

# South Hams Development Management Committee



<b>Title:</b>	<b>Agenda</b>										
<b>Date:</b>	<b>Wednesday, 4th April, 2018</b>										
<b>Time:</b>	<b>2.00 pm</b>										
<b>Venue:</b>	<b>Council Chamber - Follaton House</b>										
<b>Full Members:</b>	<p style="text-align: center;"><b>Chairman</b> Cllr Steer <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
Cllr Bramble	Cllr Hodgson										
Cllr Brazil	Cllr Holway										
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 - 6**

To approve as a correct record and authorise the Chairman to sign the minutes of the meeting of the Committee held on 7 March 2018
- 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) 4416/17/FUL** **7 - 20**

Waves Edge, Road To Highfield, Challaborough, TQ7 4JB  
Erect replacement dwelling (re-submission of 1621/16/FUL)
  - (b) 3807-17-HHO** **21 - 26**

8 Waltacre, Yealmpton, PL8 2LY  
Householder application (retrospective) regularise changes to previously approved planning application reference 0691/17/NMM for proposed two storey extension to existing dwelling involving amendments to front access steps and formation of a parking space
- 7. Planning Appeals Update** **27 - 30**



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**MINUTES OF THE MEETING OF THE DEVELOPMENT MANAGEMENT  
COMMITTEE HELD AT FOLLATON HOUSE, TOTNES, ON WEDNESDAY,  
7 MARCH 2018**

<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	*	Cllr R J Vint

**Other Members also in attendance:**  
Cllr Baldry

**Officers in attendance and participating:**

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

**DM.47/17 MINUTES**  
The minutes of the meeting of the Committee held on 7 February 2018 were confirmed as a correct record and signed by the Chairman.

**DM.48/17 DECLARATIONS OF INTEREST**  
Members and officers were invited to declare any interests in the items of business to be considered and the following were made:

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

- 3517/17/FUL** Change of use from an agricultural barn to events venue including addition of wood framed slate roofed porch at the entrance, new window, a doorway and closure of covered parking space (resubmission of 1425/17/FUL) - Lower Widdicombe Farm, Stokenham, TQ7 2EG
- 2833/17/VAR** Variation of condition numbers 2, 4 and 5 following grant of planning permission 2424/16/VAR - The Old Sail Loft, Newton Ferrers
- 3392/16/FUL** Retrospective application for change of use of agricultural land and building to marshalling yard, parking and materials storage to service building works, revised access and landscaping - The Cedar House, Moulton Hill, Salcombe

**2929/17/VAR** Variation of condition 2 following grant of planning permission 1372/16/FUL to allow for changes to plans of plots 1 and 2 - Land At The Fairway, Newton Ferrers

DM.49/17 **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.50/17 **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:

**3517/17/FUL** Lower Widdicombe Farm, Stokenham

**Parish: Stokenham**

**Change of use from an agricultural barn to events venue including addition of wood framed slate roofed porch at the entrance, new window, a doorway and closure of covered parking space (resubmission of 1425/17/FUL)**

Case Officer Update: Additional letters of representation had been received, three of objection including a response from CPRE, and one letter of support.

Speakers included: Objector – Mr Graham Jupp: Supporter – Mr Ross Porter-West: Parish Council representative – Cllr Piers Spence; local Ward Member – Cllr Brazil

**Recommendation:** Conditional Approval

**Committee Decision:** Conditional Approval

Conditions (summarised below):

1. The development to which this permission relates must be begun not later than the expiration of three years beginning with the date on which this permission is granted.
2. The development hereby approved shall in all respects accord strictly with plans.
3. The building, parking areas and other spaces within the site boundary shall be used for private functions only and shall not be made available for general public admittance.

4. The building insulation measures described in the approved Design and Access Statement shall be fully implemented before the development is first brought into use and shall be retained thereafter.
5. Live music, amplified music or live entertainment shall only take place within the building and shall at no time take place in the outside areas.
6. Music shall not be audible beyond the site boundary at any lawfully existing residential property (except Lower Widdicombe Farm) between the hours of 23:00 and 08:00.
7. All event activities on the site shall cease by midnight and the site shall be cleared of all guests by 0030 hours.
8. There shall be no more than 20 events held in any calendar year.
9. The recommendations, mitigation and enhancement measures of the Ecological Report, by Simon Geary Ecological Services Ltd dated 8 September 2017, shall be fully implemented and adhered to at all times.
10. Prior to installation of any external lighting, full details of the location and specification including luminaire shall be submitted to and approved in writing by the Local Planning Authority.
11. Prior to commencement of the approved change of use the Planning Authority shall have received and approved a Construction Management Plan
12. Visibility splays shall be provided, laid out and maintained for that purpose at the site access in accordance with the attached diagram C
13. The proposed access, retaining walls, verges, embankments and visibility splays, shall be constructed and laid out in accordance with details to be approved by the Local Planning Authority in writing before their construction begins
14. Prior to the commencement of the use hereby approved the parking areas numbered 1 and 2 as shown on the approved plans shall be provided for the use of the venue guests.

**2833/17/VAR            The Old Sail Loft, Newton Ferrers**

**Parish: Newton Ferrers**

**Variation of condition numbers 2, 4 and 5 following grant of planning permission 2424/16/VAR**

Case Officer Update:            N/A

Speakers included:            Objector – Mrs Sian Robson (statement read):  
 Supporter – Mr Michael James: local Ward  
 Member – Cllr Baldry

**Recommendation:**            Refusal

During discussion, Members considered in great detail the impact of the three conditions that were the subject of the application, including on the amenities of neighbouring occupiers (some of the Members having seen the site from both the applicant's and objector's properties at the recent Members' site inspection) and the expediency of taking enforcement action.

Following considerable debate it was agreed that Condition 2 could be varied so that the development was not in accordance with the plans originally submitted, that Condition 4 could be varied to allow for a 2 metre trellis fence (rather than a solid fence) from points A to B on the submitted plan, and no fence necessary from point B to the building return along the line of the existing hedge, and Condition 5 could be varied so that the identified bathroom window did not need to be obscure glazed, the eastern side return of the bay window should be temporarily obscure glazed for two years to enable planting to grow and protect privacy and prevent overlooking and the side lounge window already obscure glazed to remain so. The outstanding matters of the trellis fence and obscure glazing to the side bay to be addressed within a three month period.

