

South Hams Development Management Committee



Title:	Agenda										
Date:	Wednesday, 2nd September, 2015										
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 Cane</td> <td>Cllr Pearce</td> </tr> <tr> <td>Cllr Cuthbert</td> <td>Cllr Rowe</td> </tr> <tr> <td>Cllr Hitchins</td> <td>Cllr Vint</td> </tr> </table>	Cllr Bramble	Cllr Hodgson	Cllr Brazil	Cllr Holway	Cllr Cane	Cllr Pearce	Cllr Cuthbert	Cllr Rowe	Cllr Hitchins	Cllr Vint
Cllr Bramble	Cllr Hodgson										
Cllr Brazil	Cllr Holway										
Cllr Cane	Cllr Pearce										
Cllr Cuthbert	Cllr Rowe										
Cllr Hitchins	Cllr Vint										
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 - 16**

to approve as a correct record and authorise the Chairman to sign the minutes of the meetings of the Committee held on **29 July 2015**
- 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) 05/1229/15/F** **17 - 22**

Demolition of existing dwelling and outbuildings and erection of 2No replacement dwellings to include creation of new access (Resubmission of planning approval 05/2922/14/F)
Seafront, Marine Drive, Bigbury On Sea, Kingsbridge TQ7 4AS
 - (b) 27/1159/15/F** **23 - 32**

Change of use of redundant barn to 2no. dwellings, erection of garages, additional access and associated alterations
Proposed development site at SX 624 562, Woodland Barn, Woodland Farm, Ivybridge, PL21 9HG

	<i>Page No</i>
(c) 41/1294/15/CU	33 - 36
Change of use of premises to A2 (financial and professional services) Bangwallop, 2 Island Square, Island Street, Salcombe, TQ8 8DP	
7. Planning Appeals Update	37 - 38
8. Development Management Public Participation Scheme -	39 - 42
to consider a report that seeks a recommendation on the attendance and participation of town and parish council representatives at Development Management Committee	

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**MINUTES OF THE MEETING OF THE DEVELOPMENT MANAGEMENT
COMMITTEE HELD AT FOLLATON HOUSE, TOTNES, ON WEDNESDAY,
29 JULY 2015**

Members in attendance			
* Denotes attendance			
*	Cllr I Bramble	*	Cllr J M Hodgson
*	Cllr J Brazil	*	Cllr T R Holway
*	Cllr B F Cane	*	Cllr J A Pearce
*	Cllr P K Cuthbert	*	Cllr R Rowe
*	Cllr R J Foss (Vice Chairman)	*	Cllr R C Steer (Chairman)
*	Cllr P W Hitchins	*	Cllr R J Vint

Other Members in attendance
Cllrs Saltern, Tucker and Wright

Item No	Minute Ref or App. No. below refers	Officers in attendance and participating
All agenda items		COP Lead Development Management, Planning Officers, Legal Officer and Senior Case Manager
	35/0059/15/F & 35/0465/15/F	Highways Authority Officer, Affordable Housing Officer

DM.13/15 MINUTES

The minutes of the meeting of the Committee held on 1 July 2015 were confirmed as a correct record and signed by the Chairman subject to the addition of the following comment and amendment:

Minute DM.11/15 a) to be amended to include: ‘Following the Ward Member presentation, the Chairman suspended the meeting and asked that the Ward Member leave the room with the Solicitor. After a few minutes, the Ward Member and Solicitor returned to the meeting.’

There was a further minor amendment required within Appendix A of the minutes, as application 30/1799/14/F: Plot to rear of Inglewood Cottages, Higher Contour Road, Kingswear was shown as ‘Committee Decision: Conditional Approval’ when in fact the Committee Decision was to ‘attend a Site Inspection’.

DM.14/15 URGENT BUSINESS

The Chairman advised that application 57/2472/14/O – Outline application for mixed use development of approx. 198 no. dwellings, public open space, employment uses (including Health Centre), a neighbourhood centre and new roundabout on Exeter Road (access to be considered) – Land at SX 6483 5632, off Rutt Lane, Ivybridge, had been withdrawn from the agenda and would be presented at a later date.

DM.15/15 **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:

Cllrs I Bramble, R J Foss, J A Pearce, R Rowe and R C Steer declared a personal interest in application **30/1442/14/F**: Erection of a single two storey dwelling and separation of part of garden – The Anchorage, Redoubt Hill, Kingswear by virtue of the objector being known to Members of the Totnes Conservative constituency. The Members remained in the meeting and took part in the debate and vote thereon;

Cllr J A Pearce declared a personal interest in application **41/0703/15/F**: Demolition of existing structure and erection of new dwelling and raised parking area - Proposed development site to rear of The Hollies, Devon Road Salcombe by virtue of knowing the neighbour. She remained in the meeting and took part in the debate and vote thereon:

Cllr J M Hodgson declared a personal interest in **TPO 916 2015**: Leylandii at St Katherines Way, Totnes, by virtue of chairing the Town Council meeting at which this was discussed and voting in favour of retaining the Tree Preservation Order. However, she had already left the meeting by the time that this application was considered;

Cllr R J Vint declared a personal interest in **TPO 916 2015**: Leylandii at St Katherines Way, Totnes, by virtue of attending the Town Council meeting where this was discussed however he did not vote at that time. He remained in the meeting and took part in the debate and vote on this item;

Cllr B F Cane declared a personal interest in application **27/0372/15/F**: Erection of new dwelling – Proposed development site at SX 6345 5674, Mill Manor, Beacon Road, Ivybridge by virtue of knowing the speaker in support of the application and having previously commissioned them for work. He remained in the meeting and took part in the debate and vote thereon;

Cllrs R Rowe and B F Cane both declared a personal interest in the following applications by virtue of being respectively the Chairman and a Member of the South Devon AONB Partnership Committee within which the applications were sited. They remained in the meeting and took part in the debate and vote on each of these applications:-

30/1422/14/F: Erection of a single two storey dwelling and separation of part of garden – The Anchorage, Redoubt Hill, Kingswear;

48/1099/15/F: Householder application for refurbishment of dwelling including single storey extension, new two storey link between main house and new extension and new landscape and patio to garden (resubmission of application 48/0409/15/F) – The Sail Loft, South Pool, Kingsbridge;

05/0383/15/F: Excavation and formation of retaining wall for erection of temporary beach hut/kiosk with change of use of land - Proposed beach hut/kiosk, Land at SX 6508 4421, Bigbury on Sea;

41/0703/15/F: Demolition of existing structure and erection of new dwelling and raised parking area – Proposed development site to rear of The Hollies, Devon Road, Salcombe;

41/1104/15/F: Change of use of single storey redundant public convenience to café/cold food takeaway facility and creation of decking and seating area adjacent (A3/A1).

DM.16/15 PUBLIC PARTICIPATION

The Chairman proceeded to announce that the following members of the public had registered their wish to speak at the meeting:-

- **35/0059/15/F & 35/0465/15/F:** Objector – Mr Martin Ranwell: Supporter – Mr Steve Munday: Parish Council – Cllr Mark Lawrence: Mixed use development on land for erection B1 use building, 93 dwellings, roads, footways and strategic landscaping and Creation of car park and landscaped area of public open space, associated with adjoining development of 93 dwellings and B1 use building – Proposed development site at SX 655 518, West of Palm Cross Green, Church Street, Modbury and Car Park, Palm Cross, Modbury;
- **27/0372/15/F:** Objector – Mr Burch: Supporter – Mrs Amanda Burden: Erection of new dwelling – Proposed development site at SX 6345 5674, Mill Manor, Beacon Road, Ivybridge;
- **48/1099/15/F:** Objector – Mr Nigel Llewellyn: Supporter – Mr Richard Atkinson: Householder application for refurbishment of dwelling including single story extension, new two storey link between main house and new extension and new landscape and patio to garden (resubmission of application 48/0409/15/F) – The Sail Loft, South Pool, Kingsbridge;
- **05/0383/15/F:** Supporter – Mr Mike Smith: Parish Council – Cllr Bryan Carson: Excavation and formation of retaining wall for erection of temporary bveach hut/kiosk with change of use of land – Proposed beach hut/kiosk, land at SX 6508 4421, Bigbury on Sea;
- **49/0776/15/F:** Supporter – Ms Andrea Peacock: Conversion of redundant store building into 2 no. 1 bed dwelling units – Proposed development site at SX 5983 5575, rear of Lee Mill Inn, New Park Road, Lee Mill Bridge;
- **41/0703/15/F:** Objector – Mr Richard Turton: Supporter – Mr Dan Lethbridge: Town Council – Cllr David Cohen: Demolition of existing structure and erection of new dwelling and raised parking area – Proposed development site to rear of The Hollies, Devon Road, Salcombe;
- **41/1104/15/F:** Town Council – Cllr David Cohen: Change of use of single storey redundant public convenience to café/cold food takeaway facility and creation of decking and seating area adjacent – Public Conveniences, Cliff House Gardens, Cliff Road, Salcombe;
- **TPO 916 2015:** Objector – Mr Tony Dale: Town Council – Cllr Pruw Boswell: Leylandii at St Katherines Way, Totnes.

DM.17/15 SITE INSPECTIONS

Applications referred for site inspection at the meeting held on 1 July 2015 would be considered later on the agenda (Minute DM.18/15 refers).

DM.18/15 PLANNING APPLICATIONS

The Planning Case Officers submitted details of the planning applications as presented in the agenda papers.

