

# South Hams Development Management Committee



<b>Title:</b>	<b>Agenda</b>										
<b>Date:</b>	<b>Wednesday, 18th November, 2015</b>										
<b>Time:</b>	<b>11.00 am</b>										
<b>Venue:</b>	<b>Council Chamber - Follaton House</b>										
<b>Full Members:</b>	<p style="text-align: center;"><b>Chairman</b> Cllr Steer</p> <p style="text-align: center;"><b>Vice Chairman</b> Cllr Foss</p> <p><i>Members:</i></p> <table style="margin-left: auto; margin-right: auto;"> <tr> <td>Cllr Bramble</td> <td>Cllr Hodgson</td> </tr> <tr> <td>Cllr Brazil</td> <td>Cllr Holway</td> </tr> <tr> <td>Cllr 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										
<b>Interests – Declaration and Restriction on Participation:</b>	Members are reminded of their responsibility to declare any disclosable pecuniary interest not entered in the Authority's register or local non pecuniary interest which they have in any item of business on the agenda (subject to the exception for sensitive information) and to leave the meeting prior to discussion and voting on an item in which they have a disclosable pecuniary interest.										
<b>Committee administrator:</b>	Kathy Trant Specialist- Democratic Services 01803 861185										

- 1. Minutes** **1 - 12**

to approve as a correct record and authorise the Chairman to sign the minutes of the meetings of the Committee held on **21 October 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) 07/1196/15/F** **13 - 32**

READVERTISEMENT (Revised Plans Received) Residential development comprising 17 dwellings with associated access, car parking, landscaping, open space and associated works (Phase 2a) - Development site at SX 551 523, adjacent to Venn Farm, Brixton, Plymouth
  - (b) 07/1197/15/O** **33 - 48**

READVERTISEMENT (Revised Plans Received) Outline application (with some matters reserved) for residential development of up to 17 dwellings, with associated means of access and provision of landscape buffer to south (Phase b) - Proposed development site at SX 550 522 adjacent to Venn Farm, Brixton, Plymouth

	<b>Page No</b>
<p><b>(c) 14/1687/15/VAR</b></p> <p>Variation of condition 6 (Traffic Management Plan) and removal of condition 7 (Closure of Access) of planning consent 14/3161/14/F - Stables, Lownard Mill, Dartington, Totnes, TQ9 6JJ</p>	<b>49 - 52</b>
<p><b>(d) 18/0742/15/F</b></p> <p>Householder application for demolition of existing extension and construction of 2 storey extension, alterations to dwelling with associated landscaping and parking – Laburnum Cottage, Manor Street, Dittisham;</p>	<b>53 - 58</b>
<p><b>(e) 18/0743/15/LB</b></p> <p>Listed Building consent for demolition of existing extension and construction of 2 storey extension, alterations to dwelling with associated landscaping and parking – Laburnum Cottage, Manor Street, Dittisham;</p>	<b>59 - 64</b>
<p><b>(f) 05/1325/15/F</b></p> <p>Demolition of existing commercial building and replacement with two bedroom bungalow Development site at SX 672 471, The Old Vineyard, Easton, Kingsbridge, TQ7 4AN</p>	<b>65 - 72</b>
<p><b>(g) 58/1736/15/F</b></p> <p>Householder application for side extension and to raise ridge height for loft conversion (resubmission of approval 58/3028/14/F) 3A Beach View Crescent, Wembury, Plymouth, PL9 0HL</p>	<b>73 - 78</b>
<p><b>(h) 56/1085/15/F</b></p> <p>Demolition of existing single storey offices/workshops (D1/B1). Erection of 5No 2 storey units with associated off-street parking and bin stores (B1) 11-20 Burke Road, Totnes TQ9 5XL</p>	<b>79 - 84</b>
<p><b>7. Planning Appeals Update</b></p>	<b>85 - 86</b>

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

<b>Members in attendance</b>			
* Denotes attendance		∅ Denotes apology for absence	
*	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

<b>Other Members in attendance</b>
Cllrs Baldry, Blackler, Brown, Green and Tucker

Item No	Minute Ref or App. No. below refers	Officers in attendance and participating
All agenda items		COP Lead Specialist – Planning, Planning Officers, Solicitor and Senior Case Manager
	37/2548/14/O	Senior Specialist Place and Strategy

**DM.33/15      MINUTES**

The minutes of the meeting of the Committee held on 23 September 2015 were confirmed as a correct record and signed by the Chairman.

**DM.34/15      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:

The Chairman declared a personal interest on behalf of all Committee Members in application **37/2548/14/O**: Outline application (with some matters reserved) for mixed use development of 70 dwellings, allotments, community facility, recreation and employment land – SX 5670 4944, West of Collaton Park, Newton Ferrers by virtue of the applicant being an Honorary Alderman of the Council. Members remained in the meeting and took part in the debate and vote thereon;

Cllr Steer declared a further reason for his personal interest in this application by virtue of knowing the applicant's son through his work as a land agent. He remained in the meeting and took part in the debate and vote thereon;

Cllr Hitchins declared a disclosable pecuniary interest in application **58/1014/15/F**: Redevelopment of site to provide replacement public house and restaurant and 10 no. holiday units with owner's apartment. Construction of 6no. 2 bed apartments on associated land – The Eddystone Inn, Heybrook Bay, Plymouth by virtue of having commercial dealings with the applicant's relatives and knowing the objectors well. He left the meeting for the duration of this application;

Cllrs Rowe and Cane both declared a personal interest in the following applications by virtue of being the Chairman and Vice-Chairman 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:-

**37/2548/14/O**: Outline application (with some matters reserved) for mixed use development of 70 dwellings, allotments, community facility, recreation and employment land – SX 5670 4944, West of Collaton Park, Newton Ferrers;

**58/1014/15/F**: Redevelopment of site to provide replacement public house and restaurant and 10no. 2 holiday units with owner's apartment. Construction of 6no. 2 bed apartments on associated land – The Eddystone Inn, Heybrook Bay, Plymouth; and

**37/1621/15/F**: Householder application for proposed erection of a garage and boat store – 3 Beacon Hill, Newton Ferrers, Plymouth.

