

South Hams Development Management Committee



Title:	Agenda										
Date:	Wednesday, 2nd May, 2018										
Time:	2.00 pm										
Venue:	Council Chamber - Follaton House										
Full Members:	<p style="text-align: center;">Chairman Cllr Steer</p> <p style="text-align: center;">Vice Chairman 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										
Interests – Declaration and Restriction on Participation:	Members are reminded of their responsibility to declare any disclosable pecuniary interest not entered in the Authority's register or local non pecuniary interest which they have in any item of business on the agenda (subject to the exception for sensitive information) and to leave the meeting prior to discussion and voting on an item in which they have a disclosable pecuniary interest.										
Committee administrator:	Kathy Trant Specialist- Democratic Services 01803 861185										

1. Minutes

1 - 6

To approve as a correct record and authorise the Chairman to sign the minutes of the meeting of the Committee held on 4 April 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) 4165/17/FUL

7 - 22

Application for erection of a 68 bed Care Home (use class C2) with associated car parking, refuse and external landscaping. Development site at SX809597, Steamer Quay Road, Totnes

(b) 4238/17/FUL

23 - 28

Proposed new timber framed barn to be used for drying, processing and storing lavender with farm office and rest room (resubmission of 1270/17/FUL)
Hidden Valley, Lavender Farm, Land At Hole Hill, Cornworthy

	<i>Page No</i>
(c) 0145/18/HHO	29 - 34
Householder application for rear single storey extension and loft conversion 21 Pound Field, Stoke Gabriel	
(d) 0421/18/HHO	35 - 40
Householder application for proposed alterations and extension (resubmission of 3075/17/HHO) 21 Court Park, Thurlestone	
7. Planning Appeals Update	41 - 44
8. Planning Performance Indicators	45 - 48

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MINUTES OF THE MEETING OF THE DEVELOPMENT MANAGEMENT COMMITTEE HELD AT FOLLATON HOUSE, TOTNES, ON WEDNESDAY, 4 APRIL 2018

Members in attendance			
* 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 Hitchens	*	Cllr R J Vint

Other Members also in attendance:
Cllrs Baldry, Huntley, Bastone, Tucker and Wright

Officers in attendance and participating:

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

DM.53/17 MINUTES

The minutes of the meeting of the Committee held on 7 March 2018 were confirmed as a correct record and signed by the Chairman.

DM.54/17 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 K Cuthbert declared a personal interest in application 3807/17/HHO: 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 – 8 Waltacre, Yealmpton, by virtue of the agent being known to her and she 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:

- 4416/17/FUL** Erect replacement dwelling (re-submission of 1621/16/FUL) – Waves Edge, Road to Highfield, Challaborough
- 3807/17/HHO** 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 – 8 Waltacre, Yealampton.

DM.55/17 **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.56/17 **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:

4416/17/FUL **Waves Edge, Road to Highfield, Challaborough**

Parish: Bigbury

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

Case Officer Update: Verbal confirmation of no objection from the AONB Unit and updated comments from the drainage engineers with two conditions suggested

Speakers included: Objector – Mr John Simes: Supporter – Mr Steve Tapscott: Parish Council representative – Cllr Bryan Carson; local Ward Member – Cllr Huntley

Recommendation: Conditional Approval

Committee Decision: Conditional Approval, subject to receipt of revised plans reducing the ridge height by 29cm

During debate, Members recalled the previous application which was later dismissed at appeal and the importance of the ridge height of the dwelling in those discussions. The Parish Council representative and Ward Member both outlined the importance of not increasing the ridge height of the proposed dwelling. This application was an improvement on the previous application, but still did not reduce the height of the proposed dwelling enough, considering the importance of the position of the dwelling on the SW coast path. Members therefore approved the proposal subject to receipt of revised plans that would further reduce the ridge height by 29cm.

Conditions (summarised below):

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. Written permission from South West Water for connection to mains 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

3807/17/HHO 8 Waltacre, Yealmpton

Parish: Yealmpton

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

Case Officer Update: Additional condition will be required to request schedule of works

Speakers included: Objector – Mr Julian Stapley: Supporter – Mr D Snelgrove: local Ward Member – Cllr Baldry

Recommendation: Conditional Approval

During discussion, Members asked that an additional condition be included to request a landscaping scheme, particularly to include the wall to the rear of the car parking space with the steps up to the property, as they felt this would help to soften the appearance of the hard landscaping seen on the site visit.

Committee Decision: Conditional Approval

Conditions:

- i. Accord with plans
- ii. Stonework details/sample prior to installation
- iii. Render colour/details prior to installation
- iv. Schedule of works to be submitted
- v. Landscaping scheme to be submitted

DM.57/17 **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. Members then discussed how a revised NPPF could impact on the Joint Local Plan, depending on the timing of each.

Finally, in response to a request for updated enforcement information, the COP Lead Development Management agreed that a report could be presented to the next meeting of the Development Management Committee.

(Meeting commenced at 2.00 pm and concluded at 3.55 pm)

Chairman

Voting Analysis for Planning Applications – DM Committee 4 April 2018

Application No:	Site Address	Vote	Councillors who Voted Yes	Councillors who Voted No	Councillors who Voted Abstain	Absent
4416/17/FUL	Waves Edge, Road to Highfield, Challaborough	Conditional Approval, subject to receipt of revised plans	Cllrs Brown, Vint, Holway, Pearce, Bramble, Cuthbert, Foss (7)	Cllrs Steer, Rowe, Hodgson (3)	Cllr Brazil (1)	Cllr Hitchins (1)
3807/17/HHO	8 Waltacre, Yealmpton	Conditional Approval	Cllrs Steer, Brown, Pearce, Vint, Bramble, Rowe, Foss, Brazil, Hodgson, Cuthbert, (10)	Cllr Holway (1)	(0)	Cllr Hitchins (1)

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PLANNING APPLICATION REPORT

Case Officer: Wendy Ormsby

Parish: Totnes **Ward:** Totnes

Application No: 4165/17/FUL

Agent/Applicant:

Mrs Melissa Magee
6 Progress Business Centre
Whittle Parkway
Bath Road,
Slough
SL1 6DQ

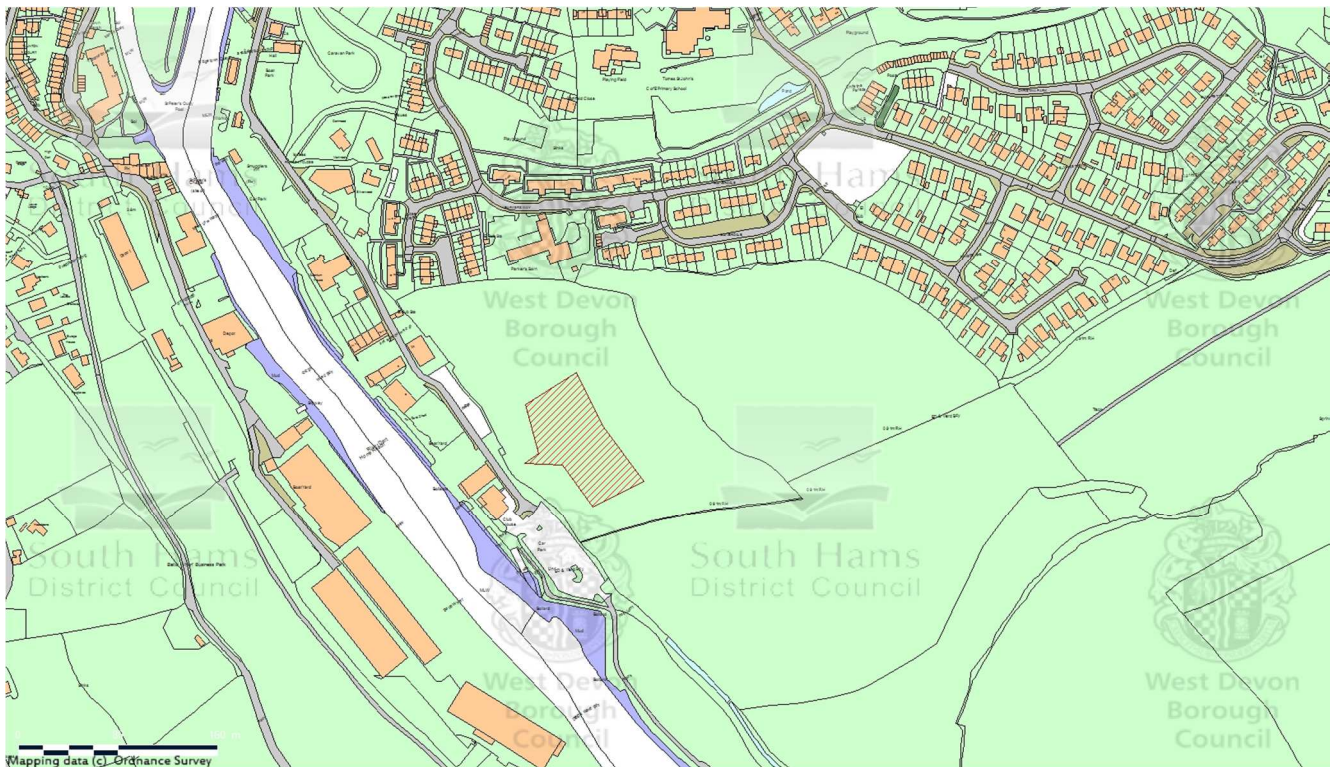
Applicant:

Mr Stephen Patrick
57/63 Line Wall Road
Gibraltar
PO Box 199

Site Address: Development site at SX809597, Steamer Quay Road, Totnes

Development: Application for erection of a 68 bed Care Home (use class C2) with associated car parking, refuse and external landscaping.

Reason item is being put before Committee: At the request of all Ward Members who consider that this scale of development should be considered by committee, the fact that the land is designated for employment use, flood risk on the access road and the large number of homes which serve a similar demographic in the immediate area surrounding the proposal.