During discussion of the planning applications, the following motions (which were in contradiction to the planning officer recommendation in the published agenda report), were **PROPOSED** and **SECONDED** and on being put to the vote were either **CARRIED** or **LOST**:-

- a) In respect of application **48/1099/15/F**: Householder application for refurbishment of dwelling including single storey extension, new two storey link between main house and new extension and new landscape and patio to garden (resubmission of application 48/0409/15/F) – The Sail Loft, South Pool, Kingsbridge, the Case Officer introduced the application and advised that an additional condition was being recommended if the application were to be approved that related to the septic tank.

The background to the application was explained, and photographs were used to show the property and its position overlooking South Pool estuary. The Case Officer outlined the key areas of concern and the key issues of the application were discussed. The Case Officer recommendation was for conditional approval.

The local Ward Member noted that the Case Officer was in an interesting position as two different Conservation Officers had given conflicting views. However, he agreed with the comments as set out in the presented report and advised that the property would be clearly seen when approaching South Pool from the water. He added that the proposal would change the streetscene character which currently consisted of small cottages.

Other Members supported these views and noted that the proposed building would be significant in size.

It was then **PROPOSED** and **SECONDED** and on being put to the vote declared **CARRIED**:-

‘That the application be refused’

Reasons:

- Detrimental affect on the Conservation Area
- The proposal was contrary to DP17 as the proposed extension was not considered to be subordinate to the existing property

- b) In respect of application **41/0703/15/F**: Demolition of existing structure and erection of new dwelling and raised parking area - Proposed development site to rear of The Hollies, Devon Road, Salcombe, the Case Officer introduced the application and explained that the application site was within the Salcombe Conservation Area. He outlined the application and used plans and photographs to explain the site and its history. The main issues were outlined in detail and the recommendation was for conditional approval.

The first local Ward Member reiterated the sensitive position of the application site and stated that, whilst not against some development, he felt that the current proposal was of inappropriate design and scale. The second local Ward Member reminded the Committee of the content of a letter of objection submitted in relation to this application. She added that whilst the NPPF included a statutory presumption in favour of sustainable development, it also gave protection to non designated heritage assets. This application did not include submission of a heritage statement and there were concerns expressed in relation to the loss of trees and habitat within the back garden. She concluded that in her view the report did not give sufficient weight to the extension of the car park area in addition to the new dwelling.

During discussion, some Members commented that building within a garden plot was preferable to building on agricultural land and such large gardens were no longer necessary, whilst other Members disagreed and highlighted the importance and sensitivity of the Conservation Area.

It was then **PROPOSED** and **SECONDED** and on being put to the vote declared **CARRIED**:-

‘That the application be refused’.

Reasons:

- The proposal would not preserve or enhance the Conservation Area
- The combination of new building, parking and storage would constitute overdevelopment of the garden
- Loss of undesignated heritage asset
- Subdivision of the plot

DM.19/15 **PLANNING APPEALS UPDATE**

The COP Lead for Development Management updated Members on the detail of the listed appeals.

DM.20/15 **TREE PRESERVATION ORDER REPORT**

The Committee received a presentation from the Landscape Officer in relation to TPO 916, 2015 that set out the background and supporting information.

Following an address by the objector and the local Town Council, the Members discussed the merits of the TPO. It was then **PROPOSED** and **SECONDED** and on being put to the vote declared **CARRIED**:-

That Tree Preservation Order 916 is not confirmed.

(Meeting commenced at 10.00 am and concluded at 6:00 pm)

Chairman

Voting Analysis for Planning Applications – DM Committee 29 July 2015

Application No:	Site Address	Vote	Councillors who Voted Yes	Councillors who Voted No	Councillors who Voted Abstain	Absent
35/0059/15/F	Proposed development site at SX 655 518, West of Palm Cross Green, Church Street, Modbury	Conditional Approval	Cllrs Steer, Foss, Brazil, Vint, Cuthbert, Holway, Hitchins, Pearce, Rowe, Cane (10)	Cllrs Bramble, Hodgson (2)		
35/0465/15/F	Car Park, Palm Cross, Modbury	Conditional Approval	Cllrs Steer, Foss, Brazil, Vint, Cuthbert, Holway, Hitchins, Pearce, Rowe, Cane, Hodgson (11)		Cllr Bramble (1)	
30/1422/14/F	The Anchorage, Redoubt Hill, Kingswear	Conditional Approval	Cllrs Steer, Foss, Brazil, Vint, Cuthbert, Holway, Hitchins, Pearce, Rowe, Cane, Hodgson (11)	Cllr Bramble (1)		
7/0372/15/F	Proposed development site at SX 6345 5674, Mill Manor, Beacon Road, Ivybridge	Refusal	Cllrs Steer, Foss, Brazil, Bramble, Cuthbert, Holway, Hitchins, Pearce, Rowe, Cane, Hodgson (11)	Cllr Vint (1)		
48/1099/15/F	The Sail Loft, South Pool, Kingsbridge	Refusal	Cllrs Brazil, Bramble, Cuthbert, Holway, Hitchins, Pearce, Rowe, Hodgson (8)	Cllrs Vint, Cane, Steer (3)	Cllr Foss (1)	
05/0383/15/F	Proposed beach hut/kiosk, Land at SX6508 4421, Bigbury on Sea	Conditional Approval	Cllrs Brazil, Bramble, Cuthbert, Holway, Hitchins, Pearce, Rowe, Hodgson, Vint, Cane, Steer, Foss (12)			
49/0776/15/F	Proposed development site at SX 5983 5575, rear of Lee Mill Inn, New Park Road, Lee Mill Bridge	Conditional Approval	Cllrs Brazil, Bramble, Cuthbert, Hitchins, Pearce, Rowe, Hodgson, Vint, Steer, Foss (10)	Cllr Holway (1)		Cllr Cane (1)

41/0703/15/F	Proposed development site to rear of The Hollies, Devon Road, Salcombe	Refusal	Cllrs Brazil, Bramble, Cuthbert, Pearce, Rowe, Vint, Holway (7)	Cllr Steer (1)	Cllrs Hitchins, Foss (2)	Cllrs Cane, Hodgson (2)
41/1104/15/F	Public Conveniences, Cliff House Gardens, Cliff Road, Salcombe	Conditional Approval	Cllrs Bramble, Cuthbert, Hitchins, Pearce, Rowe, Vint, Steer, Foss, Holway (9)			Cllrs Brazil, Cane, Hodgson (3)
TPO 916 2015	St Katherine's Way, Totnes	Not to confirm TPO	Cllrs Bramble, Cuthbert, Pearce, Rowe, Foss, Holway (6)	Cllr Vint (1)	Cllr Steer (1)	Cllrs Brazil, Cane, Hodgson, Hitchins (4)

APPENDIX A

35/0059/15/F

Mixed use development on land for erection B1 use building, 93 dwellings, roads, footways and strategic landscaping

Parish or Town Council - Modbury

Parish Council's Views – Objection

Officer Update – Officer has received a formal response from the affordable housing officer who supports the application which helps the delivery of the much needed affordable housing. The Council has over 950 households registered on the waiting list – Devon Home Choice – of which 26 are in Modbury. In addition, a separate waiting list for intermediate housing is held by Homes to buy SW, which has 298 households registered for intermediate housing linked to Modbury. Happy with the 30% offer on a mixed use site and the mix and tenure of 70% affordable rent and 30% intermediate was subject to negotiations at a pre-application stage.

Devon County Highways – accepts the principle of development and, subject to conditions which ensure the delivery of the safe access to the proposals, has no objections.

The requested conditions are covered by conditions 4, 5, 7, 9, 12, 24 and 25.

Two typos – condition 11 on page 41 should read 'removal of PD rights' and at the top of page 60, the RA1 allocation was for a total of 1.0ha of employment land

A further letter of representation was reported.

Recommendation – Conditional Approval subject to the Section 106 Agreement, the conditions in the report and the following additional conditions:

1. Details of the southern roadside boundary, including details of the retaining structures and landscaping to be submitted and approved by the LPA
2. A revision to condition 7, splitting it into two conditions one being the submission of details of all of the proposed on-site highway works and the completion for approval by the LPA and the completion in accordance with the approved details and a similar condition regarding the proposed off-site highway works.
3. The restriction of access points from the site to the existing car parking area to the east of the site

And the revision of condition 25 in the officer report to read as follows:

No development to commence until a scheme has been provided to and approved in writing by the LPA setting out the details of a footpath to be provided from the development to the public highway at Palm Cross to the east of the site. The details shall include the line of the path construction details and an improved visibility splay to the north for pedestrians and the timing of the works and the method of ensuring that the path is available in perpetuity.

The footpath must be installed to adoptable standard in accordance with the approved details prior to the occupation of any of the dwellings hereby approved or the occupation of the employment building.

A further condition was also agreed by the Committee to require the submission of details of the proposed chimneys to and approved by the LPA.

In addition the Committee agreed a revision to the proposed Condition 1 relating to the commencement of the development giving 18 months for the commencement of the development and an additional clause in the Section 106 Agreement to include a provision to seek a 20mph speed limit on the area around the proposed shared surface.