## DM.35/15 PUBLIC PARTICIPATION

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

- **58/1014/15/F**: Objector – Mrs Lizzie Bowman: Supporter – Mr Mark Evans: Parish Council Representative – Cllr Dermod Drought: Redevelopment of site to provide replacement public house and restaurant and 10no. holiday units with owners apartment. Construction of 6no. 2 bed apartments on associated land – The Eddystone Inn, Heybrook Bay, Plymouth;
- **14/1687/15/VAR**: Objector – Mr Chris Edwards: Variation of condition 6 (Traffic Management Plan) and removal of condition 7 (Closure of Access) of planning consent 14/3161/14/F – Stables, Lownard Mill, Dartington;
- **37/1621/15/F**: Objector – Mrs Townley: Supporter – Cdr Simon Hallett: Parish Council Representative – Cllr Alan Cooper: Householder application for proposed erection of a garage and boat store – 3 Beacon Hill, Newton Ferrers, Plymouth;
- **32/1742/15/F**: Supporter – Mr Norman Brown: Proposed siting of mobile home – Land at SX 718 489 adjacent to Robins Park Industrial Estate, South Brent Road, Loddiswell.

DM.36/15 **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 **37/2548/14/O**: Outline application (with some matters reserved) for mixed use development of 70 dwellings, allotments, community facility, recreation and employment land – SX 5670 4944, West of Collaton Park, Newton Ferrers, the Case Officer began by reminding Members that this application had been deferred from the previous meeting (23 September, 2015, minute DM.31/15 refers) to enable further information and clarification. The Case Officer introduced his updated report and advised Members of the key issues for consideration. He outlined the reasons for recommending refusal of the application.

The Lead Specialist Place and Strategy advised Members that the proposal was policy compliant as it was offering 50% affordable housing. The Case Officer added that some weight should be given to the position in respect of the five year land supply and the housing needs survey.

During discussion, Members were advised that, if minded to approve the proposals, an additional condition for Reserved Matters application to be received within 18 months was suggested, and it was confirmed that the s106 would be drawn up on the basis of 50% affordable housing provision. Any change to that prior to signing would require Committee approval. It was confirmed that the affordable houses would remain affordable in perpetuity as the landowner intended to manage them. Clarification was sought on the elements to be included in the application and at what stage they would be built out.

Both Ward Members, whilst recognising the local objections to the application, spoke in favour of the proposal. A number of Members thought the proposal offered a generous opportunity for affordable homes and associated elements.

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

‘That application 37/2548/14/O be conditionally approved’

Reasons:

Whilst paragraph 115 of the NPPF requires great weight to be given to conserving landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty, it was the consideration of Committee that the provisions of paragraph 116 are met in the respect

that exceptional circumstances exist to justify development in the AONB, and development is considered to be in the public interest. Specifically, need is demonstrated by the 2008 Parish Housing Needs Survey and the absence of a five year housing land supply; that no other site is available in the Parish to meet the need; that the quality of development is of a very high standard; that the site is previously developed land; and the impact on the landscape and biodiversity would be limited. With respect to the latter point, appropriate parameters and design standards would be secured through a s106 Agreement and conditions.

Conditions as detailed in Appendix A.

- b) In respect of application **14/1687/15/VAR**: Variation of condition 6 (Traffic Management Plan) and removal of condition 7 (Closure of Access) of planning consent 14/3161/14/F – Stables, Lownard Mill, Dartington, the following motion was **PROPOSED, SECONDED** and on being put to the vote declared **CARRIED**:

‘That a site inspection be held’

DM.37/15 **PLANNING APPEALS UPDATE**

The COP Lead Specialist Planning advised Members of updates relating to the presented list of appeals and she and the Solicitor responded to questions.

(Meeting commenced at 12 noon and concluded at 4:00 pm)

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Chairman



## Voting Analysis for Planning Applications – DM Committee 21 October 2015

Application No:	Site Address	Vote	Councillors who Voted Yes	Councillors who Voted No	Councillors who Voted Abstain	Absent
37/2548/14/O	SX 5670 4944, West of Collaton Park, Newton Ferrers	Approval	Cllrs Bramble, Cane, Foss, Hitchins, Hodgson, Holway, Rowe (7)	(0)	Cllrs Pearce, Steer (2) Also: Cllrs Brazil, Cuthbert (2) who had not heard the previous presentation so had to abstain	Cllr Vint (1)
58/1014/15/F	The Eddystone Inn, Heybrook Bay	Conditional Approval	Cllrs Cuthbert, Holway, Cane, Foss, Rowe, Steer (6)	Cllrs Hodgson, Brazil (2)	Cllrs Pearce, Bramble (2)	Cllr Vint: Cllr Hitchins was absent for this item as a result of a DPI (2)
14/1687/15/VAR	Stables, Lownard Mill, Dartington	Site Inspection	Cllrs Bramble, Cane, Foss, Pearce, Hitchins, Holway, Rowe, Steer, Hodgson, Cuthbert, Brazil (11)	(0)	(0)	Cllr Vint (1)
37/1621/15/F	3 Beacon Hill, Newton Ferrers	Site Inspection	Cllrs Hodgson, Holway, Hitchins, Cane (4)	Cllrs Steer, Foss, Brazil, Pearce, Rowe, Bramble, Cuthbert (7)	(0)	Cllr Vint (1)
37/1621/15/F	3 Beacon Hill, Newton Ferrers	Conditional Approval	Cllrs Steer, Rowe, Holway, Cuthbert, Bramble, Pearce (6)	Cllrs Brazil, Hitchins, Foss, Hodgson, Cane (5)	(0)	Cllr Vint (1)
32/1742/15/F	Land at SX 718 489 adj to Robins Park Industrial Estate, South Brent Road, Loddiswell	Refusal	Cllrs Cane, Foss, Hitchins, Rowe, Steer, Cuthbert (6)	Cllrs Hodgson, Bramble, Holway (3)	Cllrs Brazil, Pearce (2)	Cllr Vint (1)

## Appendix A

### **37/2548/14/O**

Outline application (with some matters reserved) for mixed-use development of 70 dwellings, allotments, community facility, recreation and employment land.

**Parish or Town Council** – Newton and Noss Parish Council

**Parish Council's Views** - Objection

**Officer Update-** The DM Specialist provided a verbal update and reminder with respect to the key issues as outlined below:

### **Affordable Housing**

The AH Offer meets policy requirements and Officers are satisfied that appropriate scope and detail can be secured in a s106 Agreement.