Recommendation: Conditional Approval

Conditions

1. Time
2. Accords with plans
3. Universal condition for contamination
4. Verification Report
5. Unsuspected Contamination
6. Acoustic Protection
7. Fume Extraction
8. CEMP
9. Electric charging points to be provided
10. Implementation of Travel Plan
11. Material samples to be agreed
12. Parking and turning to be provided and retained
13. Emergency rear pedestrian access to be provided prior to occupation
14. Lighting strategy to be adhered to
15. Details of hard and soft landscaping to be agreed
16. Details of boundary treatments
17. Drainage – percolation testing
18. Drainage – groundwater monitoring
19. Drainage - Surface water detailed design
20. Drainage Foul
21. Drainage maintenance
22. Construction phase drainage

Key issues for consideration:

Provision of employment
Landscape impact
Impact on neighbour amenity
Highway impact

Site Description:

The application site of approximately 0.45 ha is the remaining part of the site at Steamer Quay, Totnes, granted outline planning permission for housing and employment development in 2013 and which forms part of Local Plan site allocation ref T7. The site lies in the south west corner of the allocated site.

The site is located on the north east side of Steamer Quay, close to the River Dart. The new extra care Guinness Trust residential apartments adjoin the northern site boundary, new development housing at Camomile Lawn adjoins the eastern boundary, agricultural land lies to the south. The new 'Paradise Walk' footpath/cycleway snakes its way along the southern boundary linking the upper part of Camomile Lawn with Steamer Quay, new planting has taken place around the new footpath. To the west the site adjoins Steamer Quay and the Longmarsh car park, this boundary is defined by mature trees which are outside of the application site.

The site sits on a sloping land and has a considerable fall in levels - approximately 11 metres drop from the south-east corner of the site down to the north west; the new housing to the east is set on significantly higher land than the application site.

Steamer Quay provides a flat walking route into the town centre either along the road or by the riverside footpath. The site is approximately 800m walking distance from The Plains in the heart of Totnes.

The access from Steamer Quay to the Guinness Trust scheme and which will also serve the application site lies within Flood Zones 2&3, the nursing home itself is located within Flood Zone 1. This will be the only point of vehicular access.

The site is within a Greater Horseshoe Bat Special Area of Conservation (SAC)

The Proposal:

Full planning permission is sought for a 68 bed care home (Use Class C2) in a single building arranged over 3 and 4 floors. The building includes two 3 storey bedroom wings connected via a 4 storey central daytime accommodation element. The building is set into the slope of the land and the design reflects the topography of the land. The design of the building is terraced with the footprint of each floor decreasing upwards in favour of increasing external terrace space. The layout seeks to maximise views out to the river and make the best use of sunlight.

The design of the building is contemporary. It is a long building but the massing is broken up by many setbacks in the principal elevation, changes in height, external balconies and terraces and through the use of materials. The scale of the building reduces to the south where the scheme is closest to Paradise Walk, this part of the building will have a green sedum roof. The material palette includes natural stone, grey facing brick, white painted render, hung tiles and horizontal timber battens.

The building will be set significantly lower in the site relative to the adjacent Guinness Trust scheme, cross sectional drawings show the upper parapet will be approx. 500mm higher than the floor level of the lower ground floor of the adjacent houses on Camomile Lawn. The highest part of the care home will be approx. 6.5m lower than the adjacent Guinness Trust scheme.

A number of measures are proposed to improve the energy efficiency of the building including use of natural ventilation, efficient lighting, high energy efficient construction, combined heat and power. The application is supported by a Travel Plan which looks to minimise reliance of use of the private car.

The car park provides 21 bays for visitors and staff. Access is from the Steamer Quay access agreed as part of the outline consent for the wider site and already created to serve the Guinness Trust extra care scheme

Landscaping is proposed around the building and communal gardens are provided at the rear designed to create a safe and secure environment for residents and include wandering routes between green areas

Consultations:

- County Highways Authority: No objections
- Environmental Health Section : No objection subject to conditions
- SHDC Ecology: No objection subject to condition to control external light spill
- SHDC Landscape: No objection
- Natural England: Requires up to date greater horseshoe bat survey and comprehensive impact assessment

In a European site (Bat SAC) strategic flyway and needs Habitat assessment by LPA

- South West Water: No objection
- DCC Flood Risk: No in principle objection subject to conditions
- Chief Fire Officer: Must comply with Building Regs access requirements and demonstrate appropriate water supplies for firefighting including flow rates
- Police AOL: Recommend that information be submitted detailing how preventing crime, fear of crime, antisocial behaviour (ASB) and conflict have been considered for the scheme and where implemented. Recommend a condition to require that the development shall be constructed to achieve Secured by Design compliance
- Town/Parish Council: Have raised a number of questions before commenting. No formal response yet received.
- **Representations:**

10 letters of objection of been received raising issues which include the following:

- Inadequate parking
- Is there a need for this care home?
- Too much older persons housing coming forward in Totnes
- Design and scale is out of character of the area
- Will dominate adjoining dwellings
- Adverse impact on AONB
- Light pollution will impact on residential amenity
- Noise pollution will adversely impact on residential amenity
- Access is unsuitable for larger vehicles
- Safety issues where Paradise Walk will meet road
- Overdevelopment of Totnes
- Will imbalance demographics of Totnes
- Jobs will be low wage
- Increase in traffic
- Increased pressure on local health services which are already stretched
- Loss of public footpath to Camomile Lawn
- Loss of views from nearby properties
- Ugly design
- Better site across the site on Baltic Wharf
- Overdevelopment of the site
- Loss of light
- Should be B1/B2/B8 employment – sites for these uses are limited in Totnes
- Possible overlooking to Sparkhays Drive
- Fire Safety
- Care Needs Assessment does not refer to an existing planning approval ref 56/0103/13 at Baltic Wharf which includes a 60 bed care home and includes other incorrect statements about other nursing homes in the area
- Site should be retained as an amenity area
- Staff will drive to work adding to congestion
- Together with other consents in Totnes this will lead to an imbalance in the population
- Out of scale and character with the area.
- Contrary to JLP Policies TTV25 and DEV14

1 letter of support commenting as follows:

- Site is already allocated for employment use
- Traffic calming should be provided along Steamer Quay road.

Relevant Planning History

03_56/0447/12/O, which was allowed on appeal.

Outline application for mixed use development comprising about 100 dwellings. Up to 5350 sq m of office/light industrial floorspace. Up to 60 units of extra care accommodation and associated communal facilities. Up to 350 sq.m of floorspace for community use. Provision of public open space. Creation of new vehicular and pedestrian/cycle accesses and associated works.

03_56/0695/14/RM approved

Approval of reserved matters following outline consent 03_56/0447/12/O for landscaping, scale, appearance and layout solely for Weston Lane access road (Phase 1 of the development)

03_56/1419/14/RM, approved

Approval of reserved matters following outline consent 03_56/0447/12/O for landscaping, scale, appearance and layout of 100 dwellings (Phase 2 of the development).

56/1792/15/RM: Approved

Approval of reserved matters (appearance, landscaping, layout and scale) following outline approval 03_56/0447/12/O increasing number of dwellings on western portion of site from 29 to 35

56/3099/14/RM: Approved

Approval of reserved matters following outline approval 03_56/0447/12/O for appearance, landscaping, layout and scale of mixed use Extra Care Scheme development.

ANALYSIS

Principle of Development/Sustainability:

The application site is allocated for employment use under Local Development Framework Policy (LDF) T7 (Riverside); it forms part of a wider site allocated for 100 dwellings and 2 ha of employment land.

In 2013 outline planning permission was granted at the T7 site for mixed use development comprising about 100 dwellings, up to 5350 sq m of office/light industrial floorspace, up to 60 units of extra care accommodation and associated communal facilities, up to 350 sq.m of floorspace for community use, provision of public open space and creation of new vehicular and pedestrian/cycle accesses and associated works.

The dwellings and the 60 units of extra care accommodation have been built; the application site is the only remaining undeveloped part of the site allocation and was indicated on the masterplan as employment land. The section 106 Agreement associated with this outline application requires the land to be marketed for employment but does not specify that the employment use should be limited to B class uses.

The current application is a full application that does not form part of the previous outline consent however the outline consent remains extant and establishes the principle of development on the site for employment as being acceptable.

Employment Use

Typically employment uses are within Use Classes B1, B2 and B8, however there are many other uses that also generate employment.

Projected employment figures have been submitted in relation to this proposed care home which would employ in the region of 68 members of staff split between full time and part time roles. 10-15 members of staff will be employed on a full time basis working over 30 hours per week, the remainder of staff will work part-time between 10 and 30 hours per week.

When considering the appeal on the outline application for Riverside the Inspector gave weight to the jobs created within the extra care facility; the proposed care home will generate significantly more jobs than the extra care facility.

For clarity, the extra care facility is essentially apartments for the over 65's for independent living, but with an on-site warden to call on in an emergency (not medically trained). There are a number of on-site facilities such as a café and hairdressers that are also open to the public.

This application is for a care home offering 24 hour nursing care, including specialist dementia care, for elderly people who are no longer capable of independent living. Specialist medical staff are required as well as general care staff and ancillary staff such as caterers, cleaners, general maintenance, management and administrative staff.

It is considered that the use of the site as a nursing home is an employment use and as such is in accordance with the aims of Policy T7 of the LDF.

Need for the Care Home

The application is supported by a Care Needs Assessment that looks at nursing home bed provision in the identified catchment area. The assessment highlights the growth in the population both over 85 and 65 expected in the next 10 years and also looks at changing standards in minimum room sizes which impacts on bed availability. Taking these matters into consideration the report concludes that there is a current shortage of 55 bed spaces and in 10 years time this will have risen to a shortage of 113 beds, assuming no additional provision is made.

There is an outline planning permission at Baltic Wharf for a 60 bed nursing home, however no reserved matters application has been submitted for the scheme and it cannot be assumed the scheme will be delivered in the short term. In the longer term the statistics provided indicate there is capacity for both schemes.

It is concluded that it is demonstrated that there is a need for this facility within the Totnes area.

The principle of the development of the site for a care home is considered to be acceptable subject to all other material planning considerations.

Design/Landscape:

The application site on rising land close to the River Dart is a sensitive location potentially visible from a number of locations within and around Totnes; in particular the site is visible from the public footpath

on the opposite side of the river which links Totnes to the Sharpham Estate and which is a popular walking route.

