countryside

DP17 Residential Extensions and Replacement Dwellings 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)**

TTV31 Development in the Countryside

TTV32 Residential extensions and replacement dwellings in the countryside

DEV1 Protecting amenity and the environment

DEV2 Air, water, soil, noise and land

DEV22 Development affecting the historic environment

DEV24 Landscape character

DEV27 Nationally protected landscapes

**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.

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## PLANNING APPLICATION REPORT

**Case Officer:** Chris Mitchell

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

**Application No:** 3075/17/HHO

**Agent/Applicant:**

Mr John Edwards  
Rose Cottage  
Shernal Green  
Droitwich  
WR9 7JS

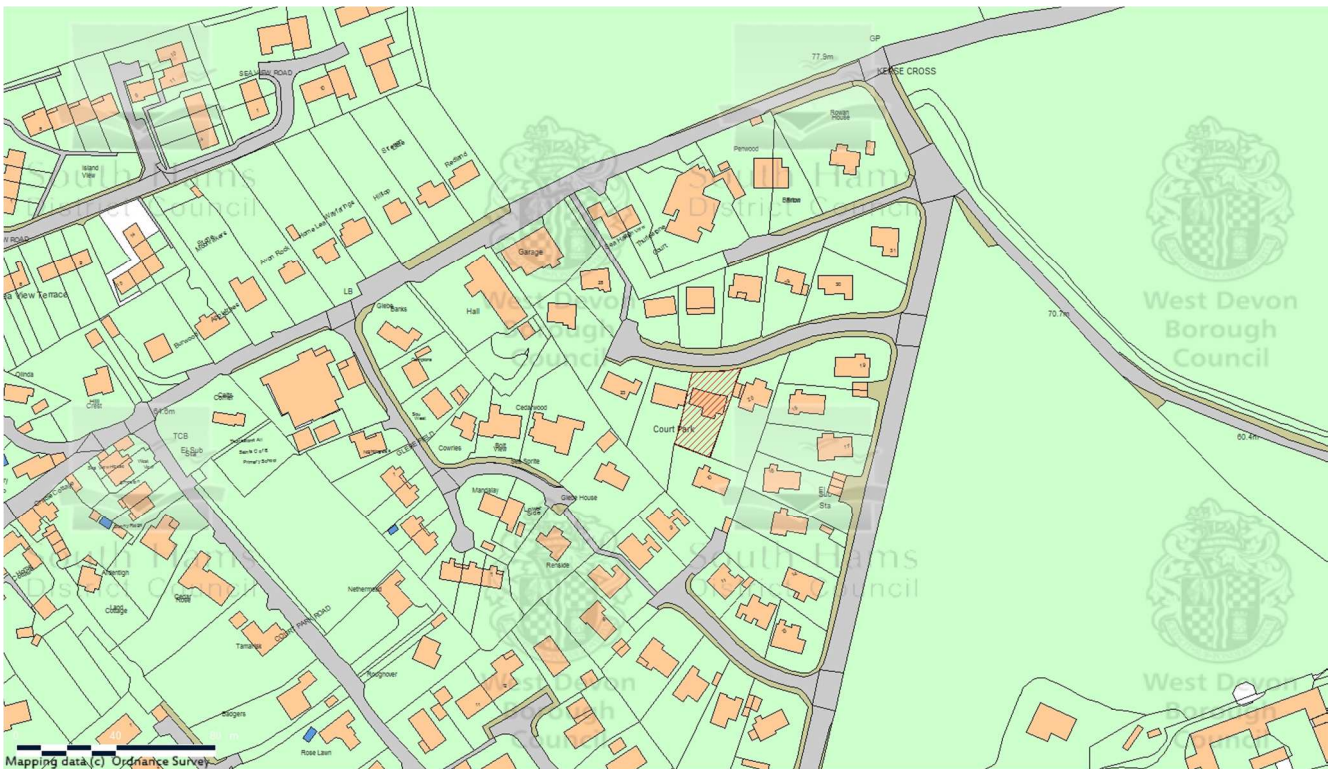
**Applicant:**

Mr & Mrs Paul Edwards  
21 Court Park Road  
Thurlestone  
TQ7 3LX

**Site Address:** 21 Court Park, Thurlestone, TQ7 3LX

**Development:** Householder application for proposed alterations and extension

**Reason item is being put before Committee:** Loss of amenity and privacy to neighbour at number 22. Lack of compliance with Policy DP3 (Residential Amenity) of the South Hams Local Development Framework (Amenity) and Policies DEV1 (Protecting amenity and the environment) and DEV2 (Air, water, soil, noise and land) of the Emerging Joint Local Plan.



## **Recommendation:** Conditional Approval

### **Conditions**

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

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 1330/04 (Location Plan) received by the Local Planning Authority on 21<sup>st</sup> September 2017 and drawing number 1330/05/D received by the Local Planning Authority on 5<sup>th</sup> November 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.

4. The privacy screens as detailed on drawing 13305/05D on the east and west elevations of the first floor balcony hereby permitted shall be installed prior to the use of the balcony and shall thereafter be retained and maintained.

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

**Key issues for consideration:** Design, impact upon the amenity and privacy to neighbouring properties and impact upon Area of Outstanding Natural Beauty.

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### **Site Location**

The site is located to the east of Thurlestone village centre on Court Park with access taken from Court Park Road. The property is a detached 1960's dwelling house with large gabled roof with dormers front and back and finished with rendered walls, UPVC windows and doors and concrete tiled roof.

### **Proposal**

The proposal seeks a lower ground floor extension on the rear elevation to provide a TV room with a balcony above at ground floor level with access taken from the dining area and kitchen and two Juliette balconies off bedroom No. 3. At first floor level the existing rear dormer would be extended to the east of the roof to provide additional space to a bedroom and the creations of a three quarter length balcony is proposed with privacy screens at either end above the existing flat roof of the conservatory, kitchen and bedroom with access taken from bedrooms one and two.

The garage would be converted into additional living accommodation with removal of garage door and insertion of a window. The part of the front garden would have the construction of a low retaining wall with a hardsurfaced area to be laid to provide additional off street car parking. The extensions and alterations would be built in materials that would match that of the existing dwelling house.



## Consultations:

- County Highways Authority No objection
- Environmental Health Section - No comments received
- Town/Parish Council - The council have visited the site of the proposed extension and object to this on the following grounds.  
  
It is likely that the Bay tree to the west of the property would be damaged or killed by the building of the required footings. This tree is the only privacy afforded 22 Court Park.  
  
The building would be in very close proximity, and an overbearing intrusion of privacy for permanent residents to the South, East and West of the property.  
  
It is highly likely that the proposal would lead to an increase in traffic movement.

## Representations from Residents

There have been 15 letters of representations to the current and previous proposal raising the following points:

- The first floor balcony would result in loss of privacy and amenity to no.s 22 and 23 rear gardens;
- The principle of a first floor balcony is unacceptable to properties within Court Park and would set a dangerous precedent;
- Concern to loss of privacy from ground floor balcony with the removal of Bay tree on the boundary between no. 22;
- Concern to issues of noise from the proposed balconies;
- The extension of the rear dormer would have dominant impact upon No. 20;
- The two side windows one at ground floor level and one at first floor would result in loss of privacy to No. 20;
- Issues of property being used as a holiday home;
- Loss of privacy to No's 5, 8, 9 and 10 Court Park from the first floor balcony;
- The increase in glazing is unacceptable;
- Overdevelopment of the site;
- There is a covenant stating that the boundary hedges between properties in Court Park should be no more than 2m in height, if boundary screening were reduced to this overlooking would occur to both neighbouring properties from the first floor balconies;
- Concern that 3 parking spaces provided cannot be achieved on the land to the front of the property due to slope of the land.

## Relevant Planning History

55/1554/01/F	Erection of extension and conservatory	Conditional Approval
55/0441/91/3	Alterations to provide housekeepers accommodation ancillary to main house	Conditional Approval

## **ANALYSIS**

### Principle of Development/Sustainability:

The principle of a first floor balcony at this level has been given careful consideration and whilst there are no other balconies within Court Park there is a roof terrace at first floor level on neighbouring property of Glebe House in Glebe Field planning approval 55/1485/14/F to the south west that already overlooks neighbouring properties gardens. Therefore the principle of a balcony depending on how much harm it would cause to neighbouring properties amenity is acceptable.