Committee Decision – Conditional Approval

1. 18 months to commence development
2. Landscape scheme and implementation
3. Tree/Hedge protection
4. Surface Water Drainage
5. Construction method statement and management plan
6. Development to be completed in accordance with a road and footpath phasing plan
7. On-site Highway works to be completed in accordance with approved details to be submitted to the LPA
8. Off-site Highway works to be completed in accordance with approved details to be submitted to the LPA
9. Parking and Turning details(Residential)
10. Provision of parking (Employment building)
11. Restriction of use for employment building
12. Removal of PD for employment building
13. Submission of a stage 2 safety audit
14. Car parking strategy
15. Details of retaining walls/structures
16. Submission of boundary treatments.
17. Development to be undertaken in accordance with the mitigation measures contained within the noise assessment.
18. Measures to be undertaken to address the identified contamination
19. Details of provision of Swift and Barn owl nest boxes.
20. Full details of surface water drainage system including percolation testing
21. Submission of Surface Water drainage details during construction.
22. Sewage disposal details
23. Lifetime homes
24. Use of employment units.
25. Lighting scheme

26. No development to commence until a scheme has been provided to and approved in writing by the LPA setting out the details of a footpath to be provided from the development to the public highway at Palm Cross to the east of the site. The details shall include the line of the path construction details and an improved visibility splay to the north for pedestrians and the timing of the works and the method of ensuring that the path is available in perpetuity. The footpath must be installed to adoptable standard in accordance with the approved details prior to the occupation of any of the dwellings hereby approved or the occupation of the employment building.
27. The submission of details of the proposed southern roadside boundary including details of the retaining structures and landscaping to be submitted to and approved by the LPA.
28. Access from the site to the existing car parking area to the east to be restricted.
29. Details of chimneys to be provided to and approved by the LPA

35/0465/15/F

Application for creation of car park and landscaped area of public open space, associated with adjoining development of 93 dwellings and B1 use building (reference 35/0059/15/F)

Parish or Town Council - Modbury

Parish Council's Views – Objection

Officer Update – Devon County Highways has no objections, subject to a condition which is covered by condition 25

Recommendation – Conditional Approval subject to the conditions within the report and an additional condition requiring the provision of the alternative parking area and it being made available for public use in accordance with on-going management details to be submitted to and approved by the LPA prior to the works being undertaken. This additional condition negates the need for the proposed 13th clause in the officer report which is removed.

Committee Decision – Conditional Approval

1. Standard time for commencement
 2. Completion in accordance with the approved plans
 3. Surface water drainage
 4. Landscape planting and management scheme
 5. Details of hardsurfacing
 6. Provision of an alternative parking made available for public use in accordance with on-going management details to be submitted and approved by the LPA prior to the works being undertaken on the site.
-

30/1422/14/F

Erection of a single two storey dwelling and separation of part of garden

Parish or Town Council - Kingswear

Parish Council's Views – Objection

Officer Update –

Recommendation – Conditional Approval

Committee Decision – Conditional Approval

1. Time limit for commencement
 2. In accordance with approved plans
 3. Permitted development restrictions
 4. Materials to be agreed
 5. Details of foul and surface water drainage
-

27/0372/15/F

Erection of new dwelling

Parish or Town Council - Ivybridge

Parish Council's Views – Objection

Officer Update –

Recommendation – Refusal

Recommended Conditions – N/A

Committee Decision – Refusal

48/1099/15/F

Householder application for refurbishment of dwelling including single storey extension, new two storey link between main house and new extension and new landscape and patio to garden (resubmission of application 48/0409/15/F)

Parish or Town Council - South Pool

Parish Council's Views – Objection

Officer Update –

Recommendation – Conditional Approval

Recommended Conditions –

1. Time
2. Accords with plans
3. Samples of materials to be agreed including stone samples.
4. Window on north east elevation to be maintained as high level.
5. No windows to be inserted in north west elevation.
6. Details of hard and soft landscaping including boundary treatment.
7. Tree protection scheme to be agreed and implemented.
8. Unsuspected contamination

Committee Decision – Refusal

05/0383/15/F

Excavation and formation of retaining wall for erection of temporary beach hut/kiosk with change of use of land

Parish or Town Council - Bigbury

Parish Council's Views – Objection

Officer Update –

Recommendation – Conditional Approval

Committee Decision – Conditional Approval

1. Time frame for commencement of development
 2. Accordance with plans
 3. Seasonal use & removal out of season
 4. Loading/unloading materials
 5. Materials
-

49/0776/15/F

Conversion of redundant store building into 2no.1 bed dwelling units

Parish or Town Council - Sparkwell

Parish Council's Views – Objection

Officer Update –

Recommendation – Conditional Approval

Committee Decision – Conditional Approval

1. Standard Time Limit
 2. Adherence to Plans
 3. Provision of Drainage Works
 4. Construction Management Plan
 5. Bats
 6. Cycle Provision
 7. Unexpected Contamination
 8. Materials
 9. Habitat Protection
-

41/0703/15/F

Demolition of existing structure and erection of new dwelling and raised parking area

Parish or Town Council - Salcombe

Parish Council's Views – Objection

Officer Update – 2 late letters, re-iterating earlier objections

Recommendation – Conditional Approval

Recommended Conditions –

1. Time
2. Accord with Plans
3. Retention of parking in perpetuity
4. Accord with landscape scheme
5. Details of foul discharge prior to commencement
6. Details of surface water soakaway prior to commencement
7. Section of green roof prior to commencement
8. Hardstanding finish material details prior to commencement
9. Cladding details prior to installation
10. Joinery details prior to installation
11. Natural stone sample panel
12. Work to conform to submitted tree protection measures
13. Removal of permitted Development Rights
14. Unsuspected contamination

Committee Decision – Refusal

41/1104/15/F

Change of use of single storey redundant public convenience to cafe/cold food takeaway facility and creation of decking and seating area adjacent (A3/A1)

Parish or Town Council - Salcombe

Parish Council's Views – Objection

Officer Update –

Recommendation – Conditional Approval

Committee Decision – Conditional Approval

1. Time
 2. Accord with plans
 3. Schedule of materials and finishes prior to commencement of development
-

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PLANNING APPLICATION REPORT

Case Officer: Mr Alex Sebbinger

Parish: Bigbury

Application No: 05/1229/15/F

Agent/Applicant:

Daniel Lethbridge
Andrew Lethbridge Ltd
102 Fore Street
Kingsbridge
TQ7 1AW

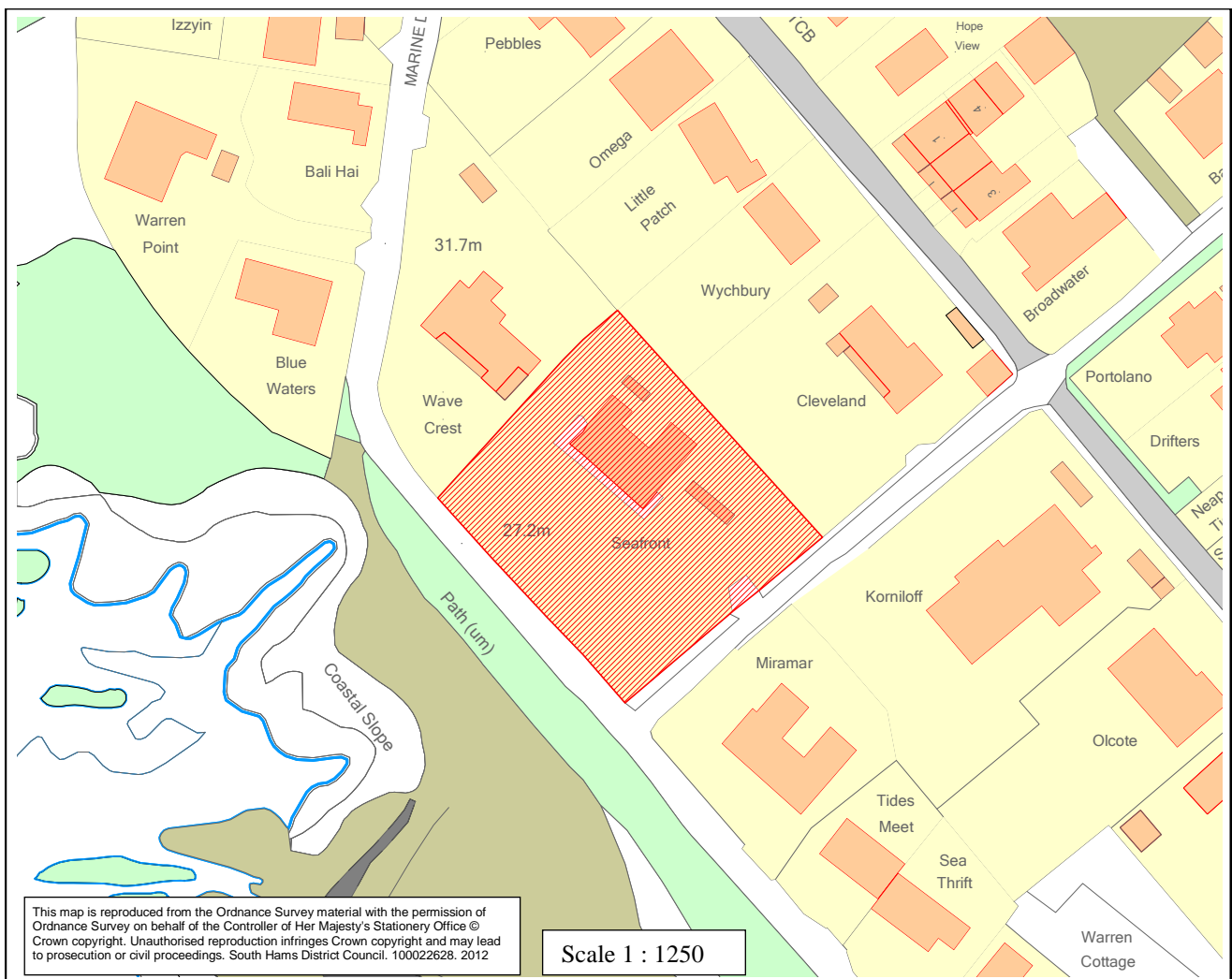
Applicant:

Mr & Mrs Yin
1 Rosslyn Park Mews
Lyndhurst road
London
NW3 5NJ

Site Address: Seafront, Marine Drive, Bigbury On Sea, Kingsbridge TQ7 4AS

Development: Demolition of existing dwelling and outbuildings and erection of 2No replacement dwellings to include creation of new access (Resubmission of planning approval 05/2922/14/F).