The applicant engaged with officers in pre-application discussions and the landscape constraints were set out. The Guinness Trust extra care scheme has introduced a very large building into the townscape which is unprecedented in Totnes in terms of scale and massing. It is important that development of the application site should not increase the impact of this development. As such amendments to the original design were made, most significantly the building has been set as low as possible into the site so that it will be some 6.5m lower than the Guinness Trust scheme. The nursing home has been set as far as possible from the extra care scheme so the two buildings are visually separate and strategic tree planting in the front of the nursing home will break up views of the home over time.

The design of the nursing home contrasts with the Guinness Trust scheme so again they are seen as two separate buildings to minimise the perception of scale. The variety in height and the tiering of the proposed care home together with the varied materials palette will articulate the frontage so that it does not appear monolithic or dominant in the landscape. The use of a sedum roof on the southern wing of the care home will soften the roofscape views from users of the adjacent footway (Paradise Walk).

Zoned for employment use any development of this part of the site was likely to bring forward large scale buildings. Overall the scale, massing and contemporary design which uses a palette of materials that reflect the local vernacular, such as render and tile hanging is considered to be an acceptable solution for the proposed use in this location.

Neighbour Amenity:

Concern has been raised with regard to the loss of outlook/view from houses to the east and the extra care units to the north. The cross section indicates that the height of the care home will be only 500mm higher than the lower ground finished floor level of the adjoining houses to the east. These houses will retain an open aspect, notwithstanding the fact that loss of view is not a material planning consideration. These houses will retain adequate levels of natural light and privacy.

Some south facing windows in the lower floors of the extra care apartments will look out towards the proposed care home and may lose the open outlook they currently enjoy. Loss of a view however is not a material planning consideration. The distance between the buildings and the height of the proposed care home is such that the development will not have an overbearing impact on the extra care scheme nor will there be a significant loss of light.

Concern has been raised about possible light pollution impacts on residential amenity. For biodiversity reasons external lighting around the site will be kept to a minimum. The building itself is not expected to emit any more light than would arise from the extra care units adjacent or any other form of residential use.

Planning conditions will control noise and odour that might arise from the commercial kitchen and laundry within the development.

Impact on neighbour amenity is considered to be acceptable.

Highways/Access:

Concerns have been raised about the additional traffic the scheme will generate and the impact on traffic congestion.

The site has outline planning permission for employment use. The highway authority raises no objection to the application.

The applicant who has experience of operating similar care homes elsewhere is confident that the number of parking spaces to be provided on site is adequate; these will cater for staff and visitors, residents would not normally keep a car on site.

The development will not impact on the adjacent 'Paradise Walk' pedestrian link to Camomile Lawn. There will be a pedestrian gate into Paradise Walk from the rear of the site to provide emergency access only in the event of flood restricting access from Steamer Quay.

Parking, access and highway impacts are considered to be acceptable.

Biodiversity:

Natural England have commented that the application could have potential significant effects on Greater Horseshoe Bats and request that further information be submitted. They have requested an up to date bat survey and comprehensive impact assessment. NE also advised that the LPA is required to undertake a Habitat Regulations Assessment.

The application has also been reviewed by the Council's ecology specialist. It is relevant to note that this site has an extant outline planning permission to be developed for employment purposes and as such the principle of developing the land is already established. When outline consent was granted it was based on up to date ecological and bat survey reports which noted the presence of bats.

The site itself, last used as arable land offers little foraging value for bats and the key area of importance is the vegetated western boundary (outside of the application site) which contains mature trees and which acts as a flyway for bats.

The key issue therefore is ensuring that the flyway is not disturbed. No development will physically impact on the vegetation, the key issues to address is potential for light pollution into the flyway. A lighting strategy has been submitted which shows that it is possible to keep lighting to acceptable levels which will not impact on the bats. On the basis of the lighting strategy, the fact that the site already has planning permission for development and following a detailed Habitat Regulations Assessment the Council's ecologist considers that in this instance further bat survey work is not necessary and subject to conditions to control lighting, no objection is raised.

Ecological impacts are considered to be acceptable.

Drainage:

DCC Flood Risk team have assessed this application and raise no in principle objection subject to conditions to require further on site testing to inform the final detailed drainage scheme.

The applicant has provided confirmation from South West Water that an outfall for an attenuation based design is achievable should infiltration prove unviable.

Heritage:

Having regard to the sites distance from any heritage assets and the development that has already taken place within the T7 site allocation area the proposed development will have no further impact on the setting of any heritage asset including the setting of any listed buildings

Other Matters:

In response to the comments of the Chief Fire Officer the applicant has confirmed that the access to the site would comply with Building Regulations (B5), Section 16.

In regards to the appropriate water supplies for firefighting, the existing fire hydrant is located more than 100m (165m approx.) from the main entrance of the proposed building and therefore an additional hydrant will need to be provided. It is proposed that a dry riser inlet will be provided near the main entrance with dry riser points within the building to comply with Building Regulations B5 – Section 15.

Planning Balance:

The principle of developing this site for employment purposes was established through the previous outline planning permission. Whilst not a typical employment use the development nevertheless generates a significant number of wide ranging jobs. The proposal is considered to be in accordance with the T7 site allocation.

Whilst it is not necessary to demonstrate need for this development a needs assessment has been submitted which demonstrates a demand for the development. The demand for high quality and efficient care facilities for the elderly is likely to grow as a consequence of greater life expectancy.

The site is well located with level access to town centre facilities and within walking distance to public transport links; it offers a tranquil setting for residents whilst still being within the community of the town.

The design, scale and massing of the building is acceptable, it will sit well in its surroundings having a minimal impact on adjoining residents.

The proposed development will have very positive social and economic benefits and the environmental impacts are acceptable. The proposed development represents sustainable development that accords with local and national planning policy. It is recommended that planning permission be approved.

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

Planning Policy

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

The relevant development plan policies are set out below:

South Hams LDF Core Strategy

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

Development Policies DPD

DP1 High Quality Design
DP2 Landscape Character
DP3 Residential Amenity
DP4 Sustainable Construction
DP5 Conservation and Wildlife

DP6 Historic Environment
DP7 Transport, Access & Parking
DP15 Development in the Countryside
DP16 Conversion and Reuse of Existing Buildings in the Countryside
DP17 Residential Extensions and Replacement Dwellings in the Countryside

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
SPT4 Provision for employment floorspace
SPT9 Strategic principles for transport planning and strategy
SPT10 Balanced transport strategy for growth and healthy and sustainable communities
SPT11 Strategic approach to the natural environment
TTV1 Prioritising growth through a hierarchy of sustainable settlements
TTV2 Delivering sustainable development in the Thriving Towns and Villages Policy Area
TTV25 Spatial priorities for development in Totnes
TTV28 Other sites allocations in the Totnes
DEV1 Protecting amenity and the environment
DEV2 Air, water, soil, noise and land
DEV14 Maintaining a flexible mix of employment sites
DEV19 Provisions for local employment and skills
DEV20 Place shaping and the quality of the built environment
DEV21 Conserving the historic environment
DEV22 Development affecting the historic environment
DEV24 Landscape character
DEV28 Protecting and enhancing biodiversity and geological conservation
DEV30 Trees, woodlands and hedgerows
DEV31 Specific provisions relating to transport
DEV34 Delivering low carbon development
DEV35 Renewable and low carbon energy (including heat)
DEV37 Managing flood risk and Water Quality Impacts

Neighbourhood Plan

The Totnes Neighbourhood Plan is at an early stage of preparation and carries no weight at present.

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 in Full

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

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

2. The development hereby approved shall in all respects accord strictly with drawing number(s)received by the Local Planning Authority on

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

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

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

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

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

4. Prior to occupation of any part of the permitted development, a verification report demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out to demonstrate that the site remediation criteria have been met. It shall also include, where relevant, a plan (a “long-term monitoring and maintenance plan”) for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action and for the reporting of this to the local planning authority.

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

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.

6. Prior to commencement of development the applicant shall undertake an acoustic assessment of the site and proposed development and provide details of attenuation necessary in accordance with BS8233:2014 and BS4142:2014 to the Local Planning Authority for approval. This scheme once approved shall be implemented and maintained in perpetuity.

Reason: In the interests of amenity for future and neighbouring residential occupants

7. Prior to occupation of the development, a scheme for the installation of equipment to control the emission of fumes and smell from the premises shall be submitted to, and approved in writing by, the local planning authority and the approved scheme shall be implemented. All equipment installed as part of the scheme shall thereafter be operated and maintained in accordance with the manufacturer’s instructions.

Reason: In the interests of residential amenity

8. Prior to the commencement of development hereby permitted, a construction environmental management plan (CEMP) shall be submitted, detailing measures to mitigate or reduce the impact of the construction activities. This plan shall detailed hours of operation and hours of deliveries, methods of controlling noise from construction activities, a dust impact assessment and mitigation assessment in accordance with the Institute of Air Quality Management guidance for dust assessment from construction sites, location of contractors compound, location of the storage of materials, wheel washing facilities, details of delivery routes for

construction traffic, provision of car parking for contractors, details of a temporary direction signing scheme, photographic evidence of the condition of adjacent public highway prior to commencement of any work. Once approved all construction activities shall be carried out in accordance with this management plan.

Reason: In the interests of the safety and amenities of neighbouring occupiers and the safety of highway users.

9. Prior to development taking place the applicant shall submit for approval, full details of proposed electric vehicle charging points to be provided, these details shall include the location, number and power rating of the charging points. This shall accord with good practice guidance on mitigating air quality impacts from developments produced by the Institute of Air Quality Management.

Reason: In the interests of air quality

10. The measures set out to reduce reliance on use of the private car as set out in the Travel Plan prepared by Transport, Planning & Highways Ltd dated November 2017 shall be adhered to during the lifetime of the development, including monitoring of the plan. Monitoring records for a minimum of the preceding 12 months shall be made available for inspection by the Local Planning Authority within 10 working days of such a request being made to the site operator.