There is existing level of overlooking to both neighbouring properties gardens from the existing bedroom windows and the Local Planning Authority are mindful that the balcony is accessed from bedrooms which have a lesser use being classed as secondary habitable rooms.

The original proposal sought a full length and depth balcony at first floor level with no privacy screens on either elevation. This was not acceptable and a revision has been submitted with the balcony set back by 0.5m on the south elevation and brought in by 1.5m on the west elevation and 3.5m on the east elevation together with the installation of 1.8m high privacy screens on both east and west (side) elevations to ensure that no direct overlooking would occur to neighbouring dwellings at No. 22 and 23 Court Park. Consequently this balcony is acceptable as it would not cause significant loss of privacy or amenity to neighbouring properties.

This amendment overcomes officer concerns to the issue of overlooking into neighbouring properties gardens and directs the view from this balcony across the applicants garden and out to sea. It is recommended that a condition would be placed on any permission granted that the privacy screens hereby approved shall be installed prior to the use of the balcony and shall thereafter be retained and maintained.

The balcony at ground floor level has been increase with a small linked balcony that extends by 1m in depth along its length with access taken from the kitchen. This alteration is considered to be acceptable and does not result in any significant overlooking that currently exists from the proposed balcony and there is sufficient mature boundary screening.

The proposed extensions and alterations to the property are considered to be acceptable and would not harm character and appearance of the building or local area. It is recommended that a matching materials condition be placed on any permission granted.

### Neighbour issues

The objection raised to the extension of the first floor rear dormer and its dominate impact upon No. 20 is noted though as the application site is set forward to No. 20 and the massing of the dormer extension would be minimal as it would be stepped in from the side wall and set into the roof. Therefore the increased massing of the dormer would be minimal and would not result in having a dominant impact upon this neighbour.

The concern raised to the insertion of two windows on the east side elevation of the property are noted though the first floor window serves a bathroom which is likely to be obscure glazed and serves a secondary habitable room and therefore no significant overlooking would occur. The other side window is proposed ground floor, which can be inserted under the property's permitted development rights and therefore the Local Planning Authority has no control over such works.

The objections received to the installation of the first floor balcony and issues of overlooking to neighbouring properties balconies are noted. It is acknowledged that there is already a degree of overlooking that already exists from the existing windows from the dormers on this elevation. Whilst a balcony would permit persons the ability to stand out of this area with the reduction in size of the balcony to 1.5m in depth and installation of privacy screens on either side there would not be any significant

overlooking than previously exists. Furthermore this balcony is also accessed off bedrooms that are classed as secondary habitable rooms which have a lesser intensification of use than that of the ground floor balcony which is accessed from the main living areas.

The issues raised to overlooking from first floor balcony to No. 10 Court Park to the south is noted though there is more than sufficient boundary screening to this property and if it were removed the existing windows on the dormer would provide the same level of overlooking. The objections raised to overlooking and loss of privacy of first floor balcony to properties no. 5, 8 and 9 Court Park have also been considered though they are already overlooked by the property and its neighbours and are of sufficient distance of some 38m from the site. Consequently in officer's opinion this balcony would not result in significant loss of privacy or amenity to neighbouring properties.

The concern to loss of privacy to No. 22 rear garden from the ground floor balcony with the loss of Bay tree on the boundary with neighbouring property is noted though there is no proposal to remove this tree by the applicants and there is sufficient boundary treatment to retain the privacy between both properties.

The comments submitted regarding that boundaries within Court Park should be no higher than 2m (10ft) in height as per a covenant and if this were enforced issues of overlooking would occur to all neighbours adjoining this site. This comment is noted though covenants are civil matters not one for planning to become involved with. Even if the boundary hedges were reduced to this height there would be sufficient screening to the ground floor balcony. With regard to the first floor balcony the proposed privacy screens either side would direct views out to sea and not directly into the neighbouring properties gardens. Therefore this objection is not considered to be an overriding reason for refusing this application.

The objections raised to the creation of noise from these balconies is noted though they are not of such a size to warrant concern to the creation of antisocial behaviour. If such activities occur then Environment Health have statutory powers to investigate and control such nuisance under their own legislation.

The concerns raised to the use of the building as a holiday let are noted though these are not overriding reasons to refuse the application and the use of property is not changing from a dwelling house.

The objections that the proposed works would constitute overdevelopment of the site are noted though these extensions create minimal increase in massing upon the existing dwelling house and there is more than sufficient curtilage to accommodate such alterations.

The concern raised to the creation of three off street parking and whether this can be achieved due to land levels is noted though the garden area will have a retaining wall built with new hard surfaced area constructed and therefore this can be achieved. Furthermore the existing property provides two off street parking spaces that is sufficient for this dwelling house and there is no planning requirement to increase the number of spaces. The County Highway Officer has raised no objection to the proposal.

### Conclusion

The proposed alterations and extensions to the property are acceptable and both of the proposed balconies would not result in significant overlooking or loss of privacy as detailed in this report. Therefore it is officer's opinion that this application should be recommended for approval subject to the recommended conditions.

***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

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

DP1 High Quality Design

DP2 Landscape Character

DP3 Residential Amenity

### ***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

DEV24 Landscape character

DEV27 Nationally protected landscapes

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

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

## PLANNING APPLICATION REPORT

**Case Officer:** Chris Mitchell  
Fleming

**Parish:** Stoke Fleming **Ward:** Blackawton and Stoke

**Application No:** 1174/17/HHO

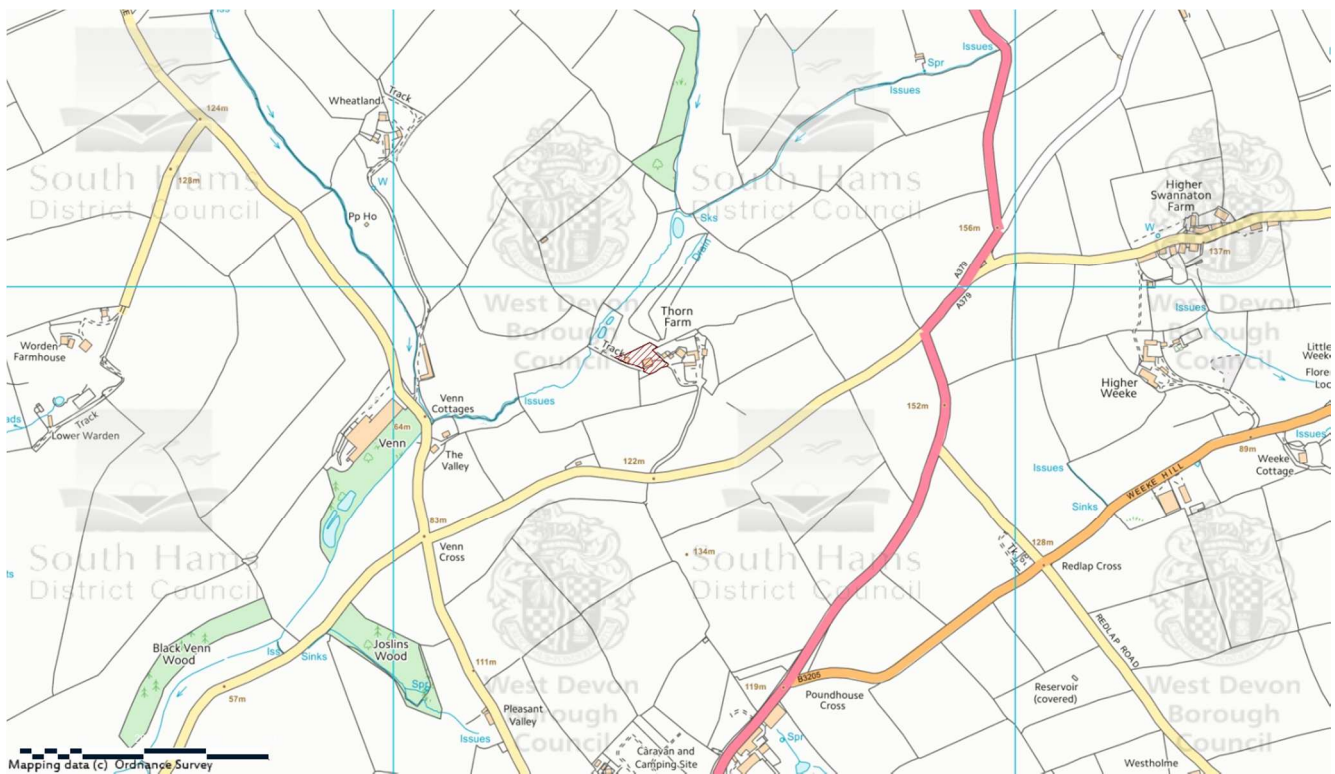
**Agent/Applicant:**  
Mr Adam Bennis  
BBH Chartered Architects  
9 Duke Street  
Dartmouth  
Devon  
TQ6 9PY