Reason item is being put before Committee: *This application is before Committee at the request of Councillor Ward, mindful of the extent of representations received.*



Recommendation:

Conditional approval

Conditions:

Time limit for commencement

In accordance with plans

Samples of materials

Unexpected Contamination

Ecological mitigation to take place prior to demolition.

Erection of glazed screen at a height of 2.1m on the south eastern elevation of the balcony serving Plot 1

Permitted Development Restrictions

Key issues for consideration:

The main issues with this application are the acceptability of demolishing one existing dwelling and erecting two units on this site, which is within the Bigbury on Sea development boundary. The design and appearance and subsequent impact on the AONB, the impact on neighbouring properties are further matters for consideration.

Site Description:

The application site comprises a detached bungalow set within a large plot, which is on the corner of Marine Drive and Warren Road. The surrounding area is characterised by detached properties of differing styles and types. To the south, the aspect is open, with the beach and coastal environment beyond. The site is located within the Bigbury On Sea development boundary and is within the South Devon AONB.

The Proposal:

This application is for the demolition of the existing dwelling and outbuildings and for the erection of two replacement dwellings, to include the creation of new vehicular access off Marine Drive. The application is a resubmission following the withdrawal of a previous application (05/2922/14/F).

Consultations:

- County Highways Authority - Adherence to standing advice
- Environmental Health Section - Recommends unsuspected contamination condition
- Town/Parish Council - Recommend refusal, particularly found plot 2 least acceptable. The parish council consider the properties too dominant within the landscape when viewed from Burgh Island, Marine Drive and from the beach, and therefore both properties would be too intrusive on the street scene of Marine Drive. Both properties should be sunk low down into the site or be redesigned as two dormer bungalows.
- Ecologist – No objection subject to conditions

Representations:

Around 65 letters in objection making the following broad points, in no particular order:

- Impact upon the ANOB
- Massing and scale of the buildings, in particular being prominent and intrusive.
- Design contrary to established principles of the area and out of character.
- Impact on views from other parts of Bigbury, such as from Burgh Island and along Marine Drive
- Ecology impacts to badgers, dormice and bats
- Impacts to foul water & Sewage disposal from the site
- The properties do not support conservation or enhancement of its rural/coastal setting

Relevant Planning History

05/2922/14/F – Demolition of existing dwelling and outbuildings and erection of two replacement dwellings.

Withdrawn on 19/5/2015

ANALYSIS

Principle of Development/Sustainability:

The application site is located within the Bigbury on Sea development boundary and is situated in an area which is predominantly residential. Given the location, it is considered that subject to complying with all relevant development control policies that there are no fundamental “in principle” planning objections to the replacement of the existing building with two dwellings.

Design/Landscape:

The proposal seeks to provide two very different buildings in terms of architectural and aesthetic style, which would appear as two individual units rather than as a pair. Both properties taking on-board important existing site characteristics, namely, large front gardens, and the varying architectural styles of the surrounding area. Given the use of appropriate materials (which can be controlled by way of condition), the design and appearance is considered acceptable.

The proposals have attempted to address the sensitivity of its coastal character, and that of the surrounding village, the height of the buildings have been reduced through digging down by between 2m and 0.6m and the mass of the buildings sit within the context of the site, make efficient use of the land available and retain important characteristics of the location, such as large front gardens. It is noted that some objectors wished for further digging down of the plots within the site, however, in doing so, it would necessitate very large retaining walls and lead to a steep drive; neither of which would be a good design solution.

Although concerns are raised regarding the size and scale off the development, it is considered that the way in which the buildings are to be set into the landscape is acceptable, and the height of the unit at plot 1 will be no taller than the existing dwelling currently occupying the site. It is acknowledged that the design of plot 2 is contemporary, with a flat roof and modern overall appearance, however given the differing architectural styles that are evident in the surrounding area it is not considered it would appear out of keeping. Furthermore, the revision from the previously withdrawn application (which proposed a pitched roof) means that the roof-line will be 1.7m above that of the existing garage currently on the site in that position.

In the context of a setting with an existing townscape, Para 65 of the NPPF states that LPAs should not refuse applications on grounds of incompatibility with Townscape if the proposals can demonstrate that they are both sustainable and well designed. Para 17 of the NPPF further supports an endeavour to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings within the context of recognising the character and beauty of the countryside; and in this respect, the proposal is considered acceptable.

In terms of the wider landscape impact upon the AONB, the proposals will not exceed the ridge height of that of the existing dwelling on the site, and the sub-division of the plot (which is very large in relation to the existing dwelling) is not considered to give rise to a cramped appearance. Overall the development will be read in connection with the existing established residential development and the impact upon the AONB will be negligible.

Neighbour Amenity:

In terms of the impact on amenity, the site slopes from north east to south west, and the properties are proposed to be dug down into the site and when viewed from the neighbouring properties to the rear, only the upper section of the roof for plot 1 will be seen and a section of the flat roof for plot 2, therefore impacts to amenity aspects such as privacy and overbearing are minimal.

The impacts to the property immediately adjacent, 'Wavecrest' are more noticeable, the proposed position of plot 1 brings the building closer to the boundary than the existing dwelling 'Seafront', however, this distance has been reduced from the original submission (15/2922/14/F) from 7m, to 9.2m away from the south east elevation of 'Wavecrest' and from 3.5m to 5.9m when measured from the proposed elevation of Plot 1 and the boundary. Given the context of the site, the distances between the boundaries and distances between the two plots, results in two properties which are evenly spaced within their site and subsequently the revised position of plot 1 has reduced the sense of overbearing between plot 1 and the neighbouring property 'Wavecrest'.

In terms of privacy impacts to 'Wavecrest' there are two windows which face towards this property, the closest one, serves a WC and is partly obscured by the boundary hedge, the other window serves the main living space, with a balcony but is 20 meters away from the south east elevation of 'Wavecrest'. It is considered the impacts to privacy are low, however, it is considered necessary to ensure there is a privacy screen for balcony on the South East elevation

Overall it is not considered that any aspect of the proposal would be detrimental to neighbouring amenity.

Highways/Access:

No highways issues arise, and Highway Officers raise no objections, referring to existing standing advice. Given the existing access onto Warren Road, the movement is not considered to cause any safety implications, and the new access onto Marine Drive has sufficient visibility to ensure that the development will not adversely affect highway safety.

Other Matters:

The Council's Ecologist has commented raising no objection and makes the following comments in respect of three derogation tests:

Given the presence of a resting place for bats, the proposed development would require a EPS Licence to proceed. Where a Habitats Regulations offence will result from a development and an EPSL required, the LPA must consider whether the proposal meets the '3 derogation tests' and these are considered below:

- Imperative Reason of Overriding Public Interest (IROPI) – The applicant has indicated that the existing building is constructed of low quality, thermally inefficient materials, and that it is not economically viable to retain and improve the existing building. Taken from a supplementary document titled '3 Derogation tests for bats', the applicant advises that *'The new dwelling erected in its place will provide a quality family home, constructed to a high standard with an energy efficient fabric and the potential for on-site energy generation in the form of solar roof panels. The second dwelling proposed on the site will also be constructed using high quality, thermally efficient materials.'* As well as the public interest in more energy efficient buildings, the applicant also argues that there is more architectural merit in the proposed two dwellings than the existing building. While I would not advocate demolition of existing habitable dwellings, should the case officer consider that the proposed demolition and replacement with two dwellings is acceptable in planning terms, then this test could be considered met (i.e. it can be argued that there is some public interest in more energy efficient and aesthetically pleasing dwellings).
- No Satisfactory Alternative – The applicant argues that it is not economically viable to improve the existing buildings to today's living standards. To meet current building regulations a new roof would be required (with associated implications for bats). It is considered that with respect to the identified public need, there is no viable or satisfactory alternative to that proposed (i.e. no alternative which would meet the identified need and have less impact on bats).
- Maintenance of Favourable Conservation Status – The ecologist has outlined necessary mitigation and compensation measures which would minimise likelihood of disturbance/injury to bats during works, and would secure a compensatory roost space within the new dwellings appropriate to the significance of the existing roost ensuring long term roosting space for the species recorded. This test is met and no further action on this aspect is required.

No objections are raised subject to a condition in respect of seeking a licence from Natural England in respect of bats.

Conclusion:

The application is considered to be acceptable and is recommended for APPROVAL.

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

Planning Policy

NPPF
NPPG

South Hams LDF Core Strategy
CS1 Location of Development

CS7 Design
CS9 Landscape and Historic Environment
CS10 Nature Conservation
CS11 Climate Change

Development Policies DPD

DP1 High Quality Design
DP2 Landscape Character
DP3 Residential Amenity
DP4 Sustainable Construction
DP5 Conservation and Wildlife
DP6 Historic Environment
DP7 Transport, Access & Parking

South Hams Local Plan

SHDC 1 Development Boundaries

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.