**Committee Decision:** Conditional Approval

**3392/16/FUL                      The Cedar House, Moulton Hill, Salcombe**

**Parish: Salcombe**

**Retrospective application for change of use of agricultural land and building to marshalling yard, parking and materials storage to service building works, revised access and landscaping**

**Case Officer Update:** Following the site visit there are two updates; firstly amend condition three to an 8am start and secondly to amend the second condition to require Cedar House to be linked to the land

**Speakers included:** local Ward Members – Cllrs Wright (statement read) and Pearce

**Recommendation:** Conditional Approval

**Committee Decision:** Conditional Approval

Conditions:

- In accordance with plans
- Not separated from and managed by occupiers of the dwelling; revert to agricultural use
- Hours 8 – 5 Mon to Fri
- Landscaping
- Protection of trees/hedgerows
- No repairs/ maintenance of machinery of vehicles
- No external lighting unless approved;
- Storage height limit;
- No external storage beyond areas identified on approved plans and kept free for manoeuvring



- No long-term skips/waste storage;
- Within 3 months access for at least 10m into the site to be either concrete or tarmac and a lowered bullnose kerb installed
- Remove permitted development rights
- Restrict use rights

**2929/17/VAR Land at the Fairway, Newton Ferrers**

**Parish: Newton Ferrers**

**Variation of condition 2 following grant of planning permission 1372/16/FUL to allow for changes to plans of plots 1 and 2**

Case Officer Update: N/A

Speakers included: Supporter – Mr Craig Robinson: Parish Council representative – Cllr Caroline Adams: local Ward Member – Cllr Baldry

**Recommendation:** Conditional Approval

**Committee Decision:** Conditional Approval

**DM.51/17 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 and for 1532/17/PAT: Prior notification of proposed development by telecommunications code system operators for new 20m monopole – Land opposite Byter Down Kennels, Stoke Gabriel, Members agreed that officers should write to the Inspector to ask for a review of the decision as the appeal was upheld on a technicality but material planning matters were not taken into account.

**DM.52/17 PLANNING PERFORMANCE INDICATORS**

Members were presented with the revised set of Quarterly Performance Indicators and agreed that the information presented was helpful. The CoP Lead Development Management responded to queries raised.

(Meeting commenced at 2.00 pm and concluded at 5.45 pm)

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Chairman

## Voting Analysis for Planning Applications – DM Committee 7 March 2018

<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>
3517/17/FUL	Lower Widdicombe Farm, Stokenham	Conditional Approval	Cllrs Brown, Rowe, Vint, Pearce, Bramble, Cuthbert, Steer, Foss (8)	Cllr Brazil (1)	(0)	Cllrs Holway, Hodgson, Hitchins (3)
2833/17/VAR	The Old Sail Loft, Newton Ferrers	Approval of the Variation	Cllrs Steer, Brown, Pearce, Vint, Bramble, Rowe (6)	Cllr Cuthbert (1)	Cllrs Brazil, Foss (2)	Cllrs Holway, Hodgson, Hitchins (3)
3592/16/FUL	The Cedar House, Moulton Hill, Salcombe	Conditional Approval	Cllrs Rowe, Brown, Pearce, Vint, Steer, Cuthbert, Bramble, Foss, Brazil (9)	(0)	(0)	Cllrs Holway, Hodgson, Hitchins (3)
2929/17/VAR	Land at the Fairway, Newton Ferrers	Conditional Approval	Cllrs Rowe, Cuthbert, Pearce, Bramble, Steer (5)	Cllr Brazil (1)	Cllrs Vint, Brown, Foss (3)	Cllrs Holway, Hodgson, Hitchins (3)

## PLANNING APPLICATION REPORT

**Case Officer:** Kate Cantwell

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

**Application No:** 4416/17/FUL

**Agent/Applicant:**

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

**Applicant:**

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

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

**Development:** Erect replacement dwelling (re-submission of 1621/16/FUL)

**Reason item is being put before Committee** The recommendation is for approval but there are objections from the Parish Council and from individual local residents. Cllr Huntley would like the application to be considered at Planning Committee as there are concerns about the height of the proposed building, general design and impact on landscape character and residential amenity.



**Recommendation:** Conditional approval

### Conditions

1. Time limit
2. Approved plan
3. Landscaping scheme submitted prior to commencement
4. Full details of external materials
5. Unsuspected contamination
6. Removal of permitted development rights

7. Details of Foul Drainage
8. Details of surface water drainage
9. Details ground level changes prior to commencement
10. Provision of onsite parking prior to occupation
11. Construction management plan

**Key issues for consideration:**

- Principle/sustainability
- Design/landscape
- Neighbour Amenity
- Highways/Access
- Other matters – drainage and contamination

**Financial Implications:**

NA

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**Site Description:**

'Waves Edge' is a single-storey 4 bedroom dwelling house located on the south-east edge of Challaborough, situated on an area of artificially raised ground which over-looks the sea and the South West Coast Path. The site is within the South Hams AONB and Heritage Coast.

Vehicular access to the site is achieved from the road to its rear, on the north eastern boundary. Waves Edge is one of a small number of houses set on the Watersedge cul-de-sac that leads off the main road through the village. Waves Edge is bordered on 3 sides by residential development - immediately to the south-east is Idle Rocks, to the north-west is Shearwater and to the rear (north-east) are the dwellings of Seacliff, Garston and Cheldon. The land rises towards the south and to the east away from the coastal path which borders the southern edge of the site.

The existing dwelling is positioned broadly centrally within the plot and is finished in render with a tiled roof. The plot has an open aspect with little formal landscaping and is surrounded by a low level chain link fence and walls. The footprint of the building is approximately 99m<sup>2</sup>.

**The Proposal:**

The application seeks permission for the demolition of the existing single storey 4 bedroom dwelling and the erection of a larger replacement 4 bedroom dwelling.

The replacement dwelling would largely follow the footprint of the existing house however the front elevation, which faces away from the sea, would extend forwards by 1.2 metres on the most southerly wing. The rear elevation extends 3.6 metres closer to the rear boundary. The northern boundary will extend 0.7 metres toward Shearwater.

A separate garage is proposed to the rear in the north eastern corner of the site which will be set into the slope of the ground (achieved through excavations) such that the flat roof is below the finished ground level.

The revised proposal is a similar footprint and general form to the existing dwelling, with a hipped roof and a glazed gable element with views out to the sea. The maximum ridge height would be 33.67 metres AOD which is 0.29 metres above the existing building ridge height.

**Consultations:**

**County Highways Authority**

No highways implications / standing advice applies.