**Applicant:**  
Mr & Mrs D Duffy  
Whitelands Barn  
Thorn Farm  
Venn, Devon  
TQ6 0LF

**Site Address:** Whitelands Barn, Thorn Farm, Venn, Devon, TQ6 0LF

**Development:** Householder application for a proposed extension to an existing dwelling

**Reason item is being put before Committee:** At the request of the ward member.



## **Recommendation: Refusal**

### **Reasons for refusal**

The extension hereby proposed in both its design and massing would result in the domestication of a traditional farm building and non-designated heritage asset and therefore adversely harm the character and appearance of the building that has already benefitted from extensions and alterations and therefore would be contrary to para 135 of Nation Planning Policy Framework, Barn Guide Supplementary Planning Document (Traditional Farm Buildings within the South Hams dated 2004) and Local Plan Policies, Core Strategy policies CS7 Design and CS9 Landscape and Historic Environment, Development Plan DPD policies DP1 High Quality Design, DP6 (Historic Environment) and emerging Joint Local Plan policies TTV32 (Residential extensions and replacement dwellings in the countryside) and DEV22 (Development affecting the historic environment).

**Key issues for consideration:** Principle of extensions to a non-designated heritage asset, design, impact upon neighbouring properties and Area of Outstanding Natural Beauty.

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### **Site Description:**

The site is located to the south west of Dartmouth and north of Stoke Fleming at Venn Farm with access taken from the A379 via lane to Venn Cross. The property is a detached barn that has been converted to residential accommodation and sited to the west of Thorn Farm.

### **The Proposal:**

The proposal is for a single storey contemporary side extension to the barn on its north elevation to form living room with utility room to rear and is sited within the existing garden of the property. The extension would be some 70 sq.m and finished with timber weather boarding and natural stone for the walls, powder coated aluminium windows and doors and a green roof to retain the garden area to the property. The extension would be connected to the existing barn via a glazed link extension on the north elevation of the property.

### **Consultations:**

- |                                |   |
|--------------------------------|---|
| • County Highways Authority    | No objection  |
| • Environmental Health Section | No comments received  |
| • Town/Parish Council          | Support   |
| • Heritage Specialist          | This is an unusual proposal which appears to be contrary to policy, our barn conversion SPD and para 135 of the NPPF. |

The barn is a non-designated heritage asset and as with all historic barns its location within the landscape and the context of a wider farmstead is a fundamental feature of its character and significance. The barn as converted is a viable residential unit and there is no proven need for further extension. The form of the extension is such that it will be read as a modern flat roofed building independent of the barn and, when viewed from the west, about twice the width of the barn itself. Due to the overtly modern and domestic design it will sit as a 'stand-alone' statement in the countryside. Were this to be an extension to a house it could be seen as an innovative and interesting addition, but in the context of a barn it is wholly 'other'.

Para 135 requires that a 'balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset'. The harm here relates to setting, but that is limited to the immediate experience of the barn and views from the west. The harm is less than substantial and arises from the fact that the form and appearance of the extension does not sit comfortably with the barn and changes its relationship to the land within which it is sited. It can be argued that the extension is so modern that it will read as such, but that amelioration does not remove or override the harm.

The example given of a building with a banked earth roof integrated into the landscape with naturalised planting does not appear to be what is being proposed. Many planted flat roofs are just as evidently alien in the landscape as any other material, so if this does move forward for approval I would seek conditions that require details of the ground profile and planting.

### **Representations from Residents**

Comments have been received and cover the following points:

None

### **Relevant Planning History**

51/1205/13/F	Householder application for lean-to greenhouse.	Conditional Approval
51/1913/10/F	Householder application for amendments to approved application 51/1748/08/F (amendments to garage carport and residential curtilage)	Conditional Approval
51/1748/08/F	Construction of car port store and associated works	Conditional Approval
51/2620/07/F	Resubmission of application 51/1277/07/F for modification of approved conversion; internal arrangements and reconstruction of lean-to barn to the south	Conditional Approval
51/1277/07/F	Modification of approved conversion 51/1383/01/F in respect of internal arrangements and reconstruction of lean to barn to the south	Withdrawn
51/0759/05/F	Variation of Conditions 15 and 22 of approved plans 51/1383/01/F for alterations to the positioning of curtilage and landscaping	Conditional Approval
51/0309/04/F	Amendments to approved plans 51/1383/01/F for barn conversions (alterations to one unit)	Refusal
51/1383/01/F	Conversion to provide two residential dwellings 2 no. ancillary dwelling units and covered parking.	Conditional Approval

### **ANALYSIS**

Principle of Development/Sustainability:

There are two principles that need to consider under this application, firstly the domestication of a non-designated heritage asset of which this proposal would harm the traditional appearance of this barn. When applying para 135 '*.....a balanced judgement will be required having regard to the scale of any*

*harm or loss and the significance of the heritage asset'* it is considered that this addition would cause demonstrable harm. As well as being questionable in principle, the actual design of the proposed living area is entirely domestic and makes no discernible effort to take cues from either this group of buildings or indeed any other South Hams examples.

The (Barn Guide) Traditional Farm Buildings within the South Hams dated 2004 is of material consideration and clearly states:

*'The general absence of extensions and additions to traditional farm buildings is an aspect of their historic interest and authentic character. Conversion schemes that involve the construction of new extensions or additions (or the demolition of existing ones) are more likely to harm the integrity of a farm building and are therefore less likely to be acceptable'.*

If any extension were to be permitted to a traditional agricultural building it should respect the character and historical context of the property, this proposal does neither and therefore would be contrary to para 135, the Barn Guide and Local Plan Policies.

Secondly the adequacy of provision of living accommodation. When the building was originally converted under planning approval 51/1383/01/F adequate living space was provided, subsequently under application 51/2620/07/F it was agreed that an existing lean-to element should be included to provide additional living space and this evidenced and considered to be acceptable. Therefore the current building has sufficient living accommodation for a converted building. This proposed addition bears no historic reference to the building and would result in an unbalanced addition to the traditional barn.

The proposed size of the additional living area some 70 sq.m is a significant increase in the floor area of the existing building and whilst this has been reduced from original submission it is still considered to be too large for this traditional barn.

#### Design/Landscape:

The proposed design is of a contemporary approach and whilst it has been reduced in height and massing it is scale would still result in making the building less legible and fundamentally changing its traditional barn appearance and contrary to the Barn Guide SPD and para 135 of NPPF.

Therefore such an extension would result in harming the traditional appearance of the non-designated heritage asset and such development should not be permitted.

#### Neighbour Amenity:

The proposal would not harm neighbouring properties amenity.

#### Conclusion:

The extension hereby proposed in both its design and massing would result in the domestication of a traditional farm building and non-designated heritage asset and therefore adversely harm the character and appearance of the building. The barn already benefits in a lean-to extension and therefore no further alterations to the property would be permitted. The application is therefore contrary to para 135 of Nation Planning Policy Framework, Barn Guide Supplementary Planning Document (Traditional Farm Buildings within the South Hams dated 2004) and Local Plan Policies and is recommended for refusal.