Agenda Item 6b

Case Officer: Mr Matthew Jones

Parish: Ivybridge

Application No: 27/1159/15/F

Agent/Applicant:

Mrs T Wood

Applicant:

Mrs T Wood

The Old Pound, The Batch

Draycott

Cheddar, Somerset

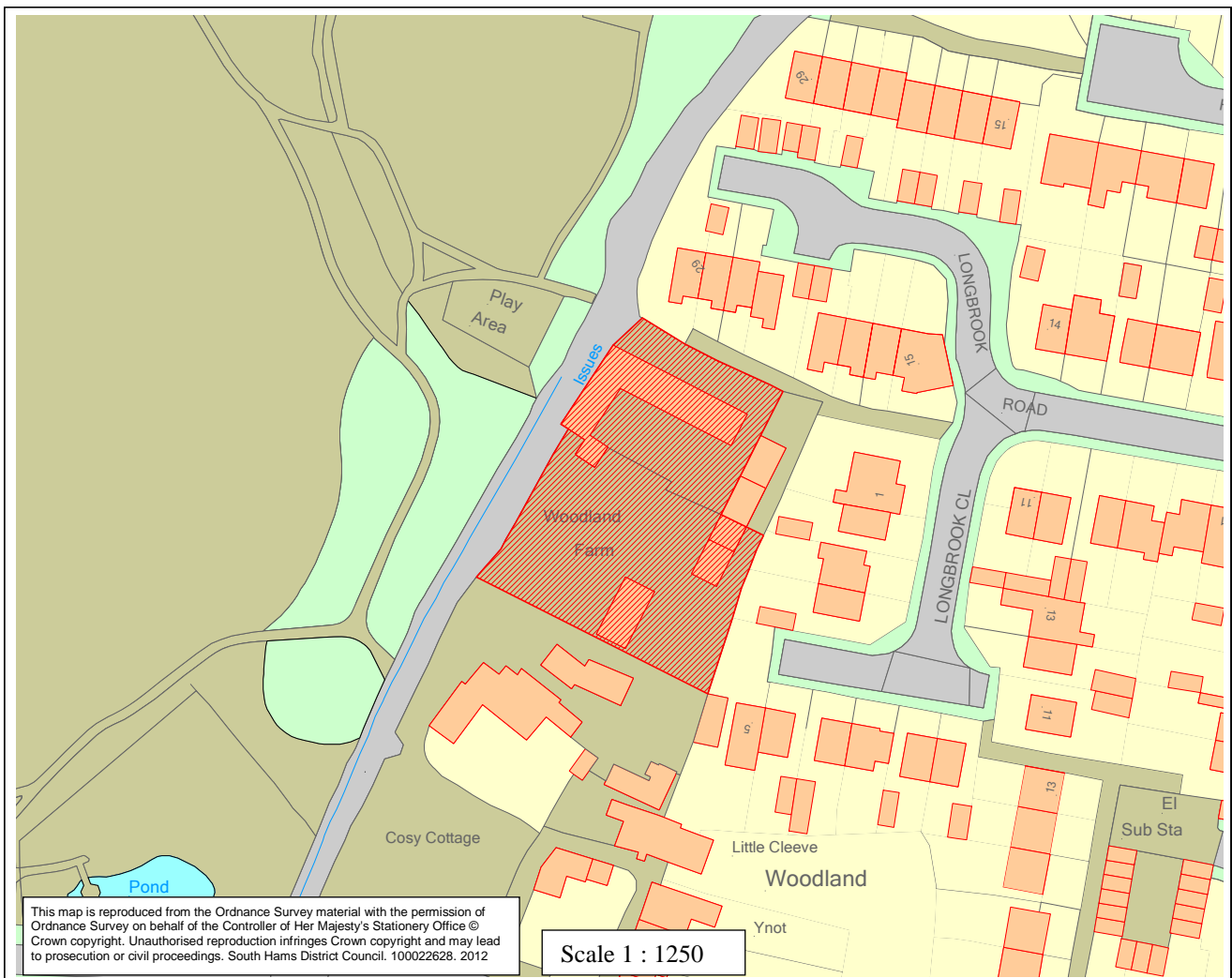
BS27 3SP

Site Address: Proposed development site at SX 624 562, Woodland Barn, Woodland Farm, Ivybridge, PL21 9HG

Development: Change of use of redundant barn to 2no. dwellings, erection of garages, additional access and associated alterations

Reason application being put forward to committee:

The ward members have taken this to committee due to concerns regarding the safety of the proposed access via Kennel Lane



Recommendation: Conditional approval

Conditions

Time

Accord with plans

Removal of Permitted Development Rights

Parking and garaging retained in perpetuity

Details of dividing boundary treatment prior to commencement of development

Confirmation of granting of licence prior to commencement

Removal of hedgerow outside of nesting season

Bathroom/toilet windows on north elevation obscure glazed

Joinery details prior to installation

Natural slate, sample prior to installation

Natural stone, matching existing

Unsuspected contamination

Landscape plan prior to commencement of development

Soakaway specification prior to commencement of development

Construction Environment Management Plan prior to commencement of development

Key issues for consideration:

The main issues are the nature of the proposed conversion, its associated visual impact and impact on the undesignated heritage assets, the impact of the proposal on neighbouring properties, drainage, ecology, parking and highways safety.

The application provides two additional residential units and secures the long term future of a range of buildings considered to be an undesignated heritage asset, in a manner which is, on balance, sympathetic to their character and integrity. The impact on neighbouring properties is considered acceptable within this location and issues relating to drainage, parking and ecology are acceptable or can be resolved through appropriate use of planning conditions.

Officers acknowledge the level of objections received regarding vehicular access from Kennel Lane. However, the principle of vehicular access to the barns is established through the extant agricultural use and presence of the existing access onto the lane. In addition, the highways officer is not objecting to the application and does not see it as reasonable to require a s106 securing improvements to the highway. On this basis, officers support the proposed development and recommend approval, subject to appropriate conditions;

Site Description:

The application site is a small range of redundant agricultural buildings and associated land within the Woodlands area of the town of Ivybridge. The site is part of the now redundant Woodlands Farm. Principally, the site is formed of a two storey shippon which runs along the site east to west, and a smaller cow shed which is at right angles to the shippon and located along the western boundary. At the centre of the site is a concrete yard shared by the two buildings.

The barns are currently unused agricultural buildings. Woodlands Farmhouse is to the south and an existing access is available to the south east of the site, across an open area of grassland. It appears that this was the main, historic access from this area, although, rounded stone gate piers to the north east also suggest access from this direction, prior to

the residential development at Longbrook Close. A modern agricultural access provides access onto Kennel Lane, to the north of the cow shed.

The residential curtilage of neighbouring properties is to the south and east. A pedestrian lane provides access along the northern boundary to the properties along Longbrook Road. Kennel Lane bounds the site to the west, beyond which is the large public Spinney Park. A number of local facilities, such as schools, are also in the nearby area.

The site carries an existing agricultural land use. The site is within the Ivybridge Development Boundary and a Critical Drainage Area.

The Proposal:

Planning permission is sought for the Change of Use of the redundant barn buildings into 2no. dwellings, the erection of garages, the creation of an additional access, and associated alterations. A small outbuilding is also proposed to be reconstructed to provide a compensatory bat roost to mitigate the loss of an identified bat roost within the barns.

The cow shed and western section of the shippon will form the first unit, with the rest of the shippon converted into unit two. The currently open, shared yard will be subdivided to provide separate external amenity space. The existing access from Kennel Lane is utilised to provide vehicular access and parking for the east unit. A new access is also proposed from Kennel Lane, to the south of the cow shed. This will involve the removal of approximately 7m of the existing bank and hedgerow and the creation of a parking and garage area.

Revised plans have been accepted within the life of the application. The revisions relate to alterations to the existing buildings and removal of a fence only, and were made at the suggestion of Council Officers. Due to the nature and scale of the changes, the plans have been accepted and do not prejudice the views of any third party or statutory consultees.

Consultations:

- County Highways Authority

No objection, request CEMP condition

Response on 04/06/2015:

The Highway Authority has had consideration of the objections presented by local residents on highway grounds and on balance is minded not to object to the application for the following reasons.

Whilst the lane leading to the site does have an open drain adjacent to it is still 3m in width and affords a good junction with Woodland Road. Practically a car can pass a pedestrian as a car is 2m and a pedestrian is 0.6m. There is good forward visibility for drivers to make a judgement over appropriate speed of travel.

Whilst the access points directly onto the lane are poor there is little if any traffic that in theory uses the lane as confirmed by the locals. Therefore the visibility splays set out in the national guidance with the exception of a couple of metres needed to deal with potential pedestrians are not needed.

The barn also has a permitted agricultural use class which in theory could generate a number of larger vehicles than that would be likely to be generated by a residential development.

Response on 20/08/2015:

Following the Highway Authority's initial planning consultation response, information regarding an imposed Traffic Regulation Order on Kennel Lane has come to light. Whilst currently there is no actual sign present on site at the junction of Kennel Lane/Woodland Road, it is the case that a Traffic Regulation Order still exists on Kennel Lane which restricts all vehicles using it with the exception of agricultural vehicles.

This presents a legal issue which would practically prevent residential traffic from using Kennel Lane and hence accessing the barn, if planning permission was granted. Therefore in order to overcome this issue the Highway Authority will need to amend the traffic regulation order to ensure that the occupants are not illegally using the lane.

In order to facilitate this legal traffic order change and fund the design, supply and erection of the signs £5000.00 will be required as a financial contribution from the applicant so the County Council can undertake the necessary consultation, advertising of the order and physical works.