## **Town/Parish Council**

15<sup>th</sup> February 2018

The Council confirm their ongoing decision to object to the proposal on the grounds that the latest design does not address the issues relating to the height of the roof line.

As a front line (sea facing with no property in front of it), the Council are insistent that there should be no change in roof heights in order to maintain this critical visual feature across all such front line dwellings.

The Council therefore recommend the 0.3 metre discrepancy (current building to this latest proposal for the replacement) be addressed by lowering the ground level by the same amount.

To conclude, two earlier proposals have been rejected on these grounds, the latter of these being the subject of an appeal to the Planning Inspectorate. For your reference I include below the Parish Council's letter to the Planning Inspectorate.

15<sup>th</sup> March 2018 (following submission of an additional plan by the agent at the case officer's request)

Thank you for providing further evidence in the form of drawing 05 revision A, which plots the relative change of roof heights in respect of Waves Edge and the properties immediately adjacent on either side of the proposed development.

This proposal was discussed again at the Parish Council meeting held on March 14<sup>th</sup> 2018 and the Councillors voted unanimously to object to this development. This decision was reached for two main reasons:

Firstly, this property is on the front line of dwellings when viewed from the sea and is close to a coastal path used by thousands of tourists each year. It has always been the policy of the Parish Council to object in cases where the ridge line of such developments is higher than the property to be replaced. Failure to take this consistent approach would lead to a succession of applications, all being built higher than the last.

Secondly, to approve the latest submission would bring into question the integrity of the entire planning process in as much as:

Previous to this current objection, the Parish Council have already objected to previous proposals made on the grounds of roof ridge height and confirmed their decision in the following letters:

28/07/2016	Planning application 1621/16/FUL
24/08/2016	Planning application 1621/16/FUL
12/01/2017	Planning application 1621/16/FUL
22/08/2017	Appeal APP/K1128/W/17/3176134
15/02/2018	Planning application 4416/17/FUL

South Hams District Council / West Devon Council have undertaken a similar and lengthy processes and consistently upheld / supported the view of the Parish Council in objected to these proposals.

Finally, an independent appeal process upheld the views of both the Parish Council and the District Planning Officers.

The fact that the current proposal has reduced the proposed difference in ridge height from 1.3mtrs to 0.3mtr is of no relevance. Substantial public money has been already been spent to maintain the

principles described in paragraph three. As previously stated the planning process needs to be consistent.

The Parish Council accept the need for development. However, there is still concern that the increased mass on the SW end overlooking the property known as Shearwater is too intrusive and overbearing, given the level of glazing proposed, leading to a distinct loss of privacy.

To conclude, the Parish Council will not change its position on ridge height and have consistently stated the solution and way forward is to bring the proposed roof ridge line back to the level of the existing building, which can be achieved with relative ease.

This is why the decision to object still stands and trust the District Council will take a similar approach.

### **South West Water (partly summarised)**

#### Asset Protection

Please find enclosed a plan showing the approximate location of a public sewer in the vicinity. Please note that no development will be permitted within 3 metres of the sewer, and ground cover should not be substantially altered.

Should the development encroach on the 3 metre easement, the sewer will need to be diverted at the expense of the applicant. The applicant/agent is advised to contact the Developer Services Planning Team to discuss the matter further.

#### Clean Potable Water

South West Water is able to provide clean potable water services from the existing public water main for the above proposal.

#### Foul Sewerage Services

South West Water advises a Planning Condition to emphasise that:

*Foul drainage from the development (and no other drainage) shall be connected to the public foul or combined sewer.*

*Reason: To ensure the discharge of drainage from the Development shall not be prejudicial to the public sewerage system and ensure there are adequate public foul sewerage facilities to receive foul water flows, in order to safeguard the public and environment.*

#### Surface Water Services

Having reviewed the applicant's current information as to proposed surface water disposal for its development, please note that method proposed to discharge into the ground (infiltration) is acceptable and meets with the Run-off Destination Hierarchy. However, should this method be amended, SWW will require clear evidence to demonstrate why the preferred methods listed within the Run-off Destination Hierarchy have been discounted by the applicant.

### **Environmental Health**

It would appear that this application is similar to a previous application for the same site, and therefore I would suggest the following condition:

#### **Condition: Unsuspected Contamination**

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

remediation strategy and verification plan detailing how this unsuspected contamination shall be dealt with.

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

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

*Note – this condition can be used in addition to the universal condition, or on sites where no contamination is known or suspected.*

### **SHDC Drainage**

As an internal consultee we advise the LPA on foul and surface water drainage matters to ensure the development complies with the relevant legislation and guidance, including but not limited to, the NPPF and Flood and Water Management Act 2010.

We are no longer providing formal responses for the following applications that meet the Low and Medium risk criteria.

- House Holder
- Replacement dwelling & Change of use.
- Small scale minor (1-2 units)

Please look at the relevant guidance document on the website and assess accordingly. The guidance is arranged by application type, and identifies the requirements for each risk group.

If the application meets the minimum requirements then please include a suitable informative or conditions.

If the application doesn't meet the requirements, or issues of flooding come to light during the consultation process then please re-consult and we will be happy to advise.

### **South Hams AONB**

Comments awaited.

### **Representations from Residents:**

7 letters of objections have been received which cover the following points summarised below:

- The revised development proposal still shows a roof ridge height which is greater than that of the existing building.
- Raised height results in loss of amenity for homes to the north and an over-dominant effect on the immediate neighbourhood.
- The revised design seems rather bland. A bolder, more contemporary approach would be welcome on this site.
- This development should not be different from neighbouring properties and should fit into the landscape.
- The siting and height of the proposed development and its visual prominence in this sensitive location, the proposed development would fail to conserve the landscape and scenic beauty of this part of the South Devon Area of Outstanding Natural Beauty and will fail to maintain the character and distinctive landscape of this area of undeveloped Heritage Coast. As such the development is contrary to Policies CS9 and DP2 of the South Hams Local Development Framework, Policies DEV23, DEV25 and DEV27 of the emerging Plymouth and South West

Devon Joint Local Plan and the National Planning Policy Framework in particular paragraphs 114 and 115.