### **Need**

That, with respect to the tests of paragraph 116 of the National Planning Policy Framework (NPPF), some need exists, but this did not amount, in the opinion of the DM Specialist, to exceptional circumstances.

### **Alternative Sites Assessment**

That, with respect to the tests of paragraph 116 of the NPPF, if the quantum of development were justified that the site represented the best opportunity to meet that need at this time.

### **Environmental impact**

That, with respect to the tests of paragraph 116 of the NPPF, environmental impacts are acceptable and that the high quality of design and biodiversity enhancements contributed to a degree to establishing exceptional circumstances.

### **Sustainable development**

That whilst the site is, to a degree, isolated, the balance of sustainability is favourable due to the following factors.

### **Recommendation** – Refusal

**Committee Decision** – Authority to grant conditional approval be delegated to the Lead Specialist (Development Management) in consultation with the Chairman of Development Management Committee, subject to conditions and the signing of a Section 106 Agreement

### **Conditions**

1. 18 months for Reserved Matters;
2. Time limit for commencement;
3. Accord with Plans, Drawings and FRA;
4. Detailed design for all development;
5. GPDO Exclusion;
6. Unsuspected Contamination;
7. On-site highway works in accordance with plans / drawings;

8. Details for a safe crossing of the A379 to be approved prior to commencement and provided before occupancy of any buildings;
9. Construction Management / Method Plan to be submitted and approved prior to commencement;
10. Phasing Plan to be submitted and approved prior to commencement (secure AH and employment vs OM);
11. Surface water drainage layout and details to be submitted prior to commencement and the approved details completed and operational prior to occupation;
12. Arb and tree plans ... subsequently adherence to the Arboricultural Impact Assessment, Tree Protection Plan and Arboricultural Methodology Statements;
13. Lighting Strategy;
14. Renewable energy / energy efficiency details to be submitted and approved prior to commencement (EcoHomes Level 4 or equivalent);
15. Revised ecology assessment / surveys (as necessary);
16. Landscape and Ecological Management Plan;
17. Adherence to measures within Preliminary Ecological Appraisal, and Bat Activity Survey Report; and
18. Transport Assessment;
19. Noise;

**S106:**

1. Affordable Housing

50% of the residential units to be delivered in accordance with SHDC affordable housing policy and the Devon Home Choice Policy, affordable in perpetuity.

Tenure: 30% rented homes and 70% intermediate housing.

Unit size / mix: 5 x 2 bed, 6 x 3 bed (to be let at affordable rents) and 7 x 2 bed, 17 x 3 bed (intermediate affordable for discounted open market sale or shared ownership or affordable self build).

All intermediate units to be retained as intermediate affordable dwellings in perpetuity.

Affordability of units: rents are restricted to a maximum rent of 80% of market rents (inclusive of any service charges), intermediate sale is restricted to 60% of open market value in perpetuity.

Delivery of the affordable housing would be linked to delivery of the market units as agreed with SHDC.

2. Allotments

20 allotments for residents of the development / residents of the local area.

### 3. Site for Outdoor Community Use

1000m<sup>2</sup> area of land for the purposes of holding a outdoor community events (including farmers' markets and similar type events)

### 4. Public Open Space and Play Provision

Areas of land within the development will be provided as Public Open Space / community woodland / community orchard. This area to be a minimum of 10,000m<sup>2</sup> in association with local planning authority's Public Open Space requirement.

Play space / equipment to be provided on site within the development.

The developer will submit plans to the Local Planning Authority for the management and maintenance of the Play and Public Open Space.

The owner will secure public access to the Play and Public Space.

### 5. On Site Sport/Community Facility Provision

5000m<sup>2</sup> of land which could be used to accommodate a leisure / community facility / activity for the benefit of the local community subject to a community group coming forward with the funds to build and a viable strategy to maintain the facility.

### 6. Employment Element

To provide within the development a minimum of 750m<sup>2</sup> of business units for B1 / B2 and B8 (as considered appropriate by the LPA)

### 7. Education Contribution

Contribution towards secondary school education of £191,530.50.

Contribution towards the cost of transportation to school (Ivybridge) for secondary school aged children living at the development of £33,335.50.

£500 towards Devon County Council legal costs

### 8. Sustainable Transport Contribution

Contribution towards the retention of the number 94 bus. Total contribution £125,000 to be provided over a 5 year period (£25,000 per annum)

### 9. Boat Storage (Community Use)

Covered storage within the development for the storage of boats for the use of the residents of the development / local community (to be used to store the regatta boats and gig boats owned by the regatta committee and gig club)

10. Cycle path and footpath upgrade

11. Barn Owls

New barn owl habitat and accommodation to a specification agreed with the Barn Owl Trust.

12. Landscape and Ecological Management Plan, including retention and management of semi-improved grassland

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**58/1014/15/F**

Redevelopment of site to provide replacement public house and restaurant and 10no. holiday units with owners apartment. Construction of 6no. 2 bed apartments on associated land

**Parish or Town Council** – Wembury Parish Council

**Parish Council's Views** – No objection

**Officer Update**

1. Natural England are satisfied with ecological information and withdraw their concerns regarding the impact on Wembury Point SSSI. They now raise no objection.
2. The recommendation is therefore now changed to Conditional Approval.
3. The AONB Unit have commented raising no objection.
4. One further letter of representation objecting to the application raising concern regarding highway safety and scale of development.
5. Additional condition requiring the owner's apartment to be tied as being for the managers of the site only.
6. Additional condition removing Permitted Development Rights to restrict change of use away from pub/restaurant.

**Recommendation** - Conditional approval delegated to the Community of Practice Lead, subject to Natural England withdrawing their objection

**Recommended Conditions**

1. Time limit for commencement
2. In accordance with plans
3. Holiday use restriction for holiday units
4. Materials
5. Construction Management Plan
6. Contaminated land
7. Percolation tests
8. Additional condition requiring the owner's apartment to be tied as being for the managers of the site only.
9. Additional condition removing Permitted Development Rights to restrict change of use away from pub/restaurant.