The Highway Authority's stance of no objection still stands as it still does not consider the amount of traffic the proposals will generate should warrant an objection, but it must be recognised by the applicant that these works are required to ensure the site can be used as a residential property. It is considered that these works are needed by default and therefore it may be considered by the Planning Authority that a S106 may not be required. The Highway Authority would accept a cheque for the money in advance of commencement on site.

- South West Water

No objection

- SHDC Drainage

No objection subject to conditions (landscaping and surface water soakaway specification)

- Devon and Somerset Fire Service

No objection - Access for fire appliances restricted along lane. However, in this case compensatory measures such as sprinklers can be considered at building regulations stage

- Environmental Health Section

Suggest unsuspected contamination condition

- Ivybridge Town Council

Objection – Concerns regarding current use of the lane by pedestrians, including disabled people and children, and therefore the possible highways safety implications of vehicular use of the lane. Highlighted presence of TRO from the 1980s and registered concern regarding potential overlooking from the barns to building directly to the north. Concern applicant has

omitted to register presence of watercourse nearby and also that the appearance not in keeping and proposal failed to retain the character of the original barn. Suggest mitigation measures, such as railings; be placed into lane to improve safety.

- SHDC Ecologist

No objection subject to two conditions (confirmation of granting of licence and hedgerow removal outside of nesting season)

Representations:

62 third party representations have been received at the time of writing this report, 59 letters of objection and 3 letters in support.

Concerns raised within the letters of objection are summarised as follows:

- The proposal will create overlooking and additional noise nuisance into the properties at Longbrook Road
- Kennel Lane is inappropriate for vehicular movements associated with the development
- Cars using Kennel Lane will create a dangerous environment for other road users
- The lane is well used by disabled people and children due to proximity to parks and schools
- There is an alternative access at the south east corner of the site
- There is a Traffic Regulation Order imposed on Kennel Lane which prevents motor vehicle access. Planning approval would contravene this Order
- Kennel Lane could become a through road
- Signs should be used to protect the safety of pedestrians
- The access from Kennel Lane onto Woodland Road is not adequate
- The lane has a gully which streams water down Kennel lane, restricting its width
- The lack of onsite turning means unsafe reversing onto Kennel Lane
- The character of the area would not be preserved
- The proposal will increase off site flooding
- The loss of the historic hedgerow could have heritage or ecological implications
- This could lead to more development of surrounding sites
- Use of the lane could harm the bat population
- The Lane cannot provide access for emergency vehicles

Comments made within the letters of support are summarised as follows:

- The site carries an agricultural use and the potential disturbance from such use should be considered
- Under Permitted Development an industrial use could be obtained
- Pedestrian use of the lane is limited to specific times of the day
- There are alternative routes in and out of the park
- Two additional dwellings will not have a significant impact on highways infrastructure
- The scheme is the sympathetic revival of the existing buildings
- The existing buildings are deteriorating
- The lane can safely be shared by pedestrians and motorists
- Kennel Lane is a road, not a pedestrian footpath

Relevant Planning History

27/2708/14/PREMIN - Pre-application enquiry for proposed residential conversion of redundant barn

27/3169/14/F - Construction of 2 detached dwellings with garages and car parking and formation of vehicle access to Woodland Road - Conditional approval (on nearby site)

Analysis

Principle of Development

The application site is within the Ivybridge Development Boundary where new residential development is acceptable in principle. In addition, both local and national planning policies promote the reuse of redundant buildings, especially those of architectural or historic merit, as is the case here. The principle of converting the buildings into dwellings is therefore considered acceptable under policy CS1.

Design and impact on heritage

Overall, the nature of the conversions is considered acceptable. Existing openings are reused where possible and domestic extensions are avoided, retaining the legibility of the previous agricultural use. Where new materials are proposed, these are traditional and, overall, the conversions are considered to adequately retain the agricultural heritage of these important buildings.

It is more challenging to sensitively subdivide the integral yard area, which is clearly the central, focal point for agricultural activity on the site. However, concerns regarding the domestic subdivision of the yard must be weighed against the more positive elements of the conversion, such as the opportunity to provide two new dwellings within an established settlement, the opportunity to secure the long term structural integrity of the buildings, in addition to the lack of public views into this part of the site. Overall, the impact of the development on the undesignated heritage assets is considered acceptable and, on balance, in accordance with policies DP1, DP6, CS7 and CS9.

Neighbour impact

The north elevation of the barns is within close proximity to the front elevations of the dwellings to the north, at Longbrook Road. However, the openings on the north elevation are largely used to provide more utilitarian functions or to provide light, with predominately corridors or bathrooms at this part of the conversion.

It is best practice to secure the bathroom windows to be obscure glazed, and this is achieved by way of planning condition. However, as the main aspect of the barns is to the south, it is not considered reasonable or necessary to require the windows serving hallways or other living areas on the north elevation to be obscure glazed. In addition, the lane providing access to the properties to the north of the site already allows public overlooking into the windows on their front elevations. The distance of the barn to the front elevation of the Longbrook Road properties allows officers to further conclude this proposed relationship to be acceptable, without the need to condition all windows on the facing elevation to be obscure glazed.

The additional noise associated with the domestic use of the barns and access will affect the properties along the northern boundary as their main garden areas are to the south of their principal elevations. However, although officers envisage an impact by way of noise, this is considered to be commensurate to what could be expected through agricultural use of the site and the existing access.

Other neighbour relationships are considered to be in conformance to what could generally be anticipated with the historic agricultural use, and also the multitude of neighbour relationships throughout the town. Overall, this application is considered to conform to the objectives of policy DP3.

Parking and highways safety

The proposed development is considered to provide adequate levels of parking for the two units, in an area which is considered to be sustainable with specific regard to access to services.

The vast majority of concerns raised by third parties surround the highways safety implications of vehicular traffic using Kennel lane. This element of the proposal has been carefully considered by officers.

In the 1980s, through the imposition of a Traffic Regulation Order and the physical placement of bollards, vehicular traffic movements on Kennel lane were restricted to vehicles using the barns. The specific wording of the order suggests a motivation to prevent the lane being used as a thoroughfare from Woodlands Road to Plover Rise.

The disuse of the barns, in addition to the restrictions in place, has subsequently created a situation with a long established pedestrian dominance of the lane. This, in addition to the lane's specific location adjacent the park, and nearby schools and facilities for the disabled, has heightened the importance and use of the lane by members of the community. Accordingly, the future safety of pedestrian users of the lane is high on the agenda of the local community and officers acknowledge this importance, as is reflected by the high number of objections regarding this element of the scheme.

However, there is evidence of use, through the existence of the modern access, on to the lane by vehicles associated with the barns and also the reference to the future use of the lane to access the agricultural buildings, within the 1980s TRO. Weight must be given to the use of the lane by vehicles serving the barns for the extant agricultural use. On balance, the replacement of what were once agricultural vehicles to now cars is considered to be acceptable in principle.

The acceptability of motor vehicles using the lane must on the basis that the lane can be safely utilised as a truly shared space, and on the basis that cars using the lane will not prejudice the safety of pedestrians. The lane narrows in places and has a gully running down its western boundary. It is therefore questionable if the lane is currently able to categorically achieve this level of shared space and in a manner which is safe to all road users.

However, the specialist DCC highways officer has fully and robustly considered the highways implications of the proposed scheme, and is well aware of the concerns of local residents. The response of the specialist consultee is one of no objection. In addition the highways officer is also not requesting the formulation of a s106 agreement to secure improvements to

the lane. DCC have stated that *'I don't think it would pass the s106 test of reasonableness in scale in relation to the development. And there are alternative routes'*

Fire risk associated with the use of the barns as dwelling is considered under Building Regulations. The Town Council and third parties have raised concern regarding the potential for a fire engine to access the site. However, if a fire appliance is unable to access the site, the Fire Service can seek compensatory measures, such as onsite sprinklers, which will be considered at the Building Regulations stage.

With the absence of any specialist highways objection, and with DCC considering it unreasonable to require a s106, securing improvements to the lane, officers consider that the use of the lane by motor vehicles, as currently proposed, is acceptable. .

Ecology

The ecological implications of the development have been fully considered by Council Officers. The specialist ecologist has offered no objection to the proposal, with the need for two conditions requiring confirmation of the receipt of a licence from Natural England prior to the commencement of any development, and restricting the removal of the hedgerow to appropriate times of the year. The ecologist has stated the following:

'There is clear merit in bringing the derelict building back into a positive use, and providing the appropriate space to accommodate the bat species recorded could render such a scheme unviable. It has been proposed to create a dedicated roosting space within a neighbouring stone building which will be secure and maintain the favourable conservation status of the species concerned. Accordingly, it is considered that the 3 tests are met, and it is reasonable to expect that Natural England will subsequently grant a EPSL'

Officers have also considered the implications of the loss of hedgerow with regard to character and the streetscene. The loss of this part of the hedgerow to accommodate necessary onsite parking is not considered to materially alter the prevailing character of the streetscene to the extent that permission could be justifiably refused on this basis.

Drainage

South West Water has raised no objection to the proposal and no objection has been received from the SHDC drainage engineering section. The scheme makes reuse of existing buildings, with the new outbuildings presenting the only additional surface water with regard to surface water runoff. Confirmation of the soakaway specification can be secured through planning condition.

The current buildings do not benefit from modern drainage solutions and this is compounded by the predominate use of concrete in the yard and other areas. With the close proximity to Kennel Lane it is highly likely that the existing state of the site adds disproportionately to flooding in the wider area by increasing surface water runoff rates. As such, the conversion of the buildings provides an opportunity for betterment with the introduction of appropriate soakaways and the relandscaping of the site with more porous materials. This betterment is secured through appropriate planning conditions requiring further specification of surface water soakaways and the relandscaping of the site.