- The proposed site levels could be further reduced to maintain the existing ridge height of the existing dwelling without having to protrude above the steady flow of ridge lines of neighbouring bungalows.
- The neighbouring bungalows "Cheldon" "Garston" and "Shearwater" (which was a new build) have all had alterations, but have had to retain existing ridge lines by constructing multiple roof patterns to accommodate the enlargement of footprints. Waves Edge should keep to the same and not be out of keeping with its neighbours.
- Any increase in height will adversely affect street scene and character of the AONB.
- The building is too large for the plot of land.
- The building should nestle within the landscape.
- The Planning Inspector previously commented that an overlarge development would be harmful within the AONB and obtrusive when viewed from the South-west Coast Path.
- Exceptionally poor design: the original bungalow is bespoke and attractive in concept, this is a meagre attempt to replicate the charm and originality of Waves Edge. The front and side elevations are dull, reminiscent of the worst of pre-fab public buildings. Such an iconic location deserves better.
- The applicants have never made any attempt to consult with their neighbours.
- The application ignores much of the content of the planning inspector's report.

### **Relevant Planning History**

1621/16/FUL Erect replacement dwelling - refused 13 April 2017 for the following reason:

*The proposed development by reason of its' height and impact upon the South West Coastal Path would be an incongruous feature in the streetscene and landscape out of keeping with, and harmful to, the character of the settlement and South Devon AONB. As such it is contrary to policies DP1, High quality design, and DP2, Landscape character, of the adopted Development Policies DPD; policies CS7 Design and CS9 Landscape and historic environment of the adopted Core Strategy and paragraphs 64 and 115 of the NPPF which require a high standard of design and seek to protect the landscape character of the South Devon AONB and policies TTV32 Residential extensions and replacement dwellings in the countryside, DEV1 protecting amenity and the environment, DEV24 landscape character and DEV27 Nationally Protected Landscapes of the emerging Joint Local Plan.*

This decision was challenged at appeal (Ref: APP/K1128/W/17/3176134) and the appeal was dismissed 2<sup>nd</sup> November 2017.

### **ANALYSIS**

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

In terms of the principle of a replacement dwelling, while Chaborough comprises a small coastal settlement, it is not identified in Core Strategy policy CS1 and as such is defined as countryside.

Policy DP17 addresses replacement dwellings in the countryside and the principle of the replacement dwelling is considered acceptable provided there will be "no detrimental effect on the character, appearance and amenities of the site and surroundings". In addition, DP17 provides further detail on the consideration of replacement dwellings and of particular relevance to this case is criteria (b) and (d):

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



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

In terms of part (b) it is noted that the proposed replacement dwelling has a larger footprint than the existing and there is an increase in height of 0.29 metres. However the building remains a modestly sized 4 bedroom property which is single storey and the scale of which reflects the general size of other detached properties on Watersedge cul-de-sac. Overall the volume of the building is not significantly larger than the existing and as such criteria (b) of DP17 is satisfied.

With reference to part (d) of policy DP17, the submitted plans show that the replacement dwelling would maintain the general shape of the existing dwelling and would be sited on the footprint of the existing dwelling. As such criteria (d) of policy DP17 is also satisfied.

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

### **Design/Landscape:**

Paragraph 115 of the NPPF requires that 'great weight' is given to preserving landscape and scenic beauty in Areas of Outstanding Natural Beauty.

The South Devon AONB objected to the initial design that was submitted for the previous planning application 1621/16/FUL. After revisions to the scheme they revised those comments and considered that the 1.4 metre increase in ridge height of that scheme and the reduction in the extent of glazing brought "the overall character and appearance of the replacement dwelling more in line with those adjacent and nearby". The AONB did still have concerns that "the additional roof height would be a notable change to the modest appearance of bungalows at the edge of the settlement of Challaborough, but when viewed in the wider context ... would not be visually dominant or overly prominent when viewed alongside the existing pattern of built form and consequently wouldn't result in harm to the character or natural beauty of the AONB or landscape character."

Following the appeal which was dismissed 2nd November 2017, the proposed design has a reduced ridge height which is 0.29 metres above the existing. The submitted drawing 05 Revision A shows how this will maintain the incremental stepped profile of the existing row of buildings which follows the gradual slope of the land to the southwest. This also addresses point 7 of the Inspectors report for the earlier appeal which notes the "steady progression in ridge heights of these three neighbouring properties ..".

The Inspector also considered the impact of the previously proposed roof form which would "add a bulk at roof level that is not present on its immediate neighbours. When taken together with the increased ridge height this would result in an uncharacteristic roof form that would appear incongruous in its immediate setting." In comparison, while the current proposal would still result in an increase in mass of the roof (with an eaves to ridge height of between 2 metres and 2.5 metres compared to the existing eaves to ridge height of 1.7 metres), it is much reduced from the earlier scheme which was refused. It is acknowledged that the proposed scheme results in a change to roof height and form, but it is considered that this would not result in harm to the landscape character or the character of the immediate site context when viewed alongside neighbouring properties.

In terms of general visual amenity, the external materials proposed are Eternic Cedral weatherboard and render and tile roof. This type of weatherboard is a fibre cement wood effect. This material is not commonly found in the immediate vicinity of the site. The property Challadene is entirely clad in similar weatherboarding, but, as the Inspector noted, it is located at the bottom of the slope, separated from this site by a number of other dwellings, and Challadene is located where the character of built form is less sensitive to change. The dominant material used in external finishes of the properties near the site is render, and so it is considered appropriate to include a planning

condition to request details of all external finishes, including the removal of the cladding, to address this.

Overall, taking these detailed matters into account, the design of the development and its impact on the character of the area and wider landscape character is acceptable and accords with Development Plan policies DP1: High Quality Design, DP2: Landscape Character, Core Strategy policies CS7: Design and CS9: Landscape and Historic Environment and paragraphs 7, 10, 14, 17, 56, 57, 60, 64 and 115 of the NPPF. In particular, with reference to paragraph 115 of the NPPF, the scale of the building, the ridge height which retains the incremental stepped profile of the this row of dwellings, the form and massing of the building and its position within the site are appropriate for the site context and respond sensitively to the immediate site context and wider landscape character. The reduced ground levels and revised building design result in a replacement building that will nestle into the sloped landscape preserving landscape and scenic beauty of the South Hams AONB.

### **Neighbour Amenity:**

Development Plan policy DP3: Residential Amenity states that “development will be permitted where it does not have an unacceptable impact on the living conditions of occupiers of nearby properties.” While it is acknowledged that the proposed development will be larger than the existing dwelling, it does not necessarily follow that this will result in adverse amenity impacts for neighbouring residents.