**Committee Decision** – Conditional Approval

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**14/1687/15/VAR**

Variation of condition 6 (Traffic Management Plan) and removal of condition 7 (Closure of Access) of planning consent 14/3161/14/F

**Parish or Town Council** – Dartington Parish Council

**Parish Council's Views** - Objection

**Officer Update**

The DM Specialist provided an update to the Members with regards to an amended Site Location Plan

**Recommendation** – Conditional Approval

**Recommended Conditions**

1. Accord with plans
2. Unsuspected Contamination
3. Holiday accommodation
4. Access and parking in accordance with approved plans
5. Details of traffic movements and construction
6. Development carried out in accordance with Preliminary Ecological Assessment

**Committee Decision** – Deferral for site inspection

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**37/1621/15/F**

Householder application for proposed erection of a garage and boat store

**Parish or Town Council** – Newton and Noss Parish Council

**Parish Council's Views** - Objection

**Officer Update** - The DM Specialist updated the Committee on an additional Letters of Representations received objecting to the Planning Application

**Recommendation** – Conditional Approval

**Recommended Conditions**

1. Standard time limit
2. Adherence to plans
3. Retention of parking for boats and motor cars in perpetuity
4. Timber sample prior to installation
5. Adherence to arboricultural mitigation
6. To be used ancillary or incidental to main house only

**Committee Decision** – Conditional Approval

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**32/1742/15/F**

Proposed siting of mobile home

**Parish or Town Council** – Loddiswell

**Parish Council's Views** – No objection

**Officer Update** – N/A  
**Recommendation** - Refusal  
**Committee Decision** - Refusal

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## PLANNING APPLICATION REPORT

**Case Officer:** Wendy Ormsby

**Parish:** Brixton

**Application No:** 07/1196/15/F

**Agent/Applicant:**

D2 Planning Ltd  
Suites 3 and 4 Westbury Court  
Church Road  
Westbury on Trym  
Bristol  
BS9 3EF

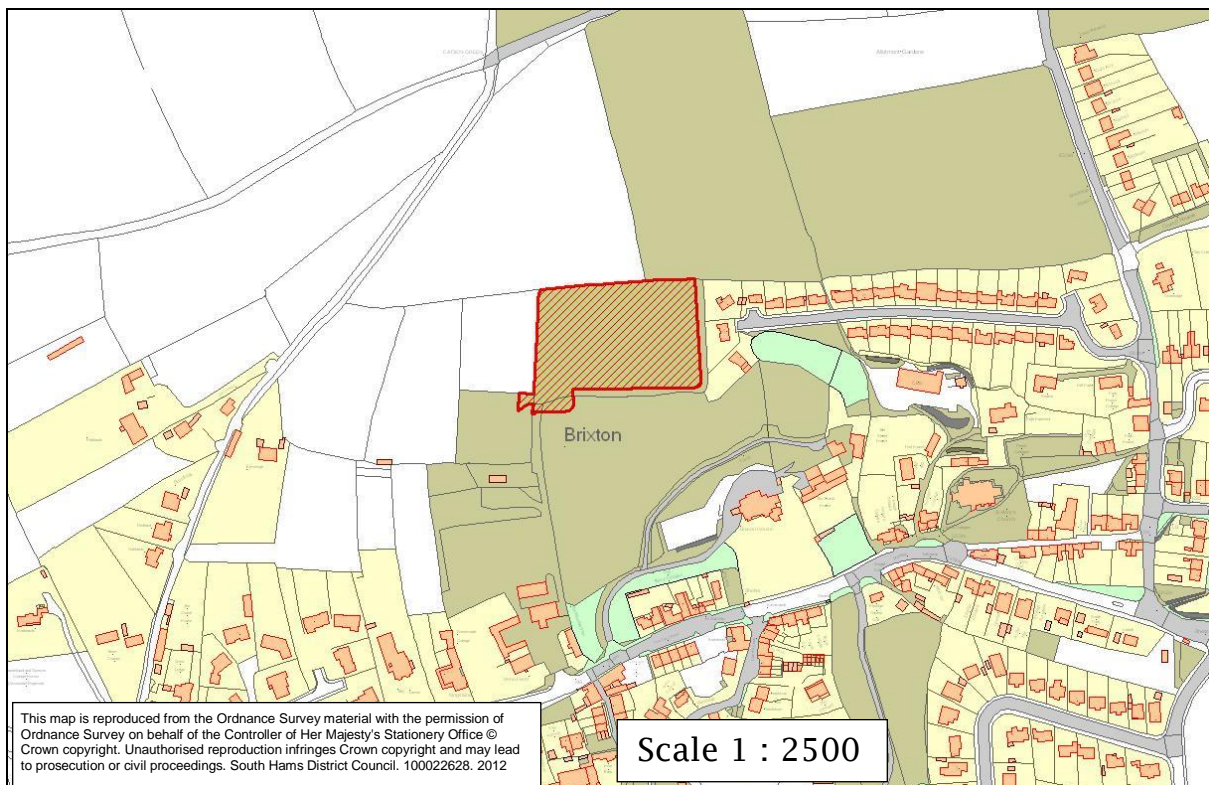
**Applicant:**

David Wilson Homes (Exeter)  
C/O Agent

**Site Address:** Development site at SX 551 523, adjacent to Venn Farm, Brixton, Plymouth

**Development:** READVERTISEMENT (Revised Plans Received) Residential development comprising 17 dwellings with associated access, car parking, landscaping, open space and associated works (Phase 2a)

**Reason item is being put before Committee:** Land is owned by a Member of the Council



## **Recommendation:**

Authority to grant conditional approval be delegated to the Lead Specialist (Development Management) in consultation with the Chairman of Development Management Committee, subject to agreeing an acceptable drainage strategy, conditions and the signing of a Section 106 Agreement to provide the following:

1. Affordable Housing – 4 units of intermediate sale affordable houses (plots 36, 37, 38 and 39).
2. Education – Payment of a financial contribution towards the provision of secondary education at Ivybridge Community College and secondary school transport.
3. Tamar/Yealm Estuary SACs –Payment of a contribution of £603.28
4. Sport and recreation – Payment of a contribution of £45.220 towards improved facilities for off-site sport and recreation
5. Play provision within Brixton if Phase 2b does not proceed – Payment of a contribution of £42,284 towards upgrading local play facilities if the play area shown in Phase 2b is not delivered - a trigger for this payment to be agreed.
6. Public Open Spaces, Landscape and Ecology – arrangements for the setting up of a management company or other organisation and the payment of a commuted sum of £12,000 to the Parish Council, management company or other agreed organisation for the maintenance of the public open spaces for a minimum period of 15 years
7. Provision of a permissive footpath linking the site to the Erme Plym Trail