Reason: To minimise the use of the private car in the interests of air quality and the safety and convenience of users of the highway

11. Prior to development continuing above slab level full details, including samples, of the materials to be used in the external elevations and roofs and including details of doors, windows and rainwater goods, shall be submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of visual amenity

12. No part of the development hereby approved shall be brought into its intended use until the parking facilities, including parking and electrical charging facilities and turning area have been provided in accordance with the approved plans. The approved parking and turning areas shall be maintained and retained for that purpose at all times.

REASON: To ensure that adequate facilities are available for the traffic attracted to the site and in the interests of the safety and convenience of users of the highway.

13. Prior to occupation of the development the pedestrian access onto Paradise Walk in the south east corner of the site shall be provided in accordance with details that shall have previously been approved in writing by the Local planning Authority.

Reason: To provide an alternative safe pedestrian access in the event of flood.

14. The External Lighting Proposal , REV B prepared by Harkel Mechanical Electrical Services Contractors, dated April 2018 and the External Lighting Proposal drawing number 1156-EXT-001 rev B shall be fully implemented prior to occupation of the development and shall be adhered to at all times. Lighting levels shall not exceed these approval details at any time, including during the construction phase, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interest of wildlife conservation

15. Prior to the commencement of development full details of hard and soft landscaping shall be submitted to and approved in writing by the Local Planning Authority. The details shall include:
- (i) location, species and spread of all trees, shrubs, hedges, hard landscaping, boundary treatments existing on the site, distinguishing those proposed to be removed and those to be retained;
 - (ii) a landscaping scheme showing ground moulding, screen banks, hedgebanks, trees, shrubs, and hedges, including proposals for protection and maintenance of the landscaping;
 - (iii) details of materials to be used for hard landscaping and the provision of samples if requested by the LPA.

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

Reason: To protect and enhance the visual amenities of the site and locality.

16. Prior to development continuing above slab level full details of all boundary treatments shall be submitted to and approved in writing by the Local Planning Authority. Development shall take place in accordance with the approved details and shall be maintained and retained in perpetuity

Reason: In the interests of visual amenity

17. No part of the development hereby permitted shall be commenced until a programme of percolation tests has been carried out in accordance with BRE Digest 365 Soakaway Design (2016), and the results approved in writing by the Local Planning Authority, in consultation with Devon County Council as the Lead Local Flood Authority. A representative number of tests should be conducted to provide adequate coverage of the site, with particular focus placed on the locations and depths of the proposed infiltration devices.

Reason: To ensure that surface water from the development is discharged as high up the drainage hierarchy as is feasible.

18. No part of the development hereby permitted shall be commenced until the full results of a groundwater monitoring programme, undertaken over a period of 12 months, 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 monitoring should be conducted to provide adequate coverage of the site, with particular focus placed on the locations and depths of the proposed infiltration devices.

Reason: To ensure that the use of infiltration devices on the site is an appropriate means of surface water drainage management.

19. 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 informed by the programme of approved BRE Digest 365 Soakaway Design (2016) percolation tests and in accordance with the principles set out in the Proposed Drainage Strategy (Ref. RN/10230; Rev. 2; dated 25th March 2018).

Reason: To ensure that surface water runoff from the development is discharged as high up the drainage hierarchy as is feasible, and is managed in accordance with the principles of sustainable drainage systems.

Advice: Refer to Devon County Council's Sustainable Drainage Guidance.

20. 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.

Reason: To ensure that surface water runoff from the construction site is appropriately managed so as to not increase the flood risk, or pose water quality issues, to the surrounding area.

Advice: Refer to Devon County Council's Sustainable Drainage Guidance.

21. 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.

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

22. Prior to the commencement of development full details for the management of foul water shall be submitted to and approved in writing by the Local Planning Authority. Development shall take place in accordance with the approved details which shall be maintained in perpetuity.

Reason: In the interests of managing flood risk and pollution.

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PLANNING APPLICATION REPORT

Case Officer: Jenny Draper

Parish: Cornworthy **Ward:** West Dart

Application No: 4238/17/FUL

Agent/Applicant:

Mrs Gill Baker
Flat 7 Elwell House
Plymouth Road
Totnes
TQ9 5LH

Applicant:

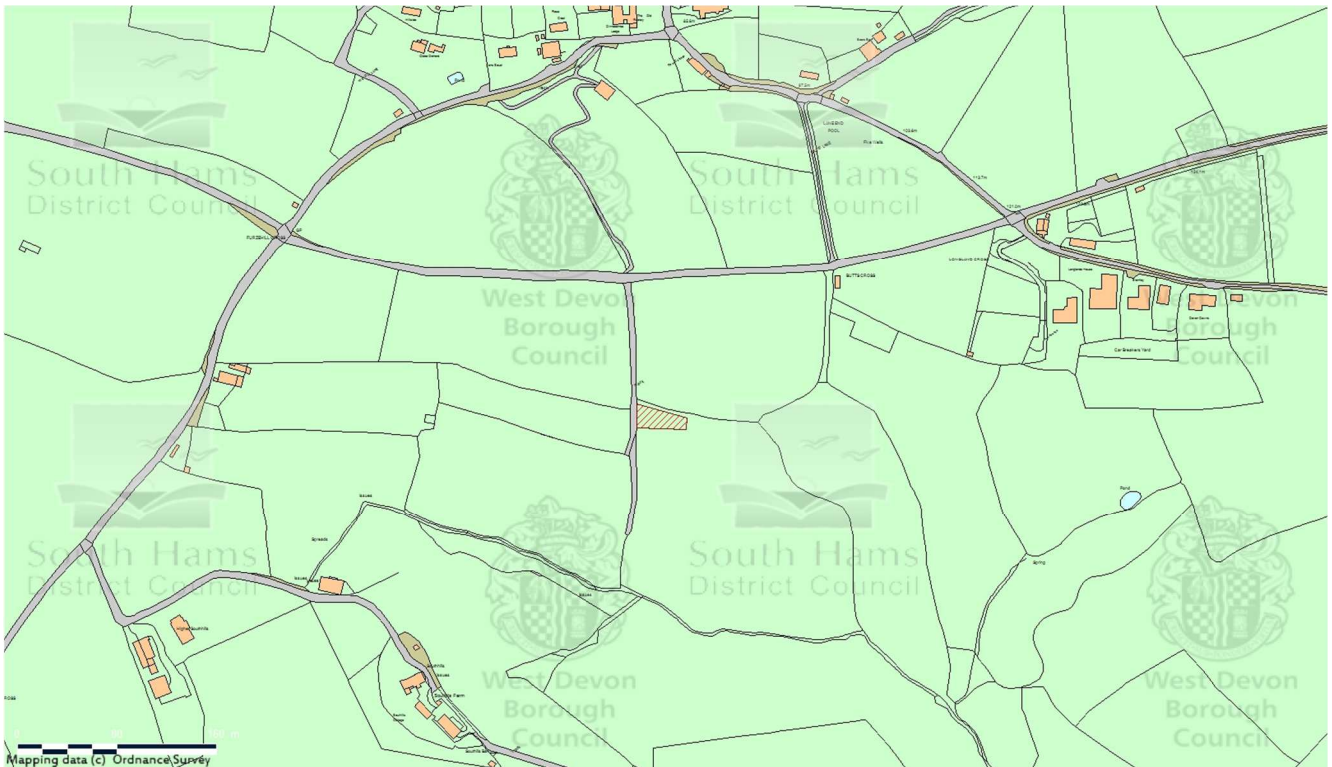
Ms Julia Vancheri
Hidden Valley Lavender Farm
Land At Hole Hill
Water Lane,
Cornworthy

Site Address: Hidden Valley, Lavender Farm, Land At Hole Hill, Cornworthy

Development: Proposed new timber framed barn to be used for drying, processing and storing lavender with farm office and rest room (resubmission of 1270/17/FUL)

Reason the application is before Committee: Cllr R Tucker would like the Committee to consider this application for the following reasons:

- Objectors have made points that the wider Membership should be made aware
- Disagreement with the agriculture advisor on viability
- The building is far too large for the amount of crop indicated on the application
- It looks very much like a house



Recommendation:
Conditional Approval

Conditions

Commencement within three years
Accord with plans
Agricultural or Horticultural use only
Removal if approved use ceases
Removal of existing structures
Drainage details to be submitted and approved

Key issues for consideration:

Visual impact
Justification of need of the building

Site Description:

The application site is a 3 acre field with an additional area used as a shared access track. The land has a southerly aspect and after an initial flat terrace the field slopes steeply down forming part of a larger valley between surrounding hills. Due to this the site is well drained.

The Proposal:

The application proposes the removal of the existing caravans and timber shed and erection of a new timber framed barn to be used for drying, processing and storing lavender with farm office and rest room.

Consultations:

- County Highways Authority - No Objection
- Parish Council - No Objection
- Agricultural Consultant - “It is slightly a ‘chicken and egg situation’ in that the business needs the building but the business needs to be up and running to warrant the building. However, it is my opinion the amount of lavender planted at present and due to be harvested at the end of the next growing season would be commensurate with the size and facilities/accommodation provided by the proposed building.” (Taken from consultant’s report dated 2/3/2018 available on website)

Representations:

Letters of objection received from 2 objectors raising the following points:

- Civil covenant preventing buildings
- Building is too large for small site
- Agricultural land, not horticulture or retail
- Looking for residential use in future
- Use of plastic not environmentally friendly
- Track not designed for increase in vehicular movement
- No need for large parking area, rest room and large office

Relevant Planning History

1270/17/FUL - Proposed new timber framed barn to be used for drying, processing and storing lavender, farm office with farm shop area and rest room – Withdrawn on the advice of the LPA to reduce the size of the building.

ANALYSIS

Principle of Development/Sustainability:

The proposal fits in with Government NPPF14 that outlines a 'presumption in favour of sustainable development', SHDC CS1 and SO18, CS13 and DP3. Overall the application proposes a scheme appropriate to the setting of the site within the countryside, with the intention to use the barn for drying and processing the lavender grown on the site.

Design/Landscape:

This application is a resubmission of a previous scheme 1270/17/FUL which was deemed too large for the purpose proposed. The applicant has scaled down the building to a more appropriate size which has been appraised by an independent agricultural consultant who concluded that the barn would be appropriate for the proposed use.