The increase in roof ridge height proposed is 0.3m which is much reduced from the 1.4m increase sought through the previous consent. The submitted drawing 05 Rev A shows that the height proposed would maintain the pattern of roof ridge heights which incrementally step down from Idle Rocks to Shearwater and beyond in this row of dwellings which front the coastal edge.

Having viewed the site and surroundings from the patio on the southern elevation of property Garston which overlooks the site, it appears that the horizon would still be visible from that property given the modest increase in height proposed. Furthermore, the separation distance between properties Cheldon, Garston and Seacliff immediately north of the subject site is between 15 metres and 37 metres from the site boundary (and a further 8.5 metres to 17 metres to the rear elevation of the proposed dwelling – the garage has not been taken into account in view of the fact it is below ground level due to proposed site excavations). As a result of the position and relationship between these dwellings as well as the open southerly aspect, sun and daylight to those properties will be maintained to an acceptable level so as not to have a detrimental effect on amenity.

The fenestration arrangement proposed is similar to that found on the existing building with windows facing the south, east and westerly site boundaries in similar positions. There is some increase in the extent of glazing though it is similar to what can be found on other nearby properties which take advantage of the southerly sea facing aspect. While there is some increase in the extent of glazing on the western elevation of the proposed building. Those views toward Shearwater are already achieved from the existing dwelling and the patio area immediately outside it, so there is no real terms increase in overlooking. Shearwater also is positioned at a lower level than the subject site and so the views of it are mainly of the roof. The two westerly facing windows (closest to the boundary with Shearwater) are proposed to remain the same size as the existing windows on that elevation and will serve bedrooms rather than the main living space.

The eastern elevation of the proposed building closest to the site boundary with Idle Rocks is relatively blank and has just 1 window serving the kitchen and living space, 2 roof-lights and the shallow side reveal of the bay window. This is very similar to the fenestration on the existing building and again introduces no significant change to the existing arrangement.

The local Member reports that local residents remain concerned about the potential for the owners to extend the property into the roof. The agent has advised that the height within the proposed roof-space (approximately 1.9m at its highest point, measured internally once constructed) would not provide enough headroom for there to be future development in the roof space of the proposed bungalow. It should also be noted that permitted development rights for alterations to the roof of

dwellings do not apply in Areas of Outstanding Natural Beauty. In addition, given the sensitivities of the location and the particular importance of the design, it is considered appropriate to include a condition restricting permitted development rights including in relation to ancillary buildings within the curtilage. In view of the increase in building size proposed and the addition of a separate garage, this will protect against clutter and overdevelopment of the site and protect the character of the area.

Overall, the proposal accords with Development Plan policy DP3: Residential Amenity and Core Strategy policy CS7: Design.

### **Highways/Access:**

The existing access will be retained to the rear of the property and there is no change to visibility in either direction as a result of the proposed development. The new driveway will slope down toward the replacement dwelling and new garage.

The replacement dwelling has the same number of bedrooms and so the development will not result in a significant increase in the number of vehicles using the site.

The site layout provides garage parking for 1 car and off road parking turning space for an additional 2 cars.

Overall the proposed development accords with the requirements of Development Plan policy DP7: Transport, Access and Parking by providing a safe access to the site, adequate parking for the size of the property and resulting in no adverse highways impacts.

### **Ecology**

Development Plan policy DP5: Biodiversity and Geological Conservation requires that development will conserve, enhance and / or restore the biodiversity within the South Hams.

The submitted Preliminary Ecological Appraisal identified no evidence of bat use of the roof or eaves of the building and advised the proposed works would not impact on bats. It also reported no evidence of nesting bird activity in the roof or eaves or within the lawned garden and so the proposed works will not impact on nesting birds. The report advises there will be no impact on curlew buntings and describes the entire site as having low ecological value noting the proposed development will not impact on any other protected species.

Good practice guidelines are set out to inform demolition works in case bats were found to be present. These are recommended as an informative note on the consent.

### **Other matters**

#### Drainage

Existing foul drainage runs along the western edge of the site and South West Water have raised no objection to the proposal as there is sufficient distance between this infrastructure and the proposed development. The site is sufficiently large to accommodate a soakaway in accordance with the SUDs hierarchy and SHDC Drainage Engineer advice. Accordingly a planning condition requiring submission of full details for both foul and surface water drainage is recommended.

#### Contamination

The precautionary condition suggested by Environmental Health has been included to account for the discovery of any contaminated land when works commence.

#### Construction

A planning condition requiring a construction management plan is recommended due to the sensitive local environment, proximity to neighbouring dwellings and the open aspect of the site close to the South West Coast Path.

## **Conclusion**

The proposed replacement dwelling is considered acceptable and would not harm the character and appearance of the surrounding area, the Heritage Coast or the South Hams AONB. The design of the development avoids adverse impact on the amenity of neighbouring properties and areas which are publically accessible around the site. The proposal accords with planning policies as identified in this report and is, therefore, recommended for approval, subject to conditions as set out below.

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

## **Planning Policy**

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

The relevant development plan policies are set out below:

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

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

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

DP1 High Quality Design  
DP2 Landscape Character  
DP3 Residential Amenity  
DP4 Sustainable Construction  
DP5 Conservation and Wildlife  
DP6 Historic Environment  
DP7 Transport, Access & Parking  
DP17 Residential Extensions and Replacement Dwellings in the Countryside

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

SHDC 1 Development Boundaries

## **Emerging Joint Local Plan**

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

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

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

The JLP is at a relatively advanced stage of preparation. 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  
TTV1 Prioritising growth through a hierarchy of sustainable settlements  
TTV2 Delivering sustainable development in the Thriving Towns and Villages Policy Area  
TTV32 Residential extensions and replacement dwellings in the countryside  
DEV1 Protecting amenity and the environment  
DEV2 Air, water, soil, noise and land  
DEV9 Accessible housing  
DEV10 Delivering high quality housing  
DEV20 Place shaping and the quality of the built environment  
DEV24 Landscape character  
DEV25 Undeveloped coast  
DEV27 Nationally protected landscapes  
DEV28 Protecting and enhancing biodiversity and geological conservation  
DEV31 Specific provisions relating to transport  
DEV34 Delivering low carbon development  
DEV37 Managing flood risk and Water Quality Impacts

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

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

### **CONDITIONS**

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

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

2. The development hereby approved shall in all respects accord strictly with drawing numbers 015/001/07 Rev B 'Proposed Floor Plans and Elevations', 04 Rev A 'Site Plans' and Design and Access Statement received by the Local Planning Authority on and 2<sup>nd</sup> January 2018 and drawing 05 Rev A 'Indicative Street Views' received by the Local Planning Authority 12<sup>th</sup> March 2018.