***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

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

DP1 High Quality Design

DP2 Landscape Character

DP3 Residential Amenity

DP6 Historic Environment

DP15 Development in the Countryside

DP17 Residential Extensions and Replacement Dwellings 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)**

TTV31 Development in the Countryside

TTV32 Residential extensions and replacement dwellings in the countryside

DEV1 Protecting amenity and the environment

DEV2 Air, water, soil, noise and land

DEV22 Development affecting the historic environment

DEV24 Landscape character

DEV27 Nationally protected landscapes

### **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.

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## PLANNING APPLICATION REPORT

**Case Officer:** Tom French

**Parish:** Marldon **Ward:** Marldon and Littlehempston

**Application No:** 1239/17/FUL

**Agent/Applicant:**

Steven Bottomley  
Windhover  
Barracks Hill  
Totnes  
TQ9 6DG

**Applicant:**

Mrs Sarah Pike  
Totnes Road To Westerland Lane  
Westerland  
Marldon  
TQ3 1RU

**Site Address:** Totnes Road To Westerland Lane, Marldon, TQ3 1RU

**Development:** Retrospective application for erection of horse walker

**Reason for committee referral:** Referred by Cllr Pennington over highways concerns and parish council objection.



## **Recommendation:** Conditional Approval

### **Conditions:**

Accord with plans  
No more than 10 horses  
No more than one paid livery horse  
No external lighting on horse walker without consent

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

Principle of Development  
Highways

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### **Site Description:**

The application site is 95m<sup>2</sup> in size, this being the area of the horse walker within the stable yard and car park.

The land owned around the site is a farm and stables which is known as Lower Westerland Farm which is an 18.8ha holding comprising 4 grazing fields which all lie on the south side of the farm yard. There are two buildings in the farm yard, a machinery/fodder store and stables.

The stables house 6 horses which are owned by the applicant; 3 horses which are non – charged livery and one horse paid livery.

The horse walker has already been erected and this is a retrospective planning application.

### **The Proposal:**

This is a retrospective application for erection of horse walker. The horse walker is circular with a 11.0m outer diameter fence and a 7.5m internal fence.

### **Consultations:**

- County Highways Authority: No highways implications
- Environmental Health Section: None received
- Marldon Parish Council: Objection: Previous planning issues have not been resolved, unable to consider extra plans until these sorted

### **Representations:**

None received

### **Relevant Planning History**

34/2514/15/E - Change of use of existing barn to 8 livery stables, erection of a horse walker, car parking and associated works – Refused for following reasons;

1. The proposed development would be likely to result in an increase in the volume and a material change in the character of traffic entering and leaving the Class C County Road through a junction which does not provide adequate visibility from and of emerging vehicles, contrary to paragraph 32 of the National Planning Policy Framework and policy DP7 of the South Hams LDF Development Policies DPD.
2. Adequate information has not been submitted to satisfy the Local Planning Authority that the proposal is acceptable in terms of off-street parking, surface water drainage, and on site turning facilities contrary to paragraph 32 of the National Planning Policy Framework contrary to paragraph

32 of the National Planning Policy Framework and policy DP7 of the South Hams LDF Development Policies DPD.

34/2395/10/AG – Prior notification of proposed agricultural storage building (Ag Detmn - details not required – 09.11.2010)

34/1505/02/F – Demolition and replacement of agricultural building (Conditional Approval – 19.09.2002)

## **ANALYSIS**

Principle of Development/Sustainability:

Principle of Development:

The site is in open countryside and the barn has an established Sui Generis Agriculture (see planning history). In this instance, the principle of development needs to be considered against policy DP18, which states:

Horse related development should only be permitted where:

- a. there is adequate land and, for commercial uses, adequate off-road riding facilities available for the number of horses to be kept on the land;
- b. existing buildings are reused where possible but where new buildings are necessary, these are well-related to existing buildings, commensurate in size with the number of horses to be kept on the land and the amount of land available for use by those horses;
- c. there is an agreed comprehensive scheme of management for any ancillary development including hardstanding, access roads, parking, fencing, lighting, storage, waste disposal, ménages and sub division of fields; and
- d. the proposal, either on its own or cumulatively, with other horse related uses in the area, is compatible with its surroundings and adequately protects water courses, groundwater and the safety of all road users.

The submitted information demonstrates that the site can accommodate the number of horses being kept on the land and there are no new buildings or structures being proposed other than the horse walker, which is the subject of this application. The application states that there are 10 horses being kept on the site, 6 of which belong to the applicant, 3 are non-commercial livery and 1 paid livery. It is proposed for this to be conditioned, whilst the red line covers the horse walker only, the blue line covers the wider site and therefore it is within the control of the authority to place conditions relating to the proposal on the wider site.

In light of the above it is considered the development is acceptable in principle subject to accordance with other adopted policies and the Development Plan.

Design/Landscape:

The horse walker does not result in a harmful impact on the wider landscape.

Neighbour Amenity:

The nearest properties are some distance away, it is considered that the living conditions of the occupiers of those dwellings are not negatively affected by the horse walker. There have been no representations from nearby residents.

Highways/Access:

The previous application was refused on highways grounds, however this application is substantially different and must be assessed as such. The previous proposal involved extensive commercial use, which was refused. The county highways engineer has reviewed this application and has no objections to the amended proposal.

Enforcement:

Following an enforcement investigation it was concluded that the change of use of the buildings to stables does not cause harm and it would not be expedient to take enforcement action. It was considered that the construction horse walker required consent.

***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

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

DP1 High Quality Design

DP2 Landscape Character

DP15 Development in the Countryside

DP18 Horse related development

## **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

TTV31 Development in the Countryside

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

Reason: For the avoidance of doubt and in the interest of proper planning.

2. No more than 10 horses shall be stabled on the site at any time.

Reason: To prevent an over intensive use of the site and in the interest of highway safety.

3. No more than one of the horses kept on the site shall be a paid livery horse.

Reason: To ensure the primary use of the site remains as private equestrian.

4. No external lighting shall be installed on or around the horse walker without prior written consent of the local planning authority.

Reason: In the interests of preserving the character of the countryside and ecology.

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## PLANNING APPLICATION REPORT

**Case Officer:** Tom French

**Parish:** Woodleigh **Ward:** Loddiswell and Aveton Gifford

**Application No:** 1894/17/FUL

**Agent/Applicant:**

Mr Allen  
The Woodland Trust  
Kempton Way  
Grantham  
NG31 6LL

**Applicant:**

Mr Allen  
The Woodland Trust  
Kempton Way  
Grantham  
NG31 6LL

**Site Address:** Land at SX 740 491 & 742 498, Avon Valley Woods, Hendon Road, Woodleigh

**Development:** Enlargement of existing car park to provide up to 15 spaces and new car park to provide up to 10 spaces.

**Reason for committee referral:** Referred by Cllr Bramble due to the parish council objection concerning lack of evidence for the development, urbanisation of the countryside and risk of fly tipping/litter.



**Recommendation:** Conditional approval

**Conditions:**

Standard time limits  
Accord with plans  
Provision of post and rail fence  
No external lighting without consent

**Key issues for consideration:**

Principal of the development, impact on countryside, trees, ecology and other matters

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**Site Description:**

The Avon valley Complex is a 140 ha mixture of ancient woodland and woodland planting in around 2000. It comprises of a number of woodlands predominately situated to the north of Woodleigh. It is the largest publically accessible woodland in South Devon. The Woodland Trust aims to improve the current visitor experience by upgrading the access facilities through better interpretation, way marking and parking. The Woodland Trust would also like to promote the woodland more widely within the local area and expand the potential range of users to include outdoor education and volunteering opportunities.

**The Proposal:**

The Woodland Trust aims to improve the current visitor experience by upgrading the access facilities through better interpretation, way marking and parking

**Car park 1.**

**Purpose:** This car park will provide access to approximately 66ha of continuous woodland and the River Avon through permissive paths and linking with the public footpath Woodleigh FP no. 4 and hence to the wider footpath network on the western side of the road and a further 54 ha on the eastern side of the road.

**Location and capacity:** (See Map 4). The existing car park (GR SX740492) will have its capacity increased from 2 cars to up to 15 cars. It will be 30m by 20m in size.

**Construction:** The car park will be built on former arable land which has reverted to grassland over the last 20 years. The area will be excavated to not more than 350mm. The material will be spread thin y elsewhere on site. Locally sourced stone shall be imported onto site and crushed stone spread in 3 layers, 100mm deep, and compacted between each layer. A top surface of scalplings and 'dust' will then be spread to 75mm deep and compacted to provide a fully bound surface. No additional drainage shall be required; the site has been fully assessed and shall be free draining, the natural gentle slope to the southwest of the car park will serve as a natural soakaway into the surrounding woodland.