The site is a field situated wholly outside any village envelope and is surrounded by hedges/trees and cannot be seen from the public highway. The distance from the nearest Public Right of Way is approximately 600m as the crow flies and this development will have little or no visual impact due to the topography of the land.

The previous application was for a barn of 30m x 13m (390sq m) with a 7.957m ridge height whereas this new application is for a barn of 20m x 13m (260sq m) with a 7.117m ridge height.

The existing caravans and timber lean-to shed will be removed and replaced with this purpose built barn will enhance the visual appearance of the site.

Neighbour Amenity:

There are no nearby neighbours to be affected by this proposal.

Highways/Access:

Devon County Council Highways have no comment to make regarding this application.

Other Matters:

Matter raised by objectors:

- Civil covenant preventing buildings
This is not a planning issue and should be addressed to solicitors
- Building is too large for small site
This has been addressed with the reduction in size from the previous application. The independent agricultural consultant has confirmed that the building is suitable for the projected horticultural business plan.
- Agricultural land, not horticulture or retail
Horticulture is regarded as the same as agriculture
- Looking for residential use in future
Any future application for a change of use to residential would be assessed in accordance with the Local Authority Planning Policies, which currently would be against the creation of a dwelling in the open countryside.
- Use of plastic not environmentally friendly
The use of plastic within the farming and agricultural community is common practice ie. wrapping of silage bales. It would be up to any individual to use good practice with regard to any waste

products. We do have Environmental Health legislation that can be used regarding nuisance, contamination or noise.

- Track not designed for increase in vehicular movement
Highways have not raised any objection to the track being used by the proposed users of the barn.
- No need for large parking area, rest room and large office
The parking area is already part of the site and not a new proposal. The rest room and office are part of the proposed business at the site.

Conclusion

The building has been reduced in size from the previous application on recommendation of the Local Planning Authority due to the size of the site. The dual pitch roof design of the building allows for drying facilities of the crop.

Advice was sought from an independent agricultural consultant to assess the justification of need for the building and he states that the design is quite 'bespoke' to the needs of the lavender growing/storing/drying/processing operations and although a simpler design and construction would satisfy the needs of the enterprise, the proposed design nevertheless still meets that need. He supports the application in terms of size and siting meeting the needs of the present enterprise.

Therefore, in support of this fledgling enterprise, conditions have been recommended to prevent the building from remaining on site if the need ceases and that the building will only be used for the purposes of agriculture, which includes horticulture.

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
DP4 Sustainable Construction
DP15 Development in the Countryside

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

DEV15 Supporting the rural economy

DEV24 Landscape character

Neighbourhood Plan – no Neighbourhood Plan for Cornworthy is currently in place

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 17/JW/GA01/P4 received by the Local Planning Authority on 5th 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.

3. The development hereby permitted shall be used solely for the purposes of agriculture or horticulture as defined under Section 336 of the Town & Country Planning Act 1990. It will not be occupied as a dwelling.

Reason: To ensure that the development hereby permitted is used solely for the purposes of agriculture and horticulture and to prevent the establishment of a separate dwelling in the countryside contrary to established planning policies.

4. Where the development hereby permitted ceases to be used for the purposes of agricultural or horticultural use within ten years from the date of this approval, and planning permission has not been granted authorising development for purposes other than those set out in this planning permission, within three years of the permanent cessation of the agricultural use, and there is no outstanding appeal, the development must be removed unless the Local Planning Authority has otherwise previously agreed in writing.

Reason: Development Plan Policies and Central Government guidance provide for strict control of development in the countryside and the Local Planning Authority wishes to ensure that the development is used solely for the purpose hereby permitted.

5. Upon substantial completion or first use of the hereby approved building, all caravans and existing structures (with the exclusion of the compost toilet) shall be permanently removed from site.

Reason: To improve and enhance the visual amenity of the site.

PLANNING APPLICATION REPORT

Case Officer: Chris Mitchell

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

Application No: 0145/18/HHO

Agent/Applicant:

Mr Paul Rose
The Old Inn
Broadclyst Road
Whimble, Exeter
EX5 2TT

Applicant:

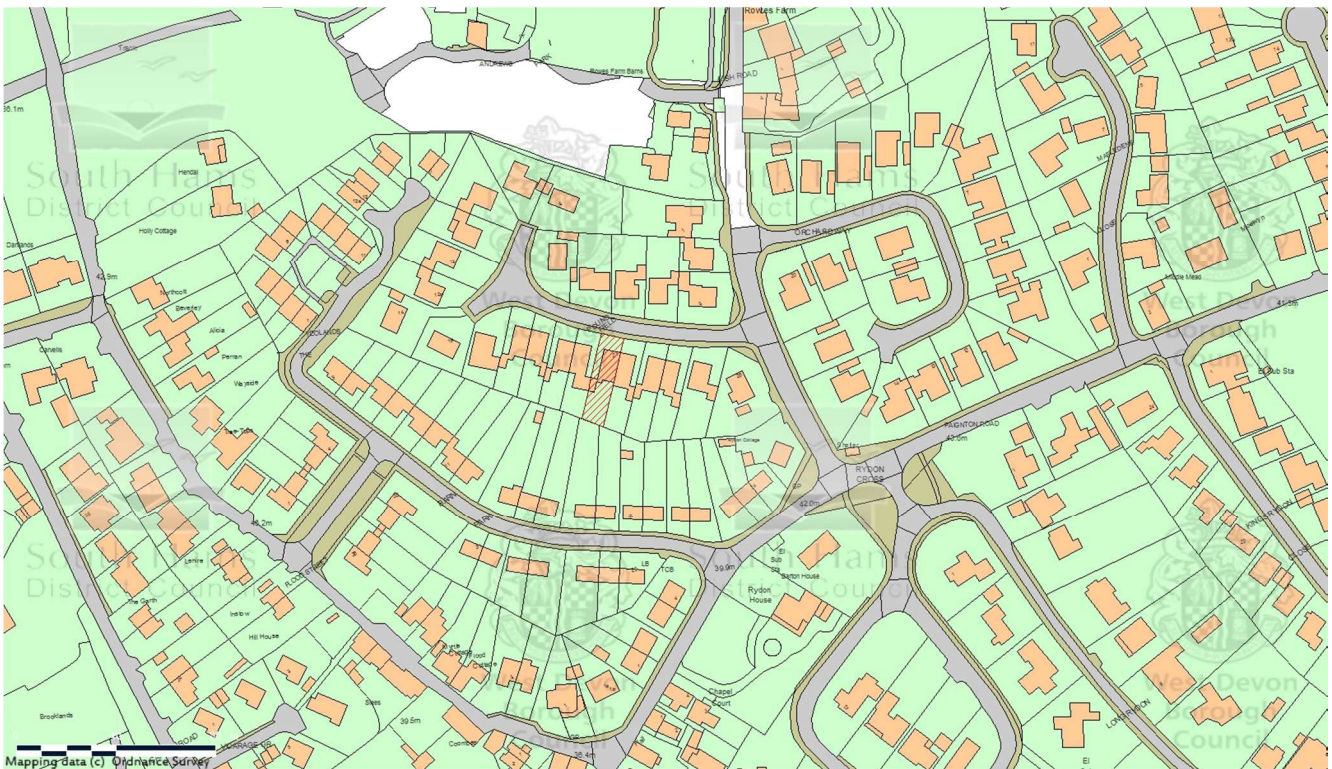
Ms Horton
21 Pound Field
Stoke Gabriel
TQ9 6QA

Site Address: 21 Pound Field, Stoke Gabriel, TQ9 6QA

Development: Householder application for rear single storey extension and loft conversion

Reason item is being put before Committee

Concern to the level of objection by neighbouring residents to proposed alterations to the property in respect of loss of light and privacy to neighbours.



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 17.34.02A (Location Plan) received by the Local Planning Authority on 25th January 2018 and drawing numbers 17.34.011_B (Proposed Plans) and 17.34.011_B (Proposed Elevations) received by the Local Planning Authority on 16th 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. 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 flat roof area hereby created by the dining room and kitchen shall not be used as a terrace or balcony and the Juliette balcony shall be fitted with fixed balustrade to prevent access and use onto this area. Reason: In the interests of neighbour amenity.

5. The recommendations, mitigation and enhancement measures of the Ecological Report, by Mr D Wills date 12th December 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

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

Site Description:

The site is located to the north of the village centre of Stoke Gabriel with access taken from Aish Road via Pound Field. The property is a semi-detached bungalow built with brick and rendered walls, UPVC windows and doors and concrete tiled roof.

The Proposal:

The revised proposal has removed the front dormer, reduced the width of the entrance hall and increased the depth of the single storey kitchen extension. The new proposal is for a conversion of garage and rear single storey extension to provide a new dining room and extension to kitchen built with rendered walls, dark grey aluminium windows and doors and grey flat roof with capping. It also proposes the construction of an entrance hall to the side of property over the existing front door that will be built with rendered walls, oak front door and grey flat roof and capping.

On the rear elevation at first floor level it is proposed to construct a three quarter length dormer to provide an additional bedroom with Juliette balcony and finished with dark grey metal finish with dark grey aluminium windows.

It proposes the replacement of front widow with white UPVC patio doors and side windows and insertion of three high level roof lights on the front roof elevation.

Consultations:

- County Highways Authority No objection
- Environmental Health Section No comments received
- Town/Parish Council
Support The dormer window must be sited in the centre of the roof. Juliet type balustrade must be in place to stop the possibility of using the new flat roof area as a terrace.
The drive levels should remain as they are and not be levelled.
Whilst the Parish Council appreciate the concerns of immediate neighbours in planning terms these revised plans are now acceptable.

Representations from Residents

There have been some fifteen letters of representation received to the revised plans and cover the following points:

- The proposed extension is out of character with the existing street in doubling the properties size and is overdevelopment;
- The rear dormer results in loss of privacy to neighbouring properties;
- The use of materials of the rear dormer is not in keeping with the character of local area;
- The proposed alterations results in the loss of daylight to No. 20 and therefore should be refused;
- The proposed rooflights change the appearance of the property as there are no others in the street;
- The rooflights would result in overlooking to neighbouring properties opposite the dwelling;
- The alteration to front window is out of keeping with character of the area;
- The conversion of the garage to accommodation would result in loss of off street car parking;
- A porch was constructed to the side of No. 23 and is of simplistic design and appropriate size and therefore sets a precedent for the area;
- The entrance hall would adversely impact on natural light upon the kitchen window of No 20.