The applicant intends to connect the foul water to the existing sewer and South West Water raise no objection to this element of the scheme.

On this basis, the scheme is considered to have an acceptable impact on flooding in the surrounding area and the applicant's failure to identify the presence of a nearby stream in the planning application form does not prejudice consideration of this application or this recommendation of conditional approval.

Third Party representations and consultation responses

The comments of the Town Council, statutory consultees and all third party correspondence are considered within the above analysis.

The Traffic Regulation Order

Officers acknowledge the presence of a live Traffic Regulation Order which restricts use of Kennel lane as a vehicular thoroughfare. However, the presence of a legal restriction cannot constitute a reason to refuse a planning application. The planning application must be assessed on its planning merits with specific regard to highways safety, regardless of the presence of any legal restriction. The granting of any planning permission would not override the need, in future, for the landowner to resolve any other outstanding legal restrictions associated with the land and, conversely, the presence of the restriction alone could not be utilised to refuse the planning application.

The TRO is afforded a degree of weight in that it suggests a previously identified concern regarding highways safety and the planning merits of the proposal have been carefully considered by officers.

Conclusion

The application provides two additional residential units and secures the long term future of a range of buildings considered to be an undesignated heritage asset, in a manner which is, on balance, sympathetic to their character and integrity. The impact on neighbouring properties is considered acceptable within this location and issues relating to drainage, parking and ecology are acceptable or can be resolved through appropriate use of planning conditions.

Officers acknowledge the level of objections received regarding vehicular access from Kennel Lane. However, the principle of vehicular access to the barns is established through the extant agricultural use and presence of the existing access onto the lane. In addition, the highways officer is not objecting to the application and does not see it as reasonable to require a s106 securing improvements to the highway. On this basis, officers support the proposed development and recommend approval, subject to appropriate conditions;

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

Planning Policy

South Hams LDF Core Strategy

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

Development Policies DPD

DP1 High Quality Design
DP2 Landscape Character
DP3 Residential Amenity
DP4 Sustainable Construction
DP5 Conservation and Wildlife
DP6 Historic Environment
DP7 Transport, Access & Parking

South Hams Local Plan

SHDC 1 Development Boundaries

National Planning Policy Framework (2012)

Considerations under Human Rights Act 1998 and Equalities Act 2010

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

PLANNING APPLICATION REPORT

Case Officer: Mr Matthew Jones

Parish: Salcombe

Application No: 41/1294/15/CU

Agent/Applicant:

Mrs A Burden
Luscombe Maye
59 Fore Street
Totnes
TQ9 5NJ

Applicant:

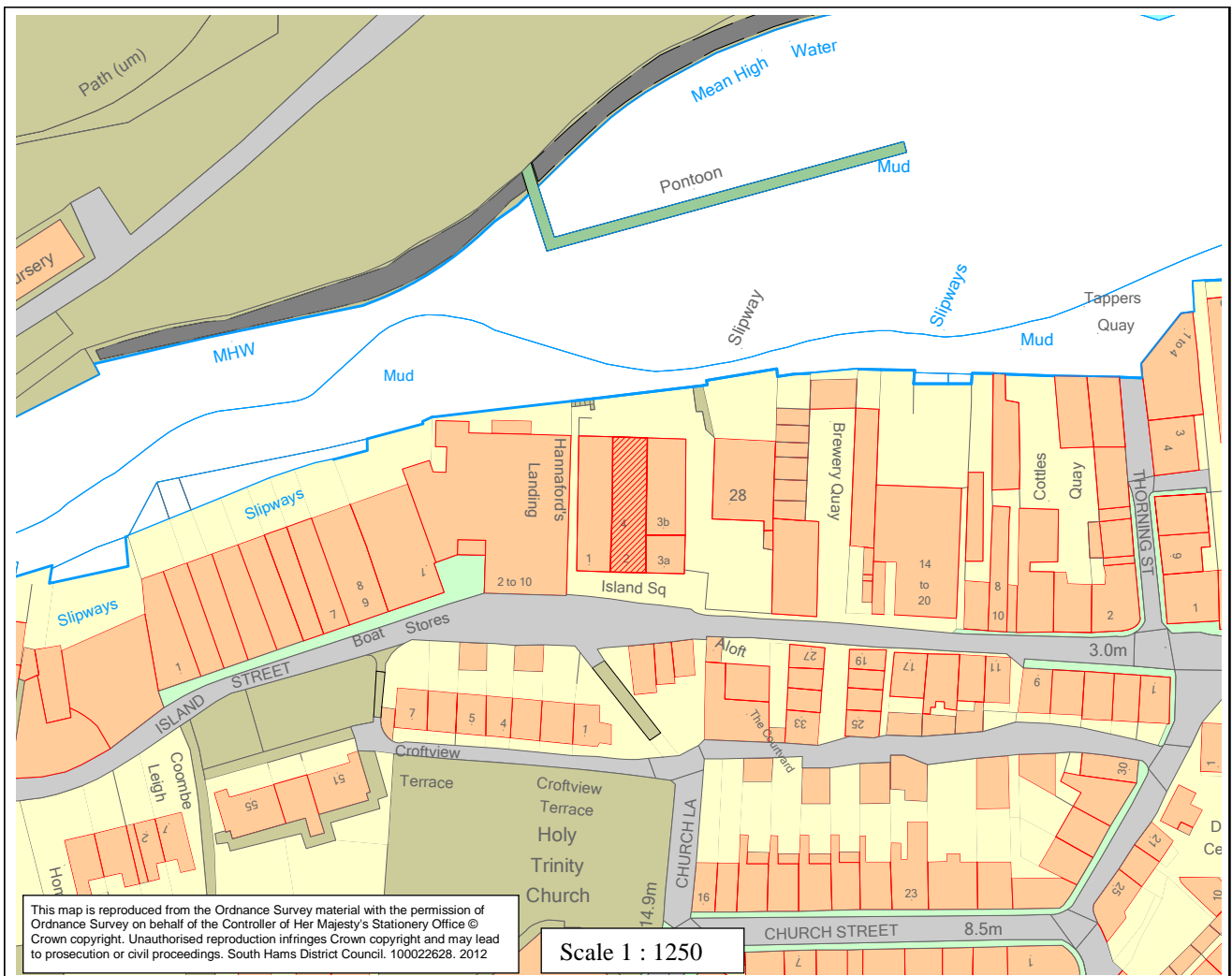
Ms L Yabsley
C/O Agent

Site Address: Bangwallop, 2 Island Square, Island Street, Salcombe, TQ8 8DP

Development: Change of use of premises to A2 (financial and professional services)

Reason item is being put before Committee

As South Hams District Council is the landowner



Recommendation: Conditional approval

Conditions

Time

Accord with plans

Removal of Change of Use Permitted Development Rights

Key issues for consideration:

The main issues are the principal of the change of use and the associated impact on Salcombe Conservation Area. The existing building presents its retail element frontage towards the public highway and is considered to be of debatable appropriateness. On balance, the introduction of an A2 use as an alternative to the current arrangement is considered to have a neutral impact on the streetscene and Conservation Area.

Site Description:

The application site is an existing photographic production and retail unit located on Island Street within the town of Salcombe. The site is within the Development Boundary, the Salcombe Conservation Area and the South Devon Area of Outstanding Natural Beauty

The Proposal:

Planning permission is sought for the Change of use of the existing premises from the current photographic studio and retail use to A2 (financial and professional services)

Consultations:

- County Highways Authority

No objection

- Salcombe Town Council

No objection due to other businesses already permitted to operate in this area

Representations:

None received

Relevant Planning History

41/2119/07/CU - Change of use to photographic studio / retail gallery - Conditional approval

Analysis

Saved policy KP7 states that in this area: *'normally only employment uses including rehabilitation, re-use or new development will be permitted. Retail and residential use will only be permitted if this forms a minor part of the overall development and is providing it is ancillary and subsidiary to manufacturing craft or other service.'*

The current site use was approved in 2007 as a photographic studio with ancillary A1 use. Conditions attached to the 2011 approvals state the following:

- *The use hereby permitted shall be carried out only by Lorna Yabsley Ltd.*

Reason: In granting this permission the Local Planning Authority has had regard to the special circumstances of this application, but for which it would have been refused.

- *The retail gallery area shall be ancillary to the photographic production studio and framing/mounting workshop use in the remaining part of the building.*

Reason: To ensure the retail use remains an ancillary and subsidiary part of the use of the premises.

Ostensibly the current arrangement can be considered to conform to the provisions of saved policy KP7 as the retail element is conditioned to be ancillary to the main studio use. However, in reality, the retail element is situated at the roadside and offers the active frontage to Island Street. Therefore, although the building retains its manufacturing use, it has clear retail connotations from the public realm. Local planning policy seeks the restriction of retail uses within Island Street and, therefore, the change of use to A2 is considered to constitute a more appropriate use within this location and to conform to policy KP7. This is on the basis that a condition is imposed restricting any further change of use in future.

The Salcombe Conservation Area Management Plan chiefly controls the introduction of new structures within the area, not new uses, and requires buildings to respect existing forms and dimensions. No operational development is proposed within this application.

No letters of representation have been received and Salcombe Town Council is not objecting to the proposal, as the maritime uses in the area have already, to an extent, diversified.