The edges of the car park will be delineated by post and rail fencing on the northern, southern and eastern sides, and by the hedge bank to the west.

**Car Park 2**

The car park will provide access to 54 ha of woodland on the eastern side of the road and greatly improve the access to Woodleigh Bridleway no. 2 by stopping cars blocking it.

**Hedge banks and trees:** 4m of hedge bank (Map 7) will have to be removed to create a 6m entrance and to allow for adequate site lines based on the requirements in the DOT 'Manual for Streets'. This also makes a 4m allowance for access to bridleway no. 2.

There are 6 ash stools on the bank which are approximately 5m in height trees on the hedge bank (see map no. 8), with some other small shrubs of hawthorn, hazel and blackthorn. An ecological survey was carried out and no protected or rare species were found.

### **Consultations:**

- County Highways Authority: Standing advice applies
- Woodleigh Parish Council - Objection  
When the Woodland Trust first acquired and planted the land for Watkins Wood 15-20 years ago Woodleigh expressed concern at the amount of visitor traffic that would be generated, on a very inadequate road. The Trust gave assurances that these particular woods would not be heavily promoted and could be expected to receive few visitors. The parish accepts that priorities change, that the Trust now needs to make better use of a developing asset into which much money and work has gone, and that it should wish its members from outside the area to visit it and enjoy it. But the parish's concerns over traffic have proved valid and it views with anxiety any proposal that implies a further increase in the number of cars on the lanes and through the village.

The car parks proposed are large (over 1000 sq m in total) and, with the required splays, the loss of 6m of hedgerow, the fencing, the bollards and other furniture, they would represent a degradation of a natural rural environment in and alongside the SD AONB, That damage would never be reversed - experience shows that one development all too often leads to another.

These large ungated and unobserved areas of hard standing would sooner or later attract the attention of travellers, camper vans and fly tippers, as happened when the nearby car park at Blackdown Rings was enlarged. The same thing is regularly happening with car parks on Dartmoor. Height restricting barriers or bollards would only make the parks more unsightly.

There is no reason to suppose that the existence of the car parks would actually stop people parking on the road as claimed in the design and access statement. It will a ways be easier just to pull onto the verge.

The design and access statement speaks of eight cars regularly parked on a weekday afternoon at the northernmost of the existing parks. This is surprising - it is rarely if ever the case that both existing parking areas are full. The current proposals will of course not help the situation at Loddiswell Station.

Parishioners are routinely picking up litter and recently gathered thirteen large bags of it in a single day. In another incident, a parishioner removed a pile of industrial cleaning equipment dumped at one of the entrances to the woods. The amount of dog waste, for the disposal of which there are no arrangements, is in places unpleasant.

These are all significant drawbacks and the parish would prefer them not to be incurred until it is shown that the car parks are necessary and desirable. This s one of 250 sites that the Trust intends to promote and there can be no certainty that visitor numbers will actually increase. Schools and outdoor activity groups have been able to use the woods for many years and again it is uncertain that they will do so to any greater extent in the future.

The Trust is asked to withdraw the proposals for the present time and, if and when the number of visitors actually increases, to bring forward a revised scheme which addresses the parish's concerns and causes as little environmental harm as possible.

## **Representations:**

### **Representations from Residents**

Comments have been received and cover the following points:

#### Objection

- Increased traffic through Woodleigh village
- Country lanes not suitable
- Increase in dog mess
- Potential for fly tipping/illegal encampments

#### Support

- Good community facility
- Existing visitors have experienced problems parking
- A safe parking area allowing users to access the woodland is welcomed
- Existing parking blocks lanes and access to paths/bridleways
- On behalf of the South Hams Ramblers I support any means to improve access to the countryside.

## **Relevant Planning History**

None relevant

## **ANALYSIS**

### Principle of Development/Sustainability:

The site is in a countryside location, any development needs to demonstrate that there is a requirement for the location proposed. The proposal contained within this planning application adheres to these requirements as the proposed car parking is to improve an existing visitor facility, which benefits both the local community and the South Devon tourist/visitor offering. The existing woodlands are an established community facility and improvements to community facilities are encouraged where they do not result in other harmful impacts. The level of proposed parking is considered to be commensurate with the area of publically accessible woodland it will serve and does not result in an unacceptable impact on the countryside.

### Design/Landscape:

The proposed car parks have been designed so as to fit in with their surroundings as much as possible, through the use of crushed stone, post and rail fencing, this will ensure the car parks sit as naturally within their locality as possible, a condition requiring any external lighting to be approved is recommended although it is anticipated that external lighting is unlikely to be required. The proposals involve very little built development, the existing parking facilities and the enlarged facilities are not overly prominent in wider views and therefore it is considered that the car parks will not adversely impact the South Devon AONB and the conditions recommended ensure that elements which could cause harm, for example, controlling the erection of external lighting.

The proposals do involve some removal of hedge bank to facilitate the required visibility splays for safe access and egress, however the amount of hedging required to be removed is not excessive and when balanced against the benefits of greater accessibility/usability of the publicly accessible woodlands, it is considered acceptable.

An ecological survey has been submitted with the application, which demonstrates that no protected species would be affected by the development.

### Neighbour Amenity:

There are no nearby neighbours who would be affected by the proposals.

#### Highways/Access:

The county highways officer has offered 'standing advice' to the proposal, the applicants have demonstrated that visibility can be achieved and the proposed accesses are commensurate with their usage.

The two car parks can be accessed from the north and south. The road through Woodleigh is a public highway and increased use of the woodland without the provision of the car parks still has potential to increase traffic going through Woodleigh but also the potential for on-street parking, for which there is limited capacity.

#### Other Matters:

The potential for anti-social behaviour in the form of camping, illegal encampments and fly tipping would be a matter for the police or land owner in conjunction with the LPA and would not be a material planning reason to recommend refusal of this application.

The LPA concurs with the parish council that the use of barriers would not be suitable in this location and would also require a much greater on site presence for opening and closing. The importance of reducing the need for street furniture, which has an urbanising effect is critical in this location and the proposals reflect this in the use of materials and no additional barriers, bollards, lighting.

The Woodland Trust's policy is to not provide litter or dog waste bins. The trust's litter policy is that all users are responsible for their own waste and should take it home. In respect of dog mess, the Woodland trust operates a "stick and flick" policy, which requires users to use a stick to flick dog mess away from paths and into undergrowth where it will biodegrade naturally.

***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
- 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

TTV31 Development in the Countryside

TTV32 Residential extensions and replacement dwellings in the countryside

DEV1 Protecting amenity and the environment

DEV15 Supporting the rural economy

DEV20 Place shaping and the quality of the built environment

DEV24 Landscape character

DEV27 Nationally protected landscapes

DEV29 Green and play spaces (including Strategic Green Spaces, Local Green Spaces and undesignated green spaces)

### **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 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 permitted shall be carried out in accordance with the approved plans and documents to be listed on the decision notice.

Reason: For the avoidance of doubt and in the interest of proper planning.

3. Prior to the car parks hereby approved being brought into use, the post and rail fences shall be provided in accordance with the approved plans and maintained thereafter.

Reason: To safeguard the amenities of the locality and to ensure the car parks are properly delineated.

4. No external lighting shall be installed at either car park without the prior written consent of the Local Planning Authority.

Reason: In the interest of protecting the natural beauty of the AONB and ecology.