Relevant Planning History

None

ANALYSIS

Principle of Development/Sustainability:

The proposed replacement of front window with patio doors and windows with white UPVC windows and insertion of three rooflights can be undertaken under the properties permitted development rights and therefore cannot be considered under this application.

The proposed amendments to rear dormer in centralising it and therefore balances it with neighbours dormer at No. 22 and it would only be glimpsed from the road so it does not result in any significant visual harm to character and appearance of the area. Whilst the use of dark grey metal cladding for the rear dormer is unusual though contemporary and it is not considered to adversely impact upon the character appearance of the local area due to it limited public views.

The proposed rear ground floor extensions would not adversely impact upon either of the neighbouring properties and the site can comfortably accommodate this development. The reduction in width of the

entrance hall has brought the proposal away from No. 20 window therefore providing more light into this room and the rear dormer is set 1.2m away from the roofs edge therefore ensuring that sufficient light can still be permitted into the neighbour's kitchen.

It is recommended that following neighbour and the Parish Council concerns that a condition would be placed on any permission that the flat roof area of the kitchen and dining room shall not be used as a terrace or balcony in the interests of neighbour amenity.

Neighbour issues:

The proposed rooflights on the front roof elevation are permitted development and so the Local Planning Authority has no control over their placement on the roof providing they are less than 150mm above the existing roof slope. The concerns to be overlooked is not founded as these rooflights are proposed to be high level and only serve a storage space to the property.

The objection that the alterations and extensions to the property would constitute overdevelopment of the property is noted though the overall increase of floor space is less than half of the existing building and the property is sited on a piece of land that can easily take these extensions without causing any adverse impact upon neighbouring properties.

The comment that the entrance hall is too large and dominant upon No. 20 is noted though the revised entrance hall has been set back from the boundary by 0.4m following the objection received by the neighbouring property and thereby reducing the issue of dominance upon No 20 kitchen window. The further objection that the porch at No. 23 sets a precedent is noted though there is no such thing as precedent in planning as each case is judged on its own merits. The reduced entrance hall is considered to be acceptable and would not significantly impact upon the loss of light to the neighbouring property's kitchen as it benefits from secondary light sources via two glass doors one from the driveway and the other into the rear garden along with kitchen window and secondary light from the adjoining dining room.

The objection to the proposed rear dormer would significantly reduce light into No, 20 kitchen is noted though it is set 1.2m away from the western edge of the roof of the property and ensures that sufficient day light will still be permitted into No. 20 kitchen window. The finish of the dormer in a dark grey metal would not as claimed by the neighbours significantly reduce light into their kitchen. It is accepted that there will be a reduction in the level of light to this window, however, the kitchen is served by a glazed side door and another window from a dining room that permits light into this room and therefore in officer's opinion it is not a reason to refuse the application on these grounds.

The concern that the rear dormer would result in visual detriment upon the local area and harm the neighbouring properties is noted though there are also other rear dormers along Pound Field that can be seen from the applicant garden therefore the principle of rear dormers is acceptable. The concern that the dormer would result in unacceptable overlooking to the neighbouring properties is acknowledged, however No. 22 already benefits from a rear dormer that provides overlooking of No. 21 garden so this dormer would increase overlooking though it overlooks their own back garden with oblique views of the bedroom.

In respect of No. 20 the existing garages of both properties and planting ensures that no significant overlooking can occur to the rear garden from the proposed dormer. It should also be noted that the proposed dormer would house a bedroom that is a secondary habitable room and has lesser use than a primary living area and therefore is acceptable in planning terms.

The previous concerns raised to the rear dormer being built onto the roof boundary have been taken into consideration and the revised stepped 0.5m from the boundary of No. 22 thereby centralising it and therefore ensures that the impact upon the part wall would not be affected by this development.

The objections to the conversion of the garage into additional accommodation and entrance extension would result in a loss of off street car parking that would adversely impact upon the local area is noted

though the property has a long driveway that can accommodate up to 2 cars off street and the standing advice only requires the need for one so these objections would not be reasons to refuse the application.

Parish Council:

The Parish Council has supported the application with the revised amendments and states that the driveway should be retained as existing the rear dormer should be centrally set into the rear roof and the Juliette balcony balustrade to be fixed so that the flat roof areas cannot be used as terrace or balcony.

Conclusion:

The amendments to this revised application are considered to be acceptable and address the concerns raised to the proposal are not considered to be overriding reason to refuse this application. Officers therefore recommend that this application be approved subject to 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

DEV3 Sport and recreation

DEV20 Place shaping and the quality of the built environment

DEV24 Landscape character

Neighbourhood Plan

A plan area has been agreed though no detail policies have been submitted and therefore it has no material weight.

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 – Householder Developments

Case Officer: Chris Mitchell

Parish: Thurlestone

Application No: 0421/18/HHO

Agent (if applicable):

Mr John Edwards
Rose Cottage
Shernal Green
Droitwich
WR9 7JS

Applicant:

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

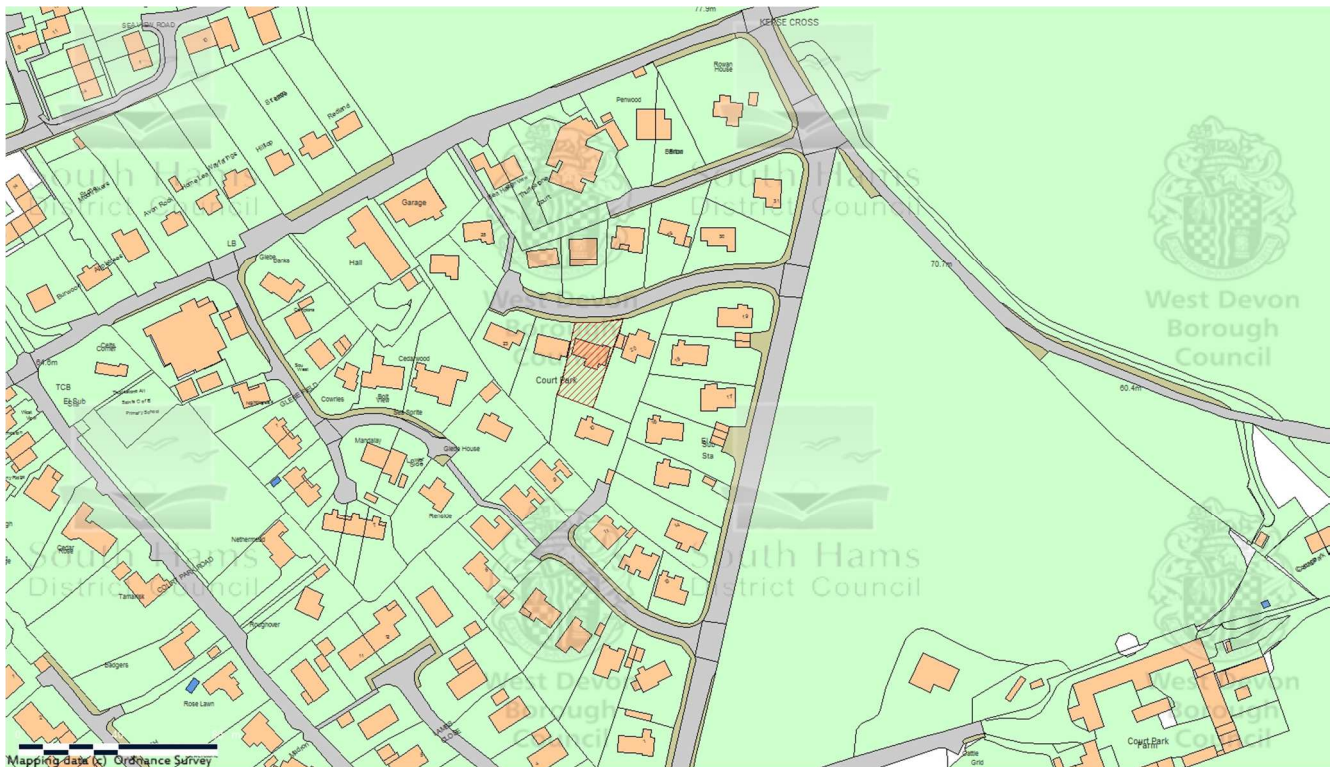
Site Address: 21 Court Park, Thurlestone, TQ7 3LX

Development: Householder application for proposed alterations and extension (resubmission of 3075/17/HHO)

Reason item is being put before Committee

As the previous application was refused by Committee it is deemed that the Committee should determine the application with amendments submitted.

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 1330/04A (Location Plan) and 1330/11 received by the Local Planning Authority on 20th February 2017 and drawing number 1330/07/B received by the Local Planning Authority on 13th 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 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 wall as detailed on drawing 1330/07B on the west elevation of the ground floor terrace hereby permitted shall be installed prior to the use of the terraced 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.

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 three Juliet style balconies.

A 1.8m high wall has been proposed on the west (side) elevation of the proposed ground floor raised terraced area.

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 There have been no revised comments from the Parish Council to this application and therefore their previous comments will be detailed:

All relevant planning policies including the existing Local Plan, the recent AONB Planning Guidance (which applies to the whole of the Parish) and the emerging Parish Neighbourhood Plan (policy TP1.1) stress the importance of considering the effects of any proposals for development inter alia on (a) local character and (b) landscape settings and (c) neighbouring properties.

This Council objected to the original proposal because of the effect it would have on the local character, local setting and neighbouring properties, as well as the expected removal of the Bay Tree.

The proposed amendments only minimally mitigate the deleterious effects of the proposed development and the Council accordingly sees no reason to withdraw its objection

Representations from Residents

There have been 10 of letters of representation received and cover the following points:

- The Juliet balconies would still result in loss of privacy to neighbours;
- The proposed development would result in overdominance and significant overlooking of neighbouring properties;
- Concern to amount of floor to ceiling glazing on the rear elevation and if permitted would set a precedent;
- Overdevelopment of the site.