## **Conditions**

1. Standard time limit.
2. Accord with Plans.
3. External Finishing Materials as shown on approved plans and maintained as such
4. Stonework to be agreed and retained in natural finish
5. Boundary Treatments as shown on approved plans
6. Hardsurfacing, highway, footway, service routes etc. details to be submitted, agreed and implemented.
7. LEMP to be submitted
8. Implementation of ecological mitigation measures and LEMP
9. Details of landscaping scheme to be agreed
- 10 Supervision of Ecological Measures.
11. Implementation of Landscaping
12. Retention of Trees & Hedgerows.
13. No works to hedgerows without evidence of appropriate consents from Natural England
14. Protection of Trees & Hedgerows and no storage of equipment etc. within root protection areas.
15. Open Space Provision, access and maintenance
16. No External Burning of Waste.
17. External Lighting Details.
18. Details of Energy Efficiency Measures, including details of PV equipment.
19. Lifetime Homes.
20. Completion of Highways Related Works.
21. Garaging & Parking (Residential).
22. Construction Management Plan.
23. Hours of Construction Working.
24. Unsuspected Contamination.
25. GPDO Exclusion (roof alterations, boundary treatment, porches).

26. Natural slates to be used in accordance with agreed details, nailed not hooks.
27. Implementation and maintenance of agreed drainage strategy

**Key issues for consideration:**

Principal of the development  
Affordable housing  
Design and landscape  
Impact on residential amenity  
Drainage

**Site Description:**

The application site is a 1ha (approx) parcel of agricultural land located to the north of the village of Brixton and sited north east of Phase 1 of the residential development known as Canes Orchard, currently under construction on the north side of the A379.

To the east the site adjoins the rear gardens of 3 properties on Cherry Tree Drive. To the north and west the site is bounded by hedgerows adjoining agricultural land. To the south, a boundary also defined by a hedgerow, is agricultural land that is currently subject to an outline planning application for a further 17 houses (Phase 2b of the Canes Orchard development).

The land is undulating but generally slopes downwards from North West to south east.

The site lies outside of the South Devon AONB, the boundary of which is defined by the A379 to the south

Access to the site is via the existing access into Phase 1 of Canes Orchard, located on the north side of the A379.

The site is outside of the defined development boundary for Brixton but is partly within housing site allocation area RA12. The site is located within walking distance of the centre of Brixton which includes shops, a pub and a primary school.

**The Proposal:**

The application seeks full planning permission for 17 dwellings of the following types:

2 x five bed  
9 x four bed  
4 x three bed  
2 x two bed

Of these it is proposed that 4 units (2 x three bed and 2 x two bed), sited at plots 36, 37, 38 and 39 will be offered as intermediate sale affordable dwellings. This represents 23.5% affordable housing.

Access into the site will be from the south east corner of the site where it adjoins the Phase 1 land where an adoptable road will run up to the northern boundary; an access road will then continue east along the northern boundary and a further drive will run east along the southern boundary.

Parking for 4 of the houses (3 x 4 bed and 1 x 5 bed) will be within a centrally located rear parking courtyard from where there will be gated access into the rear gardens of the properties. Each dwelling within the development will be served by a minimum of 2 off street parking spaces.

The houses will be 2 storey with the exception of plot 29 which will be 2.5 storey. The design and materials are similar to that approved as part of Phase 1 and include a materials mix for the house elevations of natural stone and coloured render. Roofs will be of natural slate. A materials layout plan has been submitted as part of the application.

Boundary treatments will also be similar to that used in Phase 1 including stone walls in prominent locations and within the parking court and black metal railings to define front boundaries.

Materials to be used for the affordable units are from the same pallet as the market housing.

North facing gardens are limited to units 38 and 39

A 25m deep landscaped area (0.14 ha) is proposed between the front of plots 40 – 43 and the rear boundaries of the dwellings on Cherry Tree Drive. Within this area is a footpath access to the front of units 40 - 43. The submitted landscape scheme shows significant tree and shrub planting adjacent to this eastern site boundary, intended to provide screening to residents of Cherry Tree Drive. A footpath link is proposed from the north eastern end of the site to create a permissive footpath link through the agricultural field to the north to link into the public right of way known as the Erme Plym Trail.

An area of open space is also proposed in the North West corner of the site providing an area (0.03ha) of natural play; a small play space designed for young children.

The majority of existing hedgerow boundaries will be retained, part of the southern hedgerow will be removed to allow access through.

The application is supported by a number of documents available to view on the website which include the following:

- Design and Access Statement
- Statement of Community Engagement
- Landscape and Visual Appraisal
- Waste Management
- Energy Efficiency and Renewables Strategy
- Transport Statement
- Flood Risk Assessment (addressing drainage)
- Ecological Impact Assessment
- Aboriginal Constraints Report
- Ground Investigation Report
- Historic Environment Assessment
- Landscape Strategy
- Non technical drainage statement
- (Viability assessment relating to affordable housing also submitted as a confidential document)

**Consultations:**

**County Highways Authority:**

No objection subject to conditions requiring a Construction Management Plan and details to be agreed.

**Environmental Health Section:**

No objection. Recommend unsuspected land contamination condition

**Barn Owl Trust:**

Commented on the requirement to protect nesting sites where found.

**DCC Archaeology:**

No comments

**Police Architectural Liaison:**

Recommends appropriate security lighting in the parking court  
Recommends gates to dwellings served by the parking court should lock both sides  
Recommends more open boundary treatment to allow surveillance of public areas.  
Public open space to the North West must be left open to view

**DCC Education:**

No contribution to primary school places required  
Due to over capacity at Ivybridge Community College a financial contribution is sought  
Contribution to secondary school transport is sought

**Natural England:**

Impact on statutory nature conservation sites - no objection.  
Protected species –standing advice applies  
Protected landscape – seek advice of AONB Unit

**SHDC Strategic Planning:**

Whilst the overall quantum of development proposed exceeds the original aspirations of the allocation, the schemes as submitted do make provision for the range of benefits identified within the development brief.