## PLANNING APPLICATION REPORT

**Case Officer:** Tom French

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

**Application No:** 3117/17/FUL

**Agent/Applicant:**

Mr Stephen Whettem  
The Works  
3 Dolvin Road  
Tavistock  
PL19 8EA

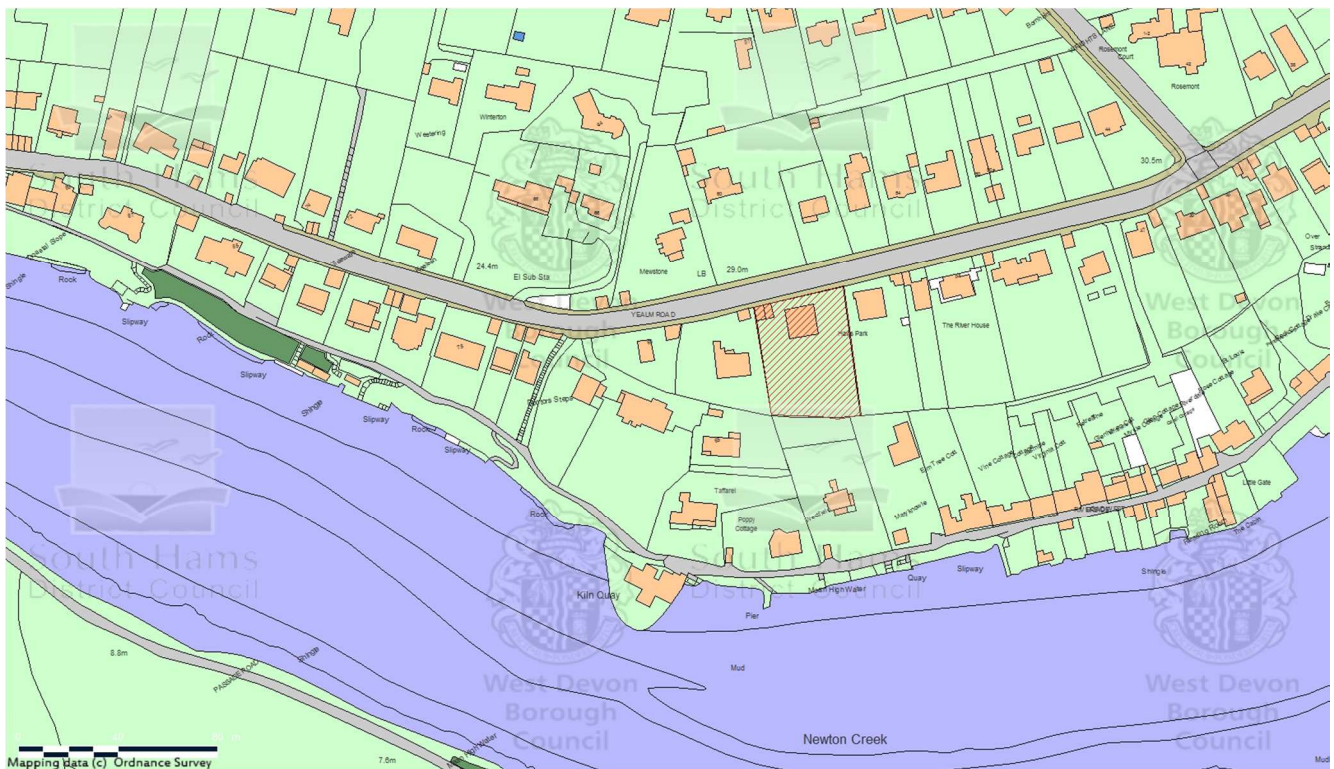
**Applicant:**

Gillie Scherr  
47 Yealm Road  
Newton Ferrers  
PL8 1BJ

**Site Address:** 59 Yealm Road, Newton Ferrers, PL8 1BJ

**Development:** Replacement of existing dwelling with single dwelling

**Reason for referral:** Referred by Cllr Baldry due to concerns over the loss of the existing dwelling.



**Recommendation:**  
Conditional Approval

**Conditions:**  
Time limit  
Accord with plans  
Schedule of external materials  
Mitigation in ecology report to be carried out  
Unsuspected contamination condition  
Removal of PD (extensions, outbuildings, roof alterations)  
Hours of delivery

**Key issues for consideration:**

The application concerns the demolition and replacement of an existing detached house and garage, which is situated on the south side of Yealm Road in the village of Newton Ferrers. There are a number of detached dwellings of different sizes and designs within the vicinity of the site. It is considered that the size, scale and design of the replacement dwelling is acceptable in terms of the relationship with the adjoining dwellings close to the site.

It is considered that the replacement dwelling and garage in terms of the size, siting, design and impact upon the residential amenities of the occupants of the adjoining dwelling at no. 59, Yealm Road is acceptable. No loss of amenity in terms of a loss of privacy, loss of light and dominance of appearance would result from these proposals.

There would appear to be adequate access arrangements with on-site parking provision being made and there have been no highway objections from the Highway Authority to these proposals. The access and parking provision on site would appear to be acceptable from a planning point of view.

The proposed replacement dwelling would not have an adverse impact upon the setting of listed buildings and the character and appearance of the conservation area.

It is contended that the proposed development is in accordance with the relevant policies of the Development Plan and as a result it is recommended that planning permission should be granted, subject to the imposition of appropriate conditions.

**Site Description:**

“Westerly” is a detached three storey double fronted late Victorian house, with a basement floor which extends under a terrace on the south elevation of the property. It is located on the south side of Yealm Road within the village of Newton Ferrers, where the land slopes away to the south and by almost 8.5m. within the site. It is situated within a residential area where there are a number of detached houses set in relatively large plots.

The dwelling has a flat roofed rear extension and has a render external finish with a slate roof. The main south facing elevation has a number of large rear facing windows, which face a relatively large enclosed rear garden.

The site faces Yealm Road to the north of the highway frontage of the site and there is a detached double garage at road level close to the site boundary. There are a number of dwellings sited close to the site to the east and west. The site slopes downward from the building to the south to adjoin the dwelling curtilages of dwellings to the south of the site.

The site is located within an Area of Outstanding Natural Beauty (AONB), within the settlement boundary of Newton Ferrers and outside the Newton Ferrers Conservation Area.



## **The Proposal:**

The application seeks planning permission for the replacement of the existing dwelling and detached garage with a new dwelling with an overall reduced floor area. The lower ground floor is set into the rising ground to the north. The building will have three floor levels with a flat roofed design, which reduces the overall volume of the building. The new dwelling is to have a rendered external finish, with green zinc cladding for the lower levels with some stone facings and mineral composite cladding. There will be an attached double garage at the side of the dwelling with vehicular access from Yealm Road with an area of hardstanding in front of the garage.

## **Consultations:**

- County Highways Authority: No highway comments received
- Environmental Health Section: No comments received
- Newton and Noss Parish Council: Objections as follows:
  1. There have been two previous applications for dwellings refused and dismissed on appeal
  2. Adverse impact upon the conservation area
  3. Loss of a building of locally distinctive character
  4. Detrimental to the views from Noss Mayo and the street scene at Court Road
  5. It would reduce the open space on either side of the existing dwelling

## **Representations:**

Support comments received as follows

- A smaller house is more environmentally friendly
- The plans are in sympathy with the surroundings
- A contemporary design for the building is acceptable
- A different design for the dwelling compared with the surrounding buildings ; green walls are acceptable
- The Noss mayo shore view is enhanced
- A contemporary design is less dominant when viewed from Yealm Road
- The new dwelling blends in well with the other flat roofed dwellings opposite the site
- The modern contemporary design for the building is not detrimental to the village character
- The new dwelling is not obtrusive when viewed fro Noss Mayo and will enhance the site

Objections comments received as follows:

- It will impinge upon the privacy and light from the adjoining property at 59, Yealm Road
- The building is unsympathetic in design with the surroundings and the AONB area
- Demolition of the Victorian house is unacceptable and its restoration is recommended
- The replacement dwelling is detrimental to the character of the area
- The long term retention of the existing dwelling is required
- Previous objections to the earlier applications should prevail
- The high wall across the site frontage is detrimental to the surrounding area
- The building is out of context with the other buildings in the village
- The building has a detrimental impact upon the street scene
- The existing dwelling is a heritage asset and should be preserved
- The majority of the boundary trees would be removed for the new dwelling

## Relevant Planning History

2682/15/FUL - Replacement of existing dwelling with 2 No proposed dwellings – Appeal dismissed  
37/1563/15/PREMIN: PRE – Demolition of existing dwelling and construction of two dwellings –  
Officer support – 08.09.15

## ANALYSIS

### Background:

The previous application for 2 dwellings on the site was dismissed at appeal by the Planning Inspectorate, primarily due to the introduction of a second dwelling on the site, which would result in harm to the character of the area by eroding the 'Green Wedge' between Riverside Road and Yealm Road. The Conservation Specialist had commented on the previous application (2682/15/FUL) and in her consideration concluded that 'Westerley' is a good example of a Victorian villa and an attractive house but was considered not to be a 'designated heritage asset'.