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

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

The scheme submitted shall be fully implemented in the planting season following the completion of the development and the plants shall be protected, maintained and replaced as necessary for a minimum period of five years following the date of the completion of the planting.

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

4. Notwithstanding Condition 2, full details of external finishes and fenestration, to include the removal of the Eternic Cedral weatherboard shall be submitted to and approved in writing by the Local Planning Authority.

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

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 [amended] investigation and risk assessment and, where necessary, a[n amended] remediation strategy and verification plan detailing how this unsuspected contamination shall be dealt with.

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

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

Note – this condition can be used in addition to the universal condition, or on sites where no contamination is known or suspected.

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

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

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

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

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

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

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

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

10. The dwelling hereby approved shall not be occupied until the parking area relating to it and shown on the submitted drawings shall have been properly consolidated, surfaced, laid out and constructed. The parking, area shall be kept permanently available for the parking and manoeuvring of motor vehicles in connection with the development hereby permitted.

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

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

(b) 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 8:00am and 6pm Mondays to Fridays inc.; 9.00am to 1.00pm Saturdays, and no such vehicular movements taking place on Sundays and Bank/Public Holidays unless agreed by the planning Authority in 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;

(o) site management arrangements, including the site office and developer contact number in the event of any construction/demolition related problems, and site security information.

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

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

**Informative Notes**

In the unlikely event that a bat is encountered, work should cease in the vicinity of the animal, and advice should be sought immediately from a suitably qualified ecological specialist. Ideally the bat should be left in situ, gently covered until advice has been obtained. Only if the bat is exposed and at risk should there be any attempt to move it. Bats must not be handled without the use of gloves.



## PLANNING APPLICATION REPORT

**Case Officer:** Charlotte Howrihane

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

**Application No:** 3807/17/HHO

**Agent:**

Mr Brian Walker  
Adelaide  
Exeter Road  
Ivybridge  
PL21 0BD

**Applicant:**

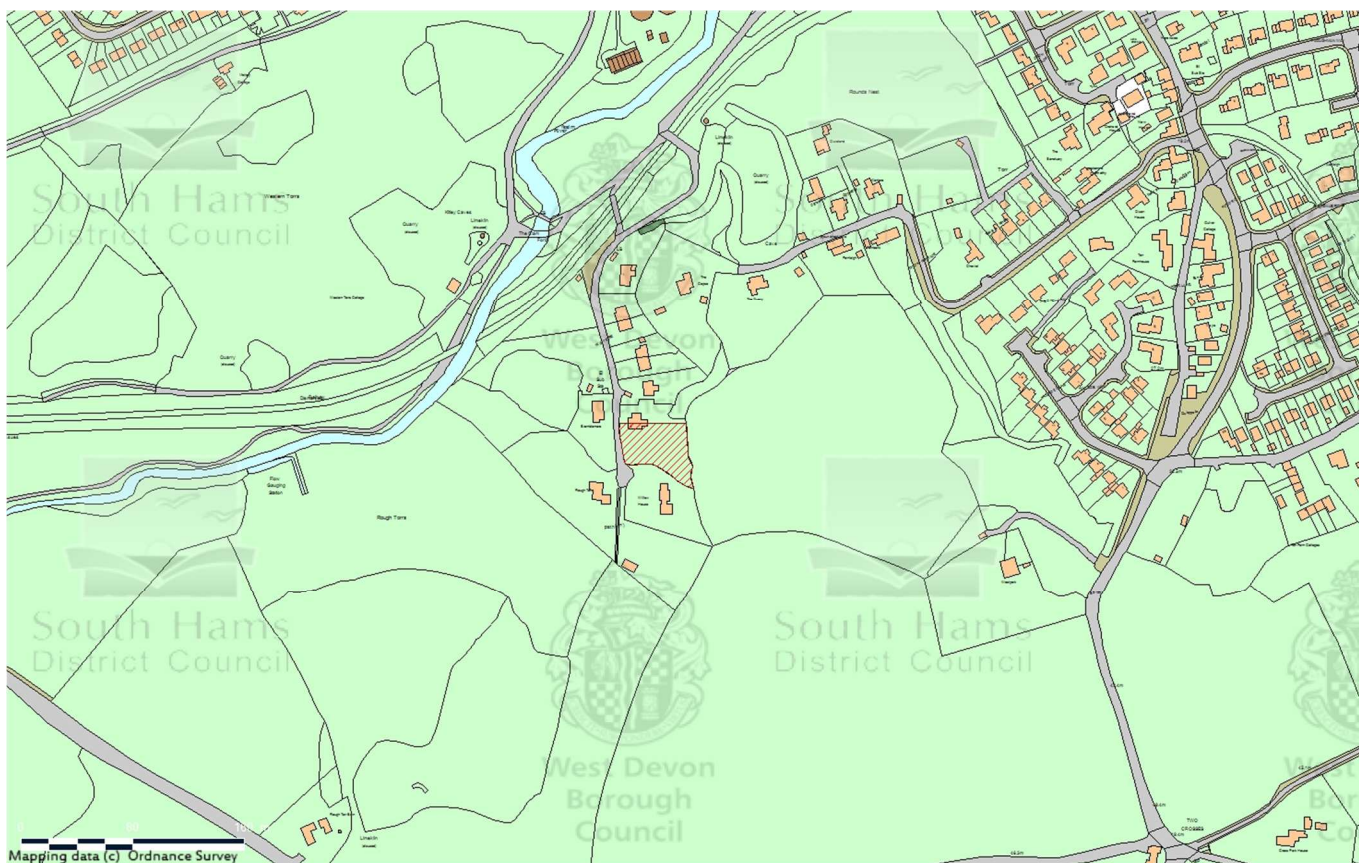
Mr & Mrs D Snelgrove  
8 Waltacre  
Yealmpton  
PL8 2LY

**Site Address:** 8 Waltacre, Yealmpton, PL8 2LY

**Development:** Householder application (retrospective) regularise changes to previously approved planning application reference 0691/17/NMM for proposed two storey extension to existing dwelling involving amendments to front access steps and formation of a parking space

**Reason item is being put before Committee:** Cllr Baldry has asked for the application to come before Committee for the following reasons:

1. The material used in the wall are not in keeping with the street scene for the rest of Waltacre.
2. It is not appropriate in the setting of a PROW.
3. Visual impact is not suitable in the AONB
4. The level of public objection. There are 11 dwellings in Waltacre, including the applicant. Four households have sent letters of objection.