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

This application has been considered in accordance with Section 38 of the Planning & Compulsory Purchase Act 2004 and with Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Planning Policy

South Hams LDF Core Strategy

CS1 Location of Development

CS7 Design

CS9 Landscape and Historic Environment

Development Policies DPD

DP1 High Quality Design

DP2 Landscape Character

DP3 Residential Amenity

DP6 Historic Environment
DP7 Transport, Access & Parking

South Hams Local Plan

SHDC 1 Development Boundaries
KP 7 Employment Development in Salcombe

Salcombe Conservation Area Appraisal and Management Plan SPD

National Planning Policy Framework

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.

SOUTH HAMS DISTRICT COUNCIL

DEVELOPMENT MANAGEMENT COMMITTEE **Wednesday, 2 September, 2015**

PLANNING APPEALS UPDATE (18-Jul-2015 to 20-Aug-2015)

APPLICATION NO : 34/1821/14/F
APPELLANT : Mr P Tucker
PROPOSAL : Erection of single dwelling with associated access and landscaping
LOCATION : Green Westerland House, Westerland, Marldon, Paignton TQ3 1RR
APPEAL STATUS : **APPEAL DECIDED**
APPEAL START DATE : 11-Mar-2015
APPEAL DECISION : Upheld (Conditional Approval)
APPEAL DECISION DATE : 23-Jul-2015

APPLICATION NO : 07/3037/14/F
APPELLANT : Mr P Fuller
PROPOSAL : Outline application for erection of 2 x residential dwellings
LOCATION : Proposed development site at SX 545 523, Hilltop Cottages, Brixton, Plymouth PL8 2AY
APPEAL STATUS : **APPEAL DECIDED**
APPEAL START DATE : 21-Apr-2015
APPEAL DECISION : Dismissed - (REFUSAL)
APPEAL DECISION DATE : 27-Jul-2015

APPLICATION NO : 56/0990/15/PNNEW
APPELLANT : Mr H Coakley
PROPOSAL : Prior approval for change of use of building and land within its curtilage from storage/distribution (Class B8) to dwellinghouse (Class C3)
LOCATION : King George V House, The Old Reservoir, Totnes, TQ9 5DS
APPEAL STATUS : **APPEAL LODGED**
APPEAL START DATE : 6-Aug-2015
APPEAL DECISION :
APPEAL DECISION DATE :

APPLICATION NO : 56/0990/15/PNNEW
APPELLANT : Mr H Coakley
PROPOSAL : Prior approval for change of use of building and land within its curtilage from storage/distribution (Class B8) to dwellinghouse (Class C3)
LOCATION : King George V House, The Old Reservoir, Totnes, TQ9 5DS
APPEAL STATUS : **APPEAL LODGED**
APPEAL START DATE : 6-Aug-2015
APPEAL DECISION :
APPEAL DECISION DATE :

APPLICATION NO : 37/2601/14/F
APPELLANT : Jesse Stokes Ltd, Newferrers Merlin Ltd and Ennismore Residential Ltd
PROPOSAL : Erection of dwelling and garage with associated access
LOCATION : Yealm Reach, 97 Court Road, Newton Ferrers, PL8 1DE
APPEAL STATUS : **APPEAL LODGED**
APPEAL START DATE : 18-Aug-2015
APPEAL DECISION :
APPEAL DECISION DATE :

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Agenda Item 8

Report to: **Development Management Committee**

Date: **2 September 2015**

Title: **Development Management Public Participation Scheme**

Portfolio Area: **Strategy and Commissioning**

Wards Affected: **All**

Relevant Scrutiny Committee:

Urgent Decision: **N**

Date next steps can be taken: **8 October 2015**

Author: **Kathryn Trant** Role: **Senior Case Manager**
Strategy and Commissioning

Contact: kathryn.trant@swdevon.gov.uk

Recommendations:

- a) To **RECOMMEND** that **COUNCIL** be recommended to amend the Development Management Public Participation Scheme to enable the opportunity for town and parish councils to speak on planning applications within their own town or parish provided that they abide by the same rules as applied for objectors and supporters; and
- b) That Members provide their views and make a recommendation on whether allowing town and parish councils to speak at DM Committee should prevent them from also making representation at site inspections

1. Executive summary

- 1) Following a 12 month trial, all Members of the Council have been consulted on their views in relation to the attendance and participation of town and parish council speaking at Development Management Committee meetings.
- 2) Those views have been considered, and this report asks for Members recommendations on the way forward.

2. Background

- 1) The last meeting of the Development Management Working Group was held on 26 February 2014, and one of the matters for discussion was the issue of town and parish council representatives being able to speak at Committee. It was agreed that the Participation Scheme should be duly amended for a trial period, and that Members would monitor the effectiveness of allowing additional speakers on each application.

- 2) As part of the trial, Members felt it appropriate to restrict the town and parish council speakers to the same limitations as members of the general public who may wish to speak, i.e. only one speaker, and a time limit applied. In addition, Members were adamant that letters should not be sent to invite Clerks to put forward a representative, with the onus being on Clerks to check if there are any planning applications for which their Council would wish to utilise this provision.
- 3) The trial has now been completed, and Members views have been sought on whether to continue to allow town and parish councils to speak at DM Committee.

3. Outcomes/outputs

- 1) Those Members who have responded to the consultation have made comments which include the following:
 - 'It is about right. Perhaps tighter time control and some confirmation that the parish representative does convey the agreed parish councils view would help'
 - 'It is essential that we hear from parish councils but we should try to use our limited time as best as possible. Parish councils will wish to communicate the same key points on site and at the meeting. I think they should have a guaranteed right to three minutes at the Committee meeting, and an opportunity to the same period at a site visit subject to time being available and the discretion of the Members present'
 - 'We need to ensure as much access to consultation on planning applications that come before DM Committee as possible. Retaining the option for a parish/town councillor to be able to speak at DM is essential for their view as a consultee to be heard at the DM Committee and to enable any questions to be asked'
 - 'It does take time, but on the whole the parish council do make some valid contribution to the debate. However, I don't understand why they should get two bits of the cherry. They need to choose whether they make their speech on the site visit or at Committee. They also need to state for the record that they are speaking for at least a majority of their parish council'
 - 'It is only right that parish councils are represented and I think three minutes is sufficient time, regardless of the application size. I think it should be at the Chairman's discretion on the site visit as to whether they can provide additional information on site but the time should be kept to a minimum'
 - 'In the context of local expectations arising from the Localism Bill, the NPPF and Neighbourhood Planning, I support parish council representation at the DM Committee meetings'
 - 'I consider it to be very helpful to have the town/parish councillors making representation at DM. It aids their understanding of the process and adds value to the discussion. I believe that three minutes is long enough to ensure that the meeting does not go on too long'
- 2) It is clear from the representations that Members are in favour of continuing to allow town and parish councils to speak at DM Committee, providing they are speaking on behalf of the Council, representing the majority view of their parish or town council.

- 3) However, the comments above indicate other elements to be taken into account, such as whether allowing town and parish councils to speak at DM Committee should then preclude them from speaking at site inspections, and whether town and parish speakers should be restricted to three minutes, regardless of the size of the application.
- 4) A number of Ward Members have discussed the consultation with their respective town and parish councils. As a result a number of town and parish councils have confirmed that they support continuing to allow their representatives to speak at DM Committee.

4. Options available and consideration of risk

- 1) Members are clearly in favour of town and parish councils continuing to be entitled to speak at DM Committee to make representations on applications in their area.
- 2) Members need to consider if allowing town and parish councils to speak at DM Committee should prevent them from speaking at site inspections. There is a clear awareness of the time constraints, both at DM Committee and on site inspections, and only allowing town and parish councils to speak at one or the other would help to reduce time taken.
- 3) If Members were to continue to allow town and parish speakers at site inspections, the application of a time limit should be considered.
- 4) Members also need to consider if any further restrictions would be appropriate such as restricting town and parish councils to speak for three minutes at DM Committee, regardless of the size of the application.
- 5) In terms of risk, allowing town and parish councils to continue to take part in the DM Committee meetings will ensure that the views of that town or parish are heard by the DM Committee Members and the public, at the time the decision is taken, and this will aid open and transparent decision making. The adverse risk is the additional time taken at DM Committee when the number of applications to be determined can be challenging.

5. Proposed Way Forward

- 1) Members should discuss the recommendation and any associated options as listed above. The recommendations of the DM Committee will then be presented to the next full Council meeting on 8 October 2015 for a final decision.

6. Implications

Implications	Relevant to proposals Y/N	Details and proposed measures to address
Legal/Governance	Y	The Development Management Public Participation Scheme is a policy document and will require full Council approval for any amendments to be made

Financial	N	There are no direct financial implications arising from this report
Risk	Y	There will be a negative reputational risk if town and parish councils are now prevented from taking part in DM Committee meetings however this will be addressed if Members agree to continue with the practice
Comprehensive Impact Assessment Implications		
Equality and Diversity		N/a
Safeguarding		N/a
Community Safety, Crime and Disorder		N/a
Health, Safety and Wellbeing		N/a
Other implications		None

Supporting Information

Appendices: None

Background Papers:

Notes of the Development Management Working Group Meeting held on 26 Feb 2014

Minutes of Development Management Committee 19 March 2014

Minutes of Council Meeting held 8 May 2014

Approval and clearance of report

Process checklist	Completed
Portfolio Holder briefed	Yes
SLT Rep briefed	Yes
Relevant Exec Director sign off (draft)	Yes
Data protection issues considered	N/A
If exempt information, public (part 1) report also drafted. (Committee/Scrutiny)	N/A