The Inspector also addressed this and stated in paragraph 7 "Whilst acknowledging that the house is not in itself a designated heritage asset, it is a good example of the late-Victorian residential aesthetic". Therefore, whilst it is undoubtedly the case that the existing dwelling is an attractive period property, it is not a heritage asset and the LPA would be unable to sustain a planning refusal on these grounds.

### Principle of Development/Sustainability:

The site is situated within the development boundary for Newton Ferrers where development is acceptable in principle under Policy CS1 of the South Hams District Council Core Strategy, which defines Newton Ferrers as a "village".

The existing dwelling on the site does not have significant architectural merit and there are no objections in principle to its demolition. There is no objection in principle to a replacement dwelling on the site, due consideration must be given to other issues, including design, impact upon the amenities of neighbours, protected species and highway safety implications of the proposed development.

### Design/Landscape Character:

The dwelling at "Westerly" is visible from Yealm Road, but its main public view is from across the river and can be seen in the context of the surrounding development in the vicinity of the site.

There would be a small decrease in the volume of the new dwelling compared to the existing dwelling and it would not form a prominent feature when viewed from the river to the south. The building would be set into the slope of the land with a lower roof height to that of the existing dwelling. The new replacement dwelling would be wider than the existing dwelling, but because of its flat roof design would be lower than the existing dwelling and the adjoining properties close to the site

The land surrounding the site has been developed for a number of large detached houses which have a variety of designs. It is contended that the overall size, siting and design of the proposed replacement dwelling is compatible with the relative scale and types of houses within the immediate vicinity of the site. The proposed dwelling can be successfully accommodated on the site without producing an undesirable overdevelopment of the site.

The attached double garage at the side of the new dwelling will replace the existing detached double garage on the site. It has an acceptable size and design with a flat roof to correspond to the roof for the main part of the dwelling. The existing detached double garage does not have any particular architectural merit and its replacement with an attached side garage is acceptable.

The size, siting and design of the replacement dwelling would assimilate well with the surrounding dwellings and accord with Policies CS7 and DP1 of the South Hams District Council Development Plan and saved Policy MP12 of the South Hams District Council Local Plan. It is concluded that the

proposed replacement dwelling would not adversely affect the wider landscape setting having regard to the area's designation as South Devon Area of Outstanding Natural Beauty and would be in accordance with Paragraph 115 of the National Planning Policy Framework.

#### Neighbour Amenity:

The impact of the proposed replacement dwelling on the site upon the amenities of the occupants of the adjoining dwellings would not be significantly harmed. The new dwelling would have a main aspect facing south and it would not undermine the level of privacy enjoyed by the neighbouring properties and the occupiers of the dwelling. The new dwelling on the site would not dominate the existing neighbouring properties or undermine the residential amenities enjoyed by the occupants of these properties. As a result it is contended that the proposed development would be in accordance with Policy DP3 of the South Hams District Council Development Plan.

#### Highways/Access:

Devon County Council Highways Authority has been consulted regarding the application and no technical objections or comments have been received. The relative small scale of the development and the type of roads in the immediate vicinity of the site, it is not considered that a construction management plan for the development would be necessary.

The proposed access and car parking provision on the site is acceptable and there are no highway issues which the Local highway Authority would have concerns about. The proposals are considered to be acceptable and comply with the aims of Policy DP7 of the South Hams District Council Development Plan.

#### Ecology:

An ecological appraisal of the site for bats and nesting birds has been carried out and submitted with the application. It has concluded that no protected wildlife species were presently using the existing buildings on the site. Biodiversity enhancement measures have been incorporated in the development proposals for the site.

#### Listed Buildings:

The site is located well away from any adjoining listed buildings and given the distance (over 100 m.) of the site from the nearest listed building, it is not considered that the proposed development would adversely affect the setting of such buildings.

#### Summary:

The principle of replacing the existing dwelling on the site with a new dwelling is acceptable having regard to its siting within the development boundary of Newton Ferrers, which is defined as a "Village" where development is acceptable under Policy CS1 of the South Hams District Council Core Strategy.

The proposed development is regarded as being acceptable having regard to the siting, scale, design, impact upon highway safety, protected species neighbouring amenities. The proposed development is in accordance with the relevant policies of the Development Plan, in particular CS7, CS9, CS10, DP1, DP2, DP3, DP5 and DP7 of the current local plan. Accordingly, the application is recommended for approval subject to appropriate conditions.

***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)**

SPT1 Delivering sustainable development  
and replacement dwellings in the countryside  
DEV20 Place shaping and the quality of the built environment  
DEV24 Landscape character

**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 permitted shall be carried out in accordance with the approved plans and documents to be listed on the decision notice.

Reason: For the avoidance of doubt and in the interest of proper planning.

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

Reason: In the interests of visual amenity.

4. The recommendations, mitigation and enhancement measures of the Ecological Report, by David F Wills on 2nd September 2017, shall be fully implemented prior to the commencement of the use hereby approved and adhered to at all times. In the event that it is not possible to do so all work shall immediately cease and not recommence until such time as an alternative strategy has been agreed in writing with the local planning authority.

Reason: To safeguard the interests of protected species

5. 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.

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

(a) Part 1, Class A (extensions and alterations)

(b) Part 1, Classes B and C (roof addition or alteration)

(c) Part 1, Class D (porch)

(d) Part 1, Class E (a) swimming pools and buildings incidental to the enjoyment of the dwellinghouse and; (b) container used for domestic heating purposes/oil or liquid petroleum gas)

(e) Part 1, Class F (hardsurfaces)

(f) Part 1, Class G (chimney, flue or soil and vent pipe)

(g) Part 14, 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) (England) Order 2015 (and any Order revoking and re-enacting this Order)

(i) Part 2, Class A (means of enclosure)

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

7. There shall no delivery of building materials for the construction of the dwelling hereby approved between the hours of 7-9am.