Following the viability assessment, and looking at the balance of the proposal including the acceptance of the AH contribution by SHDC Officers, it is confirmed that there are no policy objection to the proposals.

**Environment Agency:**

Is not required to comment

**South West Water:**

No objection

**SHDC Affordable Housing:**

Supports the application which includes 4 affordable dwellings

**AONB:**

No objection

**SHDC Conservation:**

No objection

**SHDC Drainage:**

Holding objection, negotiations/investigations are ongoing, the results of which will be verbally reported at the committee meeting.

**SHDC Landscape:**

No objection

**SHDC Ecology/Open Space and Recreation**

**Recommendation:** No objection subject to conditions and S106 clauses as follows:

**Conditions**

- Prior to commencement, submission of a Lighting Strategy reflecting recommendations of the Ecological Impact Assessment (EAD, December 2014).
- Prior to commencement, submission of a Landscape and Ecological Management Plan
- Works to remove hedgerow or scrub habitats shall not in any circumstances commence unless the LPA has been provided with either:
  - a licence issued by Natural England pursuant to Regulation 53 of The Conservation of Habitats and Species Regulations 2010 authorising the works to go ahead; or
  - a statement in writing from Natural England or a suitably qualified ecologist to the effect that they do not consider that the works will require a dormouse licence
- **S106 clauses**
- Securing contributions to projects to mitigate recreational pressures on the Yealm Estuary area of the Plymouth Sound and Estuaries SAC.
- Securing management in perpetuity of open space, including play area, boundary features, etc in accordance with LEMP
- Securing public access to the public open space in perpetuity through the s106 agreement.

- Securing playing pitch and recreational facility contribution, 'towards improvements to facilities and at the Horsham Playing Fields, Brixton, and/or the football pitch at Frankfort Park, Brixton, and/or access improvements to these named facilities.'
- Securing off-site contribution to improvements to play area facilities in Brixton in the event that Phase 2b does not proceed.

### **Town/Parish Council:**

- Recommends accepting the application but has the following concerns:
- Drainage: Need agreement for maintenance of soakaways and indemnity for existing residents relating to septic tank leakage.
- Number of dwellings exceeds allocation (when combined with Phase 2b) which effects existing residents.
- Houses are too high (1.8m higher than Cherry Tree Drive) and are intrusive.
- No attic development should be allowed
- No solar panels should be allowed but solar slates would be acceptable.
- Houses opposite Cherry Tree Drive should be stone not coloured render
- Concern about fire and refuse access
- Landscaping should include substantial evergreen and broadleaf trees. Residents of Cherry Tree Drive should have control over the planting and landscaping of the area between their properties and the development

### **Representations:**

10 letters of objection have been received, these letters can be viewed in full on the Council's web site. The reasons for objection include the following issues:

Drainage problems not resolved

Potential for flooding

No need for more houses in the area

Exceeds number of units proposed in Policy RA12

Adverse impact on water quality at Yealm shellfishery

Proximity of soakaways to existing dwellings and potential for flooding

Houses are too high – overbearing and out of character

Overlooking to houses on Cherry Tree Drive

Should not be allowed rooms in the roof space in the future.

Footpath at the end of the gardens will result in loss of privacy and security issues; residents were promised discussion about this.

Development has encroached into the 25m landscape buffer zone

More tree planting needed as a screen

Adverse impact on dust/air quality

Overdevelopment  
3D visuals give a false representation  
Access to Phase 1 already congested  
New drainage information unclear  
Carbon emissions high enough already in the area

### **Relevant Planning History**

07/2023/12/DEVBR – Development brief for proposed mixed use development comprising 27 dwellings and 0.1 ha of employment land – Approved

07/2022/12/F. Mixed use development comprising 27 dwelling and 0.1ha of employment land with associated access, car parking, landscaping and open space. – Conditional Approval.

07/1197/15/O – Outline application for residential development of up to 17 dwellings with associated means of access and landscaping buffer to south – Registered (Phase 2b)

### **ANALYSIS**

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

Policy CS1 of the South Hams Local Development Framework, 2006 (LDF) identifies settlements within which residential development is acceptable in principle. Outside of these settlements development will be strictly controlled and only permitted where it can be delivered sustainably and in response to a demonstrable local need.

Brixton is an identified settlement within Policy CS1; the application site lies outside, but adjacent to the identified settlement boundary.

The Rural Areas Site Allocations Development Plan Document, 2011 (DPD) allocates development sites within the rural areas of the South Hams. Site allocation RA12 includes some of the area of land related to this application, the site of Phase 1 which is under construction and the site of outline planning application ref 07/1197/15/O.

Proposal RA12 seeks mixed use development to include residential and employment provision beyond 2016. About 50 dwellings and 0.1 ha of employment land are required by the proposal. There are also requirements for 0.1 ha of play provision and 0.15 ha of other public space together with cycle and footpath access to the village centre and towards Plymouth. Development of the site should accord with a Development Brief previously approved by the Council.

27 dwellings, 0.1ha of employment land and 0.075ha of open space have been approved as part of Phase 1.

Site allocation RA12 is roughly triangular in shape and dissects fields, not following any logical existing field boundaries. The development brief approved as part of Phase 1 revised the site boundaries and it is this revised site boundary that is reflected in this application for Phase 2a. It should be noted however that approx half of the Phase 2a site lies outside of the original RA12 site allocation.



The original RA12 site allocation covered an area of approx 2.27 ha, a combination of the sites of Phase 1, Phase 2a and Phase 2b would total an area of approx 3.2 ha.

Paragraph 49 of The National Planning Policy Framework states the following:

*Housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.*

Concerns have been raised that this application, together with the current application for a further 17 houses at Phase 2b would result in the provision of a total of 61 houses on the RA12 allocated site, significantly more than the approx. 50 houses proposed in the RA12 allocation.

Paragraph 49 of the NPPF states that in the absence of a 5 year housing land supply relevant policies for the supply of housing are out of date. This means that the reference in Policy allocation RA12 to approx. 50 houses is not relevant and the presumption is in favour of sustainable development.

This is a sustainable site therefore the principal of residential development is acceptable subject to all other material planning considerations. The acceptability or otherwise of the increased number of houses should be considered with regard to issues such as design, landscape, residential amenity etc rather than as a matter of policy and principal.