Relevant Planning History

3075/17/HHO Householder application for proposed alterations and extension
Refused

The following **analysis** is given where the answer to any of the preceding questions is **no** or there are comments from any party or consultee.

Analysis:

This application seeks to remove the previously refused balconies and therefore overcomes officer's previous concerns of overlooking to neighbouring properties and therefore make the application acceptable.

The increase in height of boundary screen on the west (side) elevation to the ground floor terrace overcomes partially addresses the neighbouring concerns of being overlook during the winter months.

The omission of the new window in the garage has been shown on the revised drawings together with details of the access arrangements to the dwelling house from new parking area. These revisions overcome the concerns previously raised and therefore officer support would be given to this proposal.

Neighbour and Parish Comments:

The revised proposals with the removal of first floor balconies with the installation of Juliet style balconies overcomes the previous refusal reasons as these would not permit the applicants the ability to sit or stand outside at first floor level and therefore these are acceptable.

The concern raised by neighbours to overlooking from the ground floor balcony is noted though there is existing foliage that prevents such overlooking, however, the applicant has agreed to increase the boundary wall up to a height of 1.8m thereby ensure no overlooking can occur and this is detailed on the revised drawings. There was no objection raised by officers to this balcony previously as there would not be any significant overlooking and therefore no planning condition would be placed on any permission granted for the wall to be retained as this height as it is merely a good will gesture by the applicant.

The objection that the rear elevation would still result in an unacceptable increase of glazing is noted though the amount of windows has been reduce at first floor compared to the previously submission. Furthermore a property opposite the site has just as much glazing at proposed and therefore this proposal is not setting a precedent as it already exists within the area.

The Parish Council still objects to the proposal as the removal of the first floor balconies does not overcome the visual impact that the Juliet style balconies would have upon the exiting dwelling house an issues of overlooking to neighbouring properties. This comment is noted though the installation of Juliet style balconies removes the previous concerns raised by the Members of Development Management Committee to issues of unacceptable overlooking. The existing windows already provide an element of overlooking to neighbours gardens and the installation of Juliet balcony and full height windows would not result in a significant overlooking than what already exists. Therefore these comments are noted though are not reasons to refuse the application.

The Parish Councils comment that the bay tree would need to be removed is merely suggestive and not factual. There is no proposal for the tree's removal by the applicants and the proposed terrace now benefits in having a 1.8m boundary wall thereby ensuring no overlooking can occur. Consequently if the tree is removed this is a civil matter between neighbours and not one that planning would get involved with.

Conclusion:

The amendments to this revised application are considered to be acceptable and address the concerns raised to the proposal are not considered to be overriding reason to refuse this application. Officers therefore recommend that this application be approved subject to 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:

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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

Neighbourhood Plan

This plan is adopted and is of material consideration:

POLICY TP1 – GENERAL DEVELOPMENT PRINCIPLES

POLICY TP2 – SETTLEMENT BOUNDARIES

POLICY TP7 – REPLACEMENT DWELLINGS AND EXTENSIONS

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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South Hams District Council Agenda Item 7
DEVELOPMENT MANAGEMENT COMMITTEE 2-May-18

Appeals Update from 24-Mar-18 to 20-Apr-18

Ward Blackawton and Stoke Fleming

APPLICATION NUMBER : **0896/17/PDM** APP/K1128/W/17/3183554
APPELLANT NAME: Mr I Lethbridge
PROPOSAL : Notification of prior approval for proposed change of use of agricultural building to 3no. dwellinghouses (Class C3) and for associated operational development (Class Q(a+b))
LOCATION : Barn at East Down Farm, Blackawton, TQ9 7AW
APPEAL STATUS : Appeal decided
APPEAL START DATE: 20-October-2017
APPEAL DECISION: Dismissed (Refusal)
APPEAL DECISION DATE: 09-April-2018

Ward Ermington and Ugborough

APPLICATION NUMBER : **2778/17/VAR** APP/K1128/W/17/3188082
APPELLANT NAME: Mr & Mrs N Cassidy
PROPOSAL : Variation of condition 2 (approved plans) following grant of planning consent 21/1923/15/F (Conversion of stone barn to dwelling) to allow for enlarged first floor opening to north west elevation
LOCATION : Higher Preston Barn, Ermington, PL21 9FQ
APPEAL STATUS : Appeal decided
APPEAL START DATE: 30-January-2018
APPEAL DECISION: Upheld (Conditional approval)
APPEAL DECISION DATE: 06-April-2018

Ward Newton and Yealmpton

APPLICATION NUMBER : **2027/17/HHO** APP/K1128/W/17/3188937
APPELLANT NAME: Mr & Mrs C Hotham
PROPOSAL : Householder application for refurbishment and renovation of existing cottage, new garage/boat store and replacement of rear extension including a new roof terrace
LOCATION : Brook Bakery, Riverside Road West, Newton Ferrers, PL8 1AD
APPEAL STATUS : Appeal decided
APPEAL START DATE: 31-January-2018
APPEAL DECISION: Dismissed (Refusal)
APPEAL DECISION DATE: 06-April-2018

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 decided
APPEAL START DATE: 07-March-2018
APPEAL DECISION: Dismissed (Refusal)
APPEAL DECISION DATE: 06-April-2018

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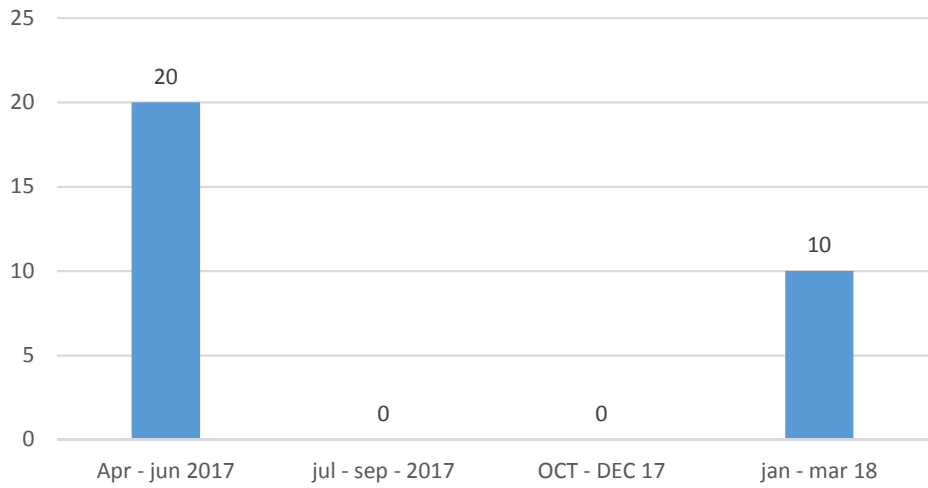
South Hams District Council
DEVELOPMENT MANAGEMENT COMMITTEE 2-May-18
Appeal Hearings/Public Inquiry from 24-Mar-18

Ward Wembury and Brixton

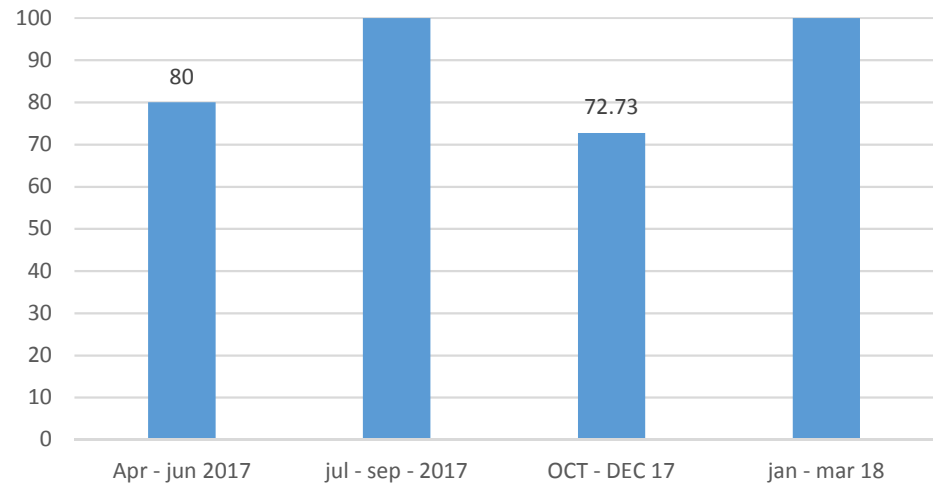
APPLICATION NUMBER : **3884/16/FUL** APP/K1128/W/18/3196171
APPELLANT NAME: Wainhomes (South West) Holdings Ltd
PROPOSAL : Erection of 64no. residential dwellings, associated roads, drainage, landscape,
garages and parking
LOCATION : Land At SX 553 524, West of Stamps Hill, Brixton
APPEAL STATUS : Appeal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