Reason: In the interests of pedestrian safety

## COMMITTEE REPORT

**Case Officer:** Jenny Draper

**Parish:** Modbury **Ward:** Charterlands

**Application No:** 3207/17/ADV

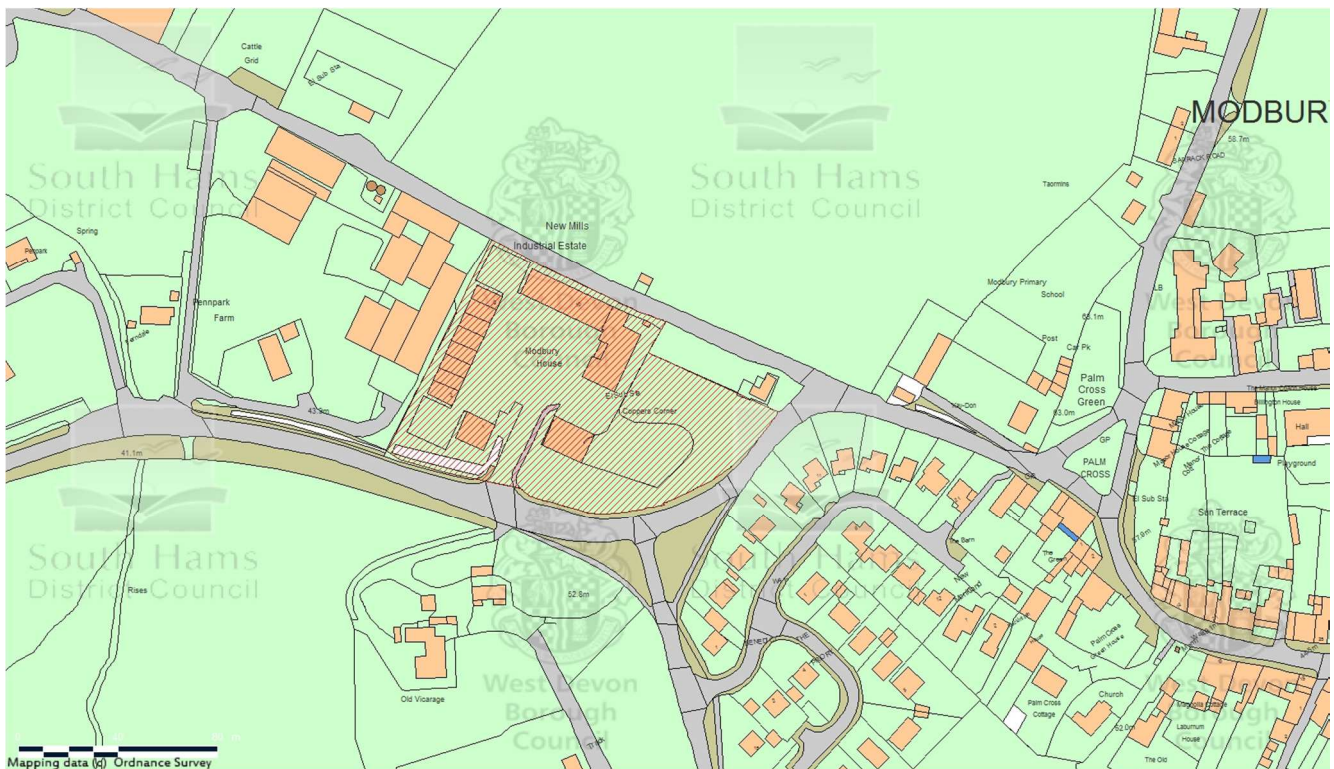
**Agent/Applicant:**

South Hams District Council  
Follaton House  
Plymouth Road  
Totnes  
TQ9 5NE

**Site Address:** New Mills Industrial Estate, Church Road, Modbury, PL21 0TP

**Development:** Advertisement consent application for erection of 1no. sign

**Reason item is being put before Committee:** This application is presented to the Development Management Committee because the land on which the sign is to be erected belongs to South Hams District Council.



**Recommendation:**  
Advertisement Consent

**Conditions**

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

**Key issues for consideration:**

Visual amenity, public safety, impact on highways.

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**Site Description:**

The application site is located on Church Road on the approach into Modbury town. The site is a grass verge at the entrance to New Mills Industrial Estate.

**The Proposal:**

The application seeks express advertisement consent for a pole mounted board to list the tenants/companies within the New Mills Industrial Estate.

The advertisement would sit 2.7m in height, the board would measure 2m and be 700mm above ground level and measure 1200mm in width.

**Consultations:**

- County Highways Authority                      No highway issues
- **Town Council**                                      No response to date

**Representations:**

No comments received

**Relevant Planning History**

None

**ANALYSIS**

This application has been submitted following enforcement action taken regarding a collection of different signs that used to be all over the grass verge, creating a detrimental visual impact with its cluttered appearance. This application is to erect one information sign to advertise all the companies within the industrial estate

It was noted whilst on the officers' site visit that another sign for the Veterinary Surgery was present on the verge. This will be reported to Enforcement for further action if required following the decision on this application.

The application seeks express advertisement consent for a totem sign on the Church Road entrance to New Mills Industrial Estate to list the companies within the units.

It is noted that no external lighting is proposed on this advertisement board.



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

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

### **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.

*The proposed advertisement(s) are considered to have no overriding adverse impact on visual amenity and highway safety, thus meeting the objectives of the National Planning Policy Framework and the Town and Country Planning (Control of Advertisements) Regulations 2007 (as amended).*

### **Planning Policy**

#### ***National Planning Policy Framework***

*Section 7. Requiring good design*

#### ***National Planning Practice Guidance***

*Advertisements*

#### ***South Hams District Council's Supplementary Planning Guidance***

*'Signs in Towns and Villages' (adopted 1999).*

### **Other Material Planning Considerations**

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

### **Proposed Conditions**

1. The development hereby approved shall in all respects accord strictly with drawing numbers SKT-01, SKT-02, SKT-03, SKT-04, SKT-05 and SKT-06 received by the Local Planning Authority on 16th November 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.

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

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

3. No advertisement shall be sited or displayed so as to: (a) endanger persons using any highway, railway, waterway, dock, harbour or aerodrome (civil or military); (b) obscure, or hinder the read interpretation of, any traffic sign, railway signal or aid to navigation by water or

air; or (c) hinder the operation of any device used for the purpose of security or surveillance or for measuring the speed of any vehicle.

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

4. Any advertisement displayed, and any site used for the display of advertisements, shall be maintained in a condition that does not impair the visual amenity of the site.

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

5. Any structure or hoarding erected or used principally for the purpose of displaying advertisements shall be maintained in a condition that does not endanger the public.

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

6. Where an advertisement is required under these Regulations to be removed, the site shall be left in a condition that does not endanger the public or impair visual amenity.

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

**South Hams District Council Agenda Item 7**  
**DEVELOPMENT MANAGEMENT COMMITTEE 10-Jan-18**  
**Appeals Update from 17-Nov-17 to 18-Dec-17**

**Ward Bickleigh and Cornwood**

APPLICATION NUMBER : **04/1129/15/F** APP/K1128/W/16/3167179  
APPELLANT NAME: Taylor Wimpey Exeter  
PROPOSAL : 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 decided  
APPEAL START DATE: 02-February-2017  
APPEAL DECISION: Upheld (Conditional approval)  
APPEAL DECISION DATE: 27-November-2017

**Ward Dartmouth and East Dart**

APPLICATION NUMBER : **1532/17/PAT** APP/K1128/W/17/318/2478  
APPELLANT NAME: Vodafone Limited  
PROPOSAL : Prior Notification of proposed development by telecommunications code system operators for new 20m monopole.  
LOCATION : Land Opposite Byter Down Kennels, Stoke Gabriel, TQ9 6RL  
APPEAL STATUS : Appeal Lodged  
APPEAL START DATE: 23-November-2017  
APPEAL DECISION:  
APPEAL DECISION DATE:

APPLICATION NUMBER : **0011/16/OPA** APP/K1128/W/17/3179884  
APPELLANT NAME: LDU Developments LLP  
PROPOSAL : Outline planning permission with some matters reserved; scheme includes residential development of up to 9 dwellings, utilising the existing access point  
LOCATION : Land at Four Cross, Paignton Road, Stoke Gabriel  
APPEAL STATUS : Appeal Decided  
APPEAL START DATE: 28-September-2017  
APPEAL DECISION: Upheld (Conditional approval)  
APPEAL DECISION DATE: 18-December-2017

**Ward Salcombe and Thurlestone**

APPLICATION NUMBER : **1411/17/HHO** APP/K1128/W/17/3184336  
APPELLANT NAME: Mr A Nicholls  
PROPOSAL : Householder application for retrospective permission to retain natural oak finish to columns  
LOCATION : The Grange, Cliff Road, Salcombe, TQ8 8JQ  
APPEAL STATUS :  
APPEAL START DATE: 18-October-2017  
APPEAL DECISION: Withdrawn  
APPEAL DECISION DATE: 28-November-2017  
APPLICATION NUMBER : **1412/17/LBC** APP/K1128/Y/17/3186075  
APPELLANT NAME: Mr A Nicholls  
PROPOSAL : Listed building consent for retrospective permission to retain natural oak finish to columns  
LOCATION : The Grange, Cliff Road, Salcombe, TQ8 8JQ  
APPEAL STATUS :  
APPEAL START DATE: 18-October-2017  
APPEAL DECISION: Withdrawn  
APPEAL DECISION DATE: 28-November-2017

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**South Hams District Council**  
**DEVELOPMENT MANAGEMENT COMMITTEE 10-Jan-18**  
**Appeal Hearings/Public Inquiry from 17-Nov-17**

**Ward Charterlands**

APPLICATION NUMBER : **1826/16/FUL** APP/K1128/W/17/3171733  
APPELLANT NAME: Galion Homes (Bigbury) Ltd  
PROPOSAL : Demolition of existing buildings and the proposed development of 4 detached four-bedroom houses and new landscaping on the site formerly known as the Bay Cafe (resubmission of 2701/15/FUL)  
LOCATION : The Bay Café, Marine Drive, Bigbury On Sea, TQ7 4AS  
APPEAL STATUS : Appeal Lodged  
APPEAL START DATE: 08-September-2017  
TYPE OF APPEAL **Informal hearing**  
DATE OF APPEAL HEARING OR INQUIRY: 19-December-2017  
LOCATION OF HEARING/INQ: Bigbury Memorial Hall, St Ann's Chapel, Bigbury, TQ7 4HQ  
APPEAL DECISION:  
APPEAL DECISION DATE:

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