### **Affordable Housing Assessment**

SHDC's Affordable Housing Officer has been consulted about this application. There is a target of 60% affordable housing on allocated sites in the rural areas such as Brixton. This target is subject to viability and the availability of funding and based on the information in the Council's Affordable Housing DPD i.e. free serviced land and reasonable build costs.

The provision of affordable housing is one of the Council's corporate priorities due to the high level of need. This application proposed 4 affordable units which represents 23.5%. In order to support their position the applicants submitted an independent viability assessment (IVA). As the offer was significantly below the policy position the Council commissioned consultants DTZ to review the submitted assessment.

The proposals seek consent for 17 residential units. The IVA report seeks to establish the Residual Land Value (RLV) derived from the completion of the mixed use scheme (assuming varying levels of affordable housing) based on an acceptable level of developer's profit and an appropriate land value in order to encourage a site to come forward.

DTZ visited the site and took into consideration it's constraints, the methodology used and carried out a review of the assumptions made, looking at sales costs, build costs, external works, planning costs, commercial land, s.106 contributions, finance, delivery and developers profits.

DTZ concluded that, as with Phase 1 there are considerable site constraints which have a significant impact on the amount of affordable housing that can viably be provided. After this

detailed scrutiny Officers accept that the development is unable to support a higher level of affordable housing. For this reason, the Affordable Housing Team accepts the viability of the site only supports 23.5 % affordable housing.

### **Education contributions**

Revised contribution requests from the Strategic Planning Children's Services at DCC have very recently been received. These requests result in larger than anticipated contributions being sought from the developer which were not taken into account during the viability assessment. Discussions are ongoing and a verbal update on this matter will be given at the committee meeting.

### **Landscape impact:**

No objections have been received from the AONB unit or the Council's Natural Environment officers.

The site is outside of any protected landscape but visible from parts of the AONB which lies to the south. A detailed Landscape Visual Impact Assessment has been submitted as part of this application and it addresses the impact on landscape character, views and visual amenity.

Due to the topography of the land, the site being a south facing slope surrounded by mature hedgerows, the site is not prominent, offering limited views from the north and west. Longer distance views are available from the south but they are limited by vegetative screening.

Views of the development will mainly be localised, from adjoining land, and views will be of the site within the urban context of the village. The development will be clearly visible from the rear of the properties on the western end Cherry Tree Drive and visible from properties on the A379.

The scheme includes a 25m landscape buffer on the eastern site boundary which was agreed in principal as part of the Development Brief. The intention of this is to minimise the impact on adjoining residential properties and to reduce the impact on the setting of nearby listed buildings. Substantial tree planting is proposed within this landscape buffer which will reduce the visual impact of the development on adjoining properties. Lower level shrub planting is also proposed on this boundary to address concerns regarding security.

The 25m landscape buffer provides a generous area of open space within the development which is accessible from the north and south. A permissive footpath is proposed from the North West boundary of the open space to link northwards to the Erme Plym Trail, improving the connectivity of the site.

A smaller, natural play area is proposed in the north west corner of the site providing a green, visual opening as you travel north through the site.

A detailed landscaping scheme has been submitted as part of this application which is broadly acceptable subject to its compliance with any future Landscape and Environmental Management Plan.

The slope of the land means that the heights of the dwellings vary through the site, rising northwards with the highest part of the site located in the north east corner. Cross sectional drawings have been provided to demonstrate how the building heights will vary through the plot. Ridge heights will rise by up to 5m from south to north and by up to 2m from east to west.

The landscape impact of the development is considered to be acceptable.

## **Trees and Hedges**

Comments from the Councils Trees and Landscape Specialist are as follows:

*In assessing the submitted Arboricultural Constraints Report (D2 57 04: JP Associates; 2013.11) and Soft Landscape Proposals, limited attention appears to have been given to trees in designing the overall layout. This has resulted in the removal of some Category B trees and those that are retained will require engineering solutions to mitigate the position of access roads and paths. Whilst the overall impacts remain generally limited given the number of semi-mature and mature trees within the context of existing hedgebanks, mitigation will be sought to compensate for the loss of trees, in particular in Phase 2b. Sufficient space has been given to retained hedgerows within the layout for Phase 2a, and Phase 2b is currently indicative.*

*Protection of hedgerows, trees and new planting areas should concur with the recommendations of the submitted Arboricultural Constraints Report (D2 57 04: JP Associates; 2013.11) and detailed Conditions will seek further details prior to development. No objection is raised subject to Conditions*

## **Ecology:**

An Ecological Impact Assessment has been reviewed by the Council's ecological advisor who has provided detailed comments as follows:

### **On-site biodiversity**

*The Ecological Impact Assessment (EclA) describes that 'the proposed development site comprised of arable, poor semi-improved and improved grassland fields surrounded by species-rich hedgerows, including mature and semi-mature trees.'*

*With respect to protected species, the EclA notes the following:*

- *No bat roosts were found within the site.*
- *Five species of bat were recorded foraging and travelling within the site (Common pipistrelle comprising 97% of bat passes). Bat activity at the site was low.*
- *Hazel dormice were recorded within hedgerows on site. The proposed development would require an EPS Licence with respect to dormice to proceed.*
- *A 'low' population of slow worms was found.*
- *Suitable bird nesting habitat occurred within the site, including hedgerow and scrub.*

*The EclA recommends mitigation and enhancement measures to include the following:*

- *Landscape / ecological planting, including an 'ecological buffer' along the south and east boundary. This would include new mixed-native hedgerow, mixed-native scrub, native tree planting and wildflower meadow. The extent of new native hedgerow and*

scrub planting would exceed the extent of hedgerow and scrub loss within the development area.