**Recommendation:** Conditional approval

**Conditions:**

Accord with plans

Stonework details/sample- prior to installation

Render colour/details- prior to installation

**Key issues for consideration:**

Landscape impact (AONB), design, neighbour amenity, highways impact

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**Site Description:**

Waltacre is a group of eleven dwellings on the south-western edge of Yealmpton. The area is largely made up of pairs of semi-detached dwellings, with relatively large spaces between them. A single lane access road runs through Waltacre to provide access to the properties, with some space for passing/parking. Some properties also have their own parking area/drives. The dwellings are elevated above the road to varying degrees, with the application site, no.8, significantly higher than the road level. Access steps therefore run up the side of the site and up to the entrance. The dwelling is of a traditional appearance, which matches the adjoining dwelling, rendered with a pitched roof.

The site is outside of the Yealmpton Development Boundary, and is within the South Devon Area of Outstanding Natural Beauty. The single track access road in front of the property is a Public Right of Way, which reduces to a footpath at the end of Waltacre and continues to the south of the site.

**The Proposal:**

Planning permission was granted in 2015 for the erection of a two-storey extension to the side of the property. This included a balcony along the side elevation and external staircase to access the garden. This was amended in 2017 (0691/17/NMM) with the key amendments being to the balcony and layout, as well as the removal of the external staircase.

Since then, the applicants have started to construct a boundary wall to the front of the site, with the creation of a slightly elevated parking area between the boundary wall and the larger retaining wall towards the entrance to the house. This application is therefore partially retrospective. The proposal includes the aforementioned parking space, and the existing blockwork wall to the front of the site would be demolished, moved slightly back into the site, and reduced in height. It would also be faced in natural stone, with the larger wall behind rendered in a colour and finish to be agreed. The temporary wooden safety rail and at the entrance to the property and along the access steps would also be replaced with a black metal balustrade.

**Consultations:**

- County Highways Authority- no objection, standing advice
- Parish Council- no comments to make originally. Objection following reconsultation of revised plans: *'Objection to the car parking space only. We suggest that the new wall to the road side of the parking space be taken down to car park level and suitable hedge planting is done within the car park area to make a new road boundary hedge in keeping with the neighbourhood and AONB.'*

**Representations:**

Ten letters of objection were originally received from four local households. The application was then revised, at Officer's suggestion, and the application readvertised.

Two letters of objection have been received to the revised plans. These letters can be seen in full on the Council's website along with the letters of objection received to the original scheme, but all matters raised can be summarised as follows:

- Similar proposal was refused in 2007
- Query some information on the application form submitted
- Block concrete wall inappropriate in the AONB
- Original wall was straight- proposed curved wall is partially outside boundary of no.8
- Heights of the wall on the plan are meaningless as they do not account for works carried out already
- Planting shown is outside of boundary
- Wall height and construction should match others in the road
- Previous applications did not include a parking area
- Applications have already created a gap in the hedge and there is parking for 3-4 cars, so opening is unnecessary
- Line on plan could be incorrectly interpreted as a road edge
- Neighbour would not have agreed to original proposal if current scheme presented at the time
- Planning permission by stealth
- Original stone wall, hedge, and garden should be restored

### **Relevant Planning History**

- 0691/17/NMM- Non-material minor amendment to 2964/15/HHO- conditional approval
- 2964/15/HHO- Householder application for proposed two-storey extension- conditional approval

### **ANALYSIS**

The application is partially retrospective and seeks to create a raised parking area at the front of the property, with a stone boundary wall and planting along the roadside boundary. The parking area would be approximately 0.85m from the road level, with the boundary wall in front of this area measuring between 1m- 1.3m, to allow for the slightly sloping ground level. The wall would be constructed in concrete block, and faced with natural stone. The dwellinghouse itself is elevated above road level, and so behind the parking area, the existing retaining wall would be rendered, with a wrought iron balustrade running along the patio area and entrance to the dwelling, and down the access steps to road level.

The fact that the application is partially retrospective is not a reason to refuse the application, and the proposal will be assessed according to the usual material planning considerations.

There is currently a concrete block wall at the roadside, which was constructed without planning permission. Part of the current application includes the removal of this wall, which would be moved back into the site by approximately 400m, reduced in height, and faced in natural stone. The majority of boundary treatments within Waltacre are natural stone walls and hedging and so Officers are satisfied that the proposed stone-faced wall would be acceptable, subject to a condition requiring a sample of the proposed stone to be submitted prior to its installation. Planting is also proposed in front of the wall to soften the appearance, which again, would reflect the existing landscape within Waltacre. Various objections have stated that the wall and planting will be outside of the boundary of no.8 Waltacre. Boundary disputes and land ownership concerns are not material planning considerations and have no bearing on the planning merits of the proposal. The boundary wall is of a height and design which is in keeping with the local street scene and wider AONB setting, and is therefore considered to be acceptable.

The creation of the parking space was not part of the previous permission, but is now included in this current application. The objections that it was not part of the previous application is not a reason to

refuse the current proposal, and Officers will consider the planning merits of the current proposal as submitted.

As previously mentioned, the parking area would be slightly raised above road level, but would be much lower than the position of the dwelling. A parked car would be sited well below the height of the retaining wall behind, and Officers consider that vehicles would sit comfortably within this space. A section of the site, showing the road level, parking level, and dwelling has been submitted, and so although there is no datum point (as raised by one of the objectors), the various ground levels can be easily measured if concern is raised in the future that the development has not been constructed in accordance with the submitted plans. The site plan also includes site levels, to provide additional clarification on the height variations within the site, and so Officers consider the information to be clear enough to come to a recommendation. As the end property along a road which slopes upwards, ground levels vary within properties throughout Waltacre, and so the increase in ground level to create the parking area would not appear out of place within the street scene. It is not the role of the Planning Officer to question the need for the proposed parking area, and with no objection from the Highways Authority, Officers consider this addition to the site to be acceptable in terms of design and landscape impact.

The proposed wrought iron balustrade is an acceptable material along the top of the retaining wall, given the traditional character of the dwelling, and lack of more contemporary materials within Waltacre. Officers would request details of the finish of the render proposed to the larger wall behind the parking area as a condition of any approval, as this is arguably the largest and most prominent part of the site from the public realm. The nature of the proposed development lead Officers to consider that the proposal would not impact upon the amenity of neighbours, and none of the objections have raised concerns about the impact to other properties.