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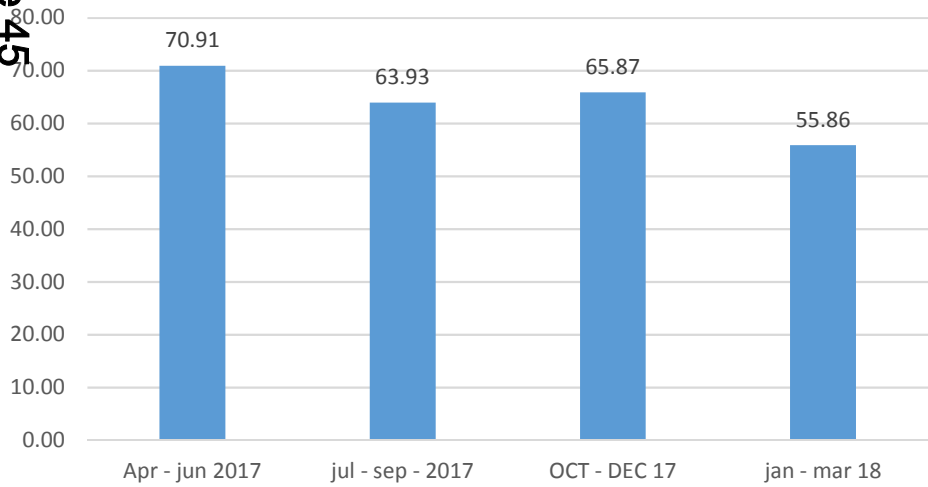
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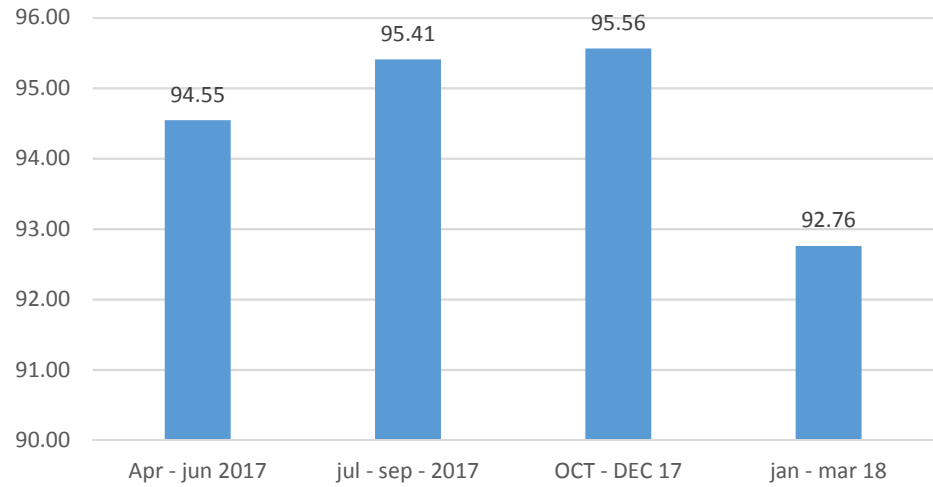
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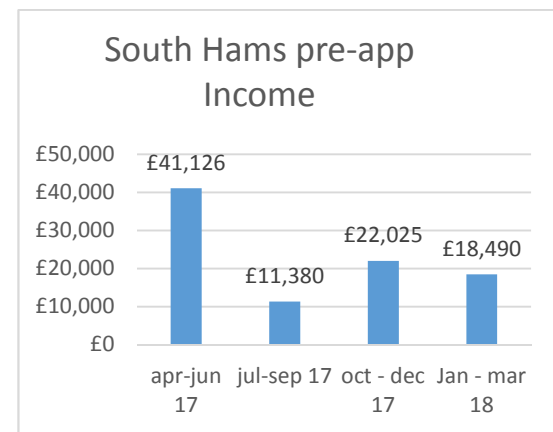
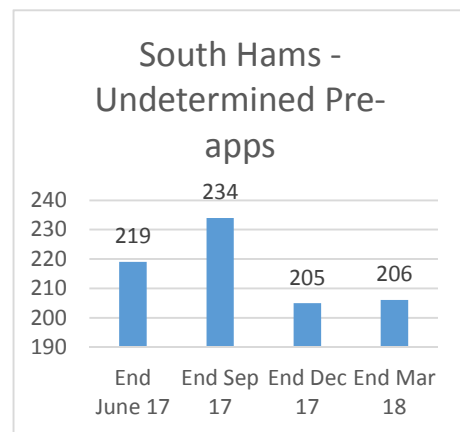
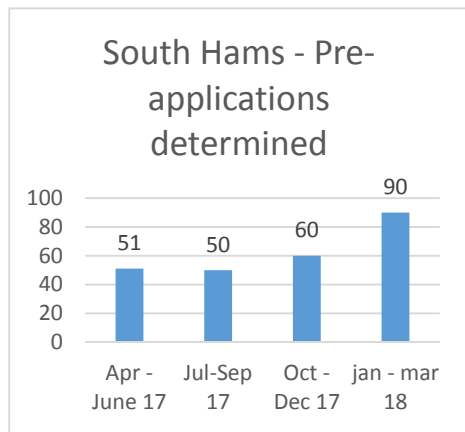
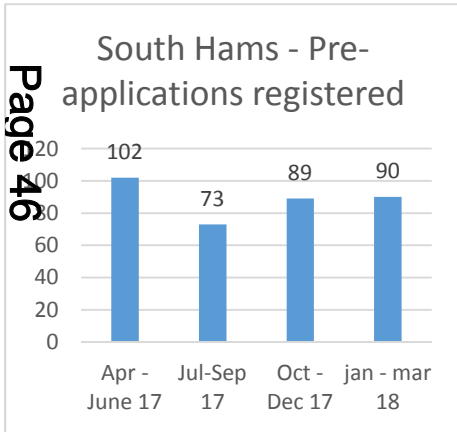
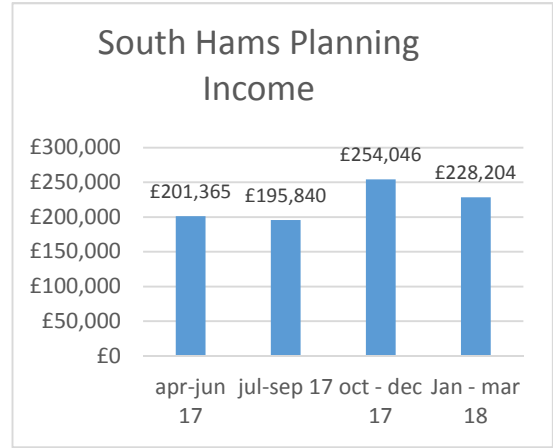
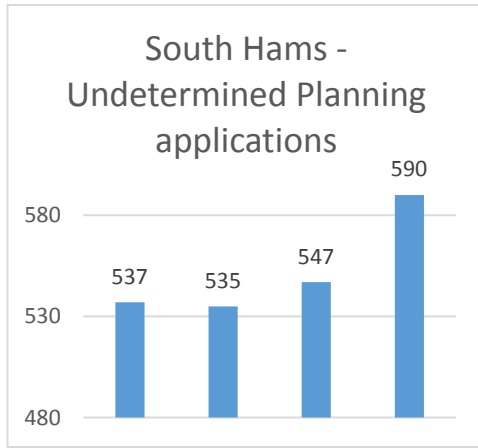
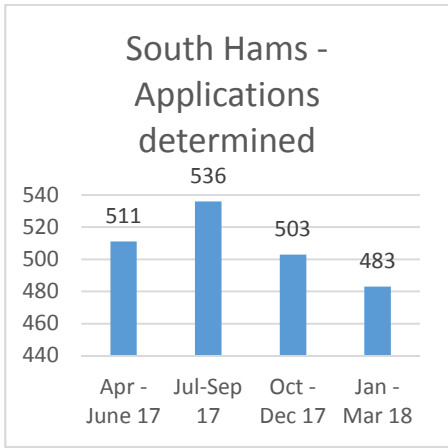
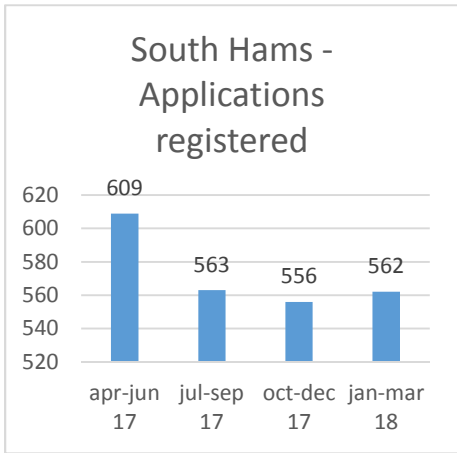


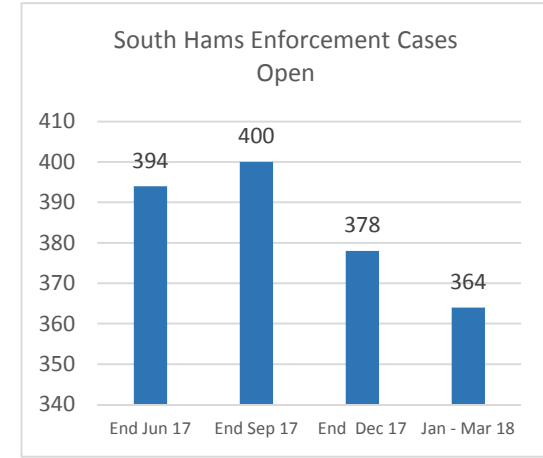
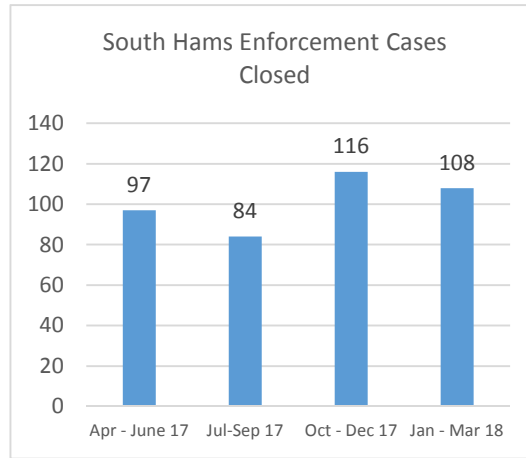
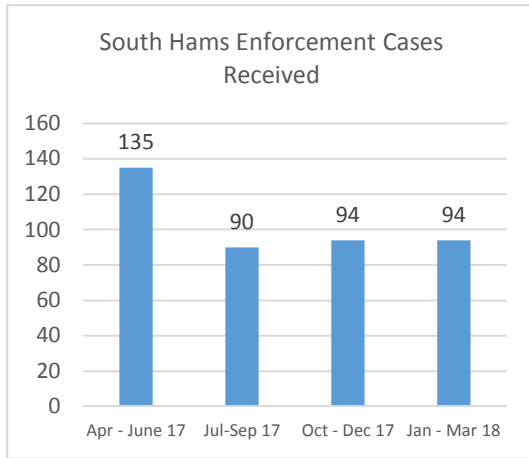
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South Hams	Number of decisions from 1 April 2016 – 31 March 2018	No of decisions that have been allowed at appeal	Percentage of decisions that have been allowed at appeal
Major Applications	63	2	3.17
Non-Major Applications	2345	19	0.81

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