A further point of objection has been that a similar application was proposed in 2007, with the objector listing various policies which were cited at the time. Most of these policies are now out of date, and this decision pre-dated the NPPF, and many of the Council's own current policies. The previous refusal is over ten years old, and Officers must consider the current proposal in line with up-to-date local and national policies.

The Parish Council originally had no comments to make when consulted originally. However, they objected, to the parking space only, when reconsulted, although this was included in the original consultation. The objection states that the level of the parking area should be reduced and a boundary hedge installed. For the reasons stated above, Officers consider that the parking area is acceptable slightly raised above the road level, and that the proposed boundary treatment would be in keeping with the street scene and wider AONB.

In summary, Officers consider the proposal to be acceptable in terms of design and scale, and in keeping with the street scene and local landscape. The reasons for objection received which are material planning considerations have been addressed but do not warrant a refusal of the application. Subject to the proposed conditions ensuring appropriate materials are used, the application is therefore recommended for approval.

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

### **Planning Policy**

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

The relevant development plan policies are set out below:

## **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

DP7 Transport, Access & Parking

## **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

DEV1 Protecting amenity and the environment

DEV2 Air, water, soil, noise and land

DEV24 Landscape character

DEV27 Nationally protected landscapes

## **Neighbourhood Plan**

The Yealmpton Neighbourhood Plan is not yet at an advanced enough stage that it has policies which can be considered when determining the application currently before Officers.

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

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

## **Conditions:**

1. The development hereby approved shall in all respects accord strictly with the Site Location Plan, received on 22nd November 2017, and drawing numbers 15211/10.A and 15211/11.A received by the Local Planning Authority on 12th February 2018

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

2. The stonework used in the facing of the boundary wall shall be constructed of natural stone which matches the colour and texture of that occurring locally, a sample of which shall be submitted to and agreed in writing by the Local Planning Authority, prior to its installation. The new stonework shall be laid on its natural bed and pointed in a lime mortar recessed from the outer face of the stone. Machine cut or sawn faces shall not be used in the wall or for quoin stones.

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.

3. Prior to its installation, details of the proposed render type and colour(s) to be used shall be submitted to, and agreed in writing with the Local Planning Authority.

Reason: To ensure that the finishes and colours are appropriate to the locality.

**South Hams District Council Agenda Item 7**  
**DEVELOPMENT MANAGEMENT COMMITTEE 4-Apr-18**  
**Appeals Update from 23-Feb-18 to 23-Mar-18**

**Ward Charterlands**

APPLICATION NUMBER : **4097/16/OPA** APP/K1128/W/17/3182100  
APPELLANT NAME: Messrs C & S Rodger, R & E Ogilvie-Smals, C& L Hall, J Davie  
PROPOSAL : Outline application with some matters reserved for residential development of circa 8 dwellings, open space and associated infrastructure with all matters reserved except for means of access (and associated off-site highway works)  
LOCATION : Proposed Development Site At Sx 663 471, St Anns Chapel, Bigbury  
APPEAL STATUS : Appeal decided  
APPEAL START DATE: 19-October-2017  
APPEAL DECISION: Upheld (Conditional approval)  
APPEAL DECISION DATE: 28-February-2018

**Ward Dartmouth and East Dart**

APPLICATION NUMBER : **2029/17/FUL** APP/K1128/D/17/3188017  
APPELLANT NAME: Dr D Burston  
PROPOSAL : Replacement existing garden ancillary unit  
LOCATION : Coombe Cottage (In The Grounds Of), Bridge Road, Kingswear, TQ6 0DZ  
APPEAL STATUS : Appeal Lodged  
APPEAL START DATE: 07-March-2018

APPEAL DECISION:

APPEAL DECISION DATE:

**Ward Salcombe and Thurlestone**

APPLICATION NUMBER : **2085/17/HHO** APP/K1128/D/17/3188765  
APPELLANT NAME: Mr & Mrs I Houston  
PROPOSAL : Householder application for a proposed parking area  
LOCATION : Lea Mount, 9 Buckley Street, Salcombe, TQ8 8DD  
APPEAL STATUS : Appeal Lodged  
APPEAL START DATE: 07-March-2018

APPEAL DECISION:

APPEAL DECISION DATE:

APPLICATION NUMBER : **2432/17/HHO** APP/K1128 /D/17/3189764  
APPELLANT NAME: Mr & Mrs Twelves, Mark Twelves  
PROPOSAL : Householder application for proposed alterations to existing dwelling (re-submission of 2619/16/HHO)  
LOCATION : 4 Island Street, Salcombe, TQ8 8DP  
APPEAL STATUS : Appeal decided  
APPEAL START DATE: 22-January-2018  
APPEAL DECISION: Upheld (Conditional approval)  
APPEAL DECISION DATE: 26-February-2018

**Ward Wembury and Brixton**

APPLICATION NUMBER : **3884/16/FUL** APP/K1128/W/18/3196171  
APPELLANT NAME: Wainhomes (South West) Holdings Ltd  
PROPOSAL : Erection of 64no. residential dwellings, associated roads, drainage, landscape, garages and parking  
LOCATION : Land At Sx 553 524, West of Stamps Hill, Brixton  
APPEAL STATUS : Appeal Lodged  
APPEAL START DATE: 13-March-2018

APPEAL DECISION:

APPEAL DECISION DATE:

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**South Hams District Council**  
**DEVELOPMENT MANAGEMENT AND LICENSING COMMITTEE 4-Apr-18**  
**Appeal Hearings/Public Inquiry from 23-Feb-18**

**Ward Wembury and Brixton**

APPLICATION NUMBER : **3884/16/FUL** APP/K1128/W/18/3196171  
APPELLANT NAME: Wainhomes (South West) Holdings Ltd  
PROPOSAL : Erection of 64no. residential dwellings, associated roads, drainage, landscape, garages and parking  
LOCATION : Land At Sx 553 524, West of Stamps Hill, Brixton  
APPEAL STATUS : Appeal Lodged  
APPEAL START DATE: 31-March-2018  
TYPE OF APPEAL **Public Inquiry**  
DATE OF APPEAL HEARING OR INQUIRY:  
LOCATION OF HEARING/INQ:  
APPEAL DECISION:  
APPEAL DECISION DATE:

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