- *Habitat manipulation and supervised clearance of suitable habitat to avoid direct impacts on slow worms.*
- *Timing of habitat clearance outside of the bird breeding season or under the supervision of an ecologist.*
- *Activities considered likely to affect dormice or their habitats (including any removal of hedgerows or scrub) would be covered by a suitable Mitigation Licence from Natural England. Work would be undertaken in accordance with the conditions of the licence; as set out in the Method Statement submitted with the licence application. Suitable measures would be undertaken to ensure dormice were not directly affected during construction. New native hedgerow and mixed-scrub planting in the 'ecological buffer' would ensure there was no net loss of dormice habitat.*
  - *The retained hedgerows would be maintained and enhanced as corridors and would remain suitable for use by foraging and commuting bats.*
- *Sensitive lighting scheme to minimise light-spill on to retained and created hedgerows*
- *Inclusion of bird and bat boxes would be integrated into new buildings within the site; dormouse nesting boxes would be installed in retained hedgerows.*
- *Management of new and retained habitats under a LEMP.*

### **Dormice**

*As the proposed development will require an EPS Licence for Dormice, the LPA is required to consider whether the proposal meets the 3 derogation tests, and these are considered below:*

- *Imperative Reasons of Overriding Public Interest – These applications relate to allocated site RA12 (Rural Allocations DPD, 2011). The site will meet a requirement for additional housing as identified by the South Hams District Council Core Strategy (2006).*
- *No Satisfactory Alternative – This site has been through a process of site selection, and its selection is based on a range of factors, the balance of which formed the basis of it's' allocation.*
- *Maintenance of Favourable Conservation Status – The ecologist has outlined measures to ensure dormice are not directly affected during construction. New native hedgerow and mixed-scrub planting in the 'ecological buffer' would ensure there was no net loss of dormice habitat. This test is considered met.*

*It is considered that the 3 tests are met, and that it reasonable to expect that Natural England will subsequently grant an EPS Licence for Dormice.*

### **Off-site Biodiversity**

*The site is located some 1km to the Yealm component of the Plymouth Sound and Estuaries SAC. The South Hams Core Strategy HRA identified the potential for this site to cause effects on the SAC with respect to additional recreational pressures, and accordingly concluded that mitigation measures should to be secured if this site was developed to ensure there were no adverse effects on the SAC, namely:*

- *Partnership funding and support for the Tamar Estuaries Consultative Forum and Yealm Estuary Management Group or appropriate funding and support for the*

*management structures undertaking the management scheme work in relation to the SAC.*

- *Secure funding to support recreation linked projects/actions identified in the Tamar Estuaries Management Plan, Yealm Estuary Environmental Management Plan, any revisions or updates of these plans and/or other relevant management plans.*

*Accordingly, it is recommended that S106 contributions per dwelling are sought from the proposed development.*

Natural England have commented that they do not wish to comment and their standing advice applies.

The impact on Ecology is considered to be acceptable subject to the recommended conditions and Section 106 obligations as set out above.

### **Open space and recreation:**

The Council's officer from Natural Environment and Recreation has commented as follows:

#### ***Open Space, Sport and Recreation***

*The Rural Allocations DPD (2011) proposal RA12 includes a requirement for 'about 0.1ha of play provision and 0.15ha of other public space.'*

*Phase 1 of this allocation included small areas of open/public space (under provision for the houses provided), did not deliver any play area provision, and delivered a proportionate playing pitch contribution which was included within the S106.*

*Accordingly, there is an expectation that Phase 2 of the allocated site should deliver the policy requirement for the whole allocation with respect to play area provision, deliver the remainder of the open/public space requirement, and also deliver further playing pitch contributions.*

#### **Play**

*Taking the allocated site as a whole (61 dwellings) and a requirement for about 0.1ha of play provision, this broadly equates to a requirement for a Locally Equipped Area for Play (LEAP) to meet the requirements of the new residents of the allocated site.*

*Phase 1 delivered no play space.*

*Phase 2a includes provision of approximately 200sqm of 'natural play' aimed at toddlers (traditionally considered a Local Area for Play or LAP) comprising timer balance posts, 'log train' and seating.*

*Phase 2b indicates provision of circa 600sqm of 'equipped natural play area.'*

*It is noted that there is further opportunity for 'informal play' within the wider open space provision which runs along the southern and eastern boundary.*

*Accordingly, considering the whole allocated site in its' entirety at present it would appear that there may be a slight under-provision of play against the policy requirement, however I note that across the allocation, open space is slightly overprovided, and there is the opportunity for 'natural play' against a backdrop of new planting and meadow grassland.*

*I have some concern that given the phased nature of the development, and the delivery of the meaningful play provision within the final phase (2b) of the allocated site, that there is potential for a significant shortfall in play provision if Phase 2b does not proceed. Effectively the whole of the Phase 1 and 2a development would be served by a 200sqm Local Area for Play – this would be wholly inadequate without offsite investment in play facilities elsewhere in Brixton to ensure other play areas could meet the needs and pressure from the new residents.*

*There would appear to be merit therefore in effectively seeking insurance clauses within the S106 agreement to secure off-site contributions for play provision in Brixton from Phase 2a in the event that Phase 2b does not proceed. I note that this approach was not used within the Phase 1 S106 agreement, however clearly it would be unacceptable to be in the position of having no/significant under provision of play areas in the event that Phase 2b does not proceed.*

*I suggest that an off-site contribution of £42,284 should be secured within the S106 agreement for 07/1196/15/F towards improvements to play area facilities in Brixton, in the event that Phase 2b does not proceed. A figure of £54,720 would be expected for the Phase 1 and 2a allocations, based upon 68 and 76 residents respectively, and 44 houses providing 0.088ha of play areas (compared to 0.1ha for 50 dwellings as per RA12). The figure has been reduced by £12,436 to £42,284 to account for the 200sqm of play provision being provided within Phase 2a.*

### **Open Space**

*The policy requirement is for about 0.15ha of open/public space across the allocated site. Phase 1 delivered a small amount of open space and this is supplemented by more a more meaningful corridor of open space as an eastern boundary buffer in Phase 2a, and an eastern and southern boundary buffer in Phase 2b. This forms an effective green corridor along the boundary of the site, within which there is proposed to be significant planting and meadow grassland. A path runs the length of the proposed open space. The provision is well considered and meets the policy requirement.*

### **Playing Pitches and outdoor recreational facilities**

*SHDC Core Strategy Policy CS8 sets out the rationale for seeking Open, Space, Sport & Recreation (OSSR) provisions as key infrastructure for securing the delivery of sustainable development and meeting the various needs of the community. Levels of reasonable contributions based upon existing deficiencies and future demand for various OSSR provisions are detailed within the SHDC OSSR Supplementary Planning Document 2006.*

*The site does not include sports or recreational facility provision however an anticipated additional 76 residents from Phase 2a (applying Table 3 of SHDC OSSR SPD) will generate increased pressure on local off site facilities. There are local play facilities within the Brixton village, and football and rugby pitches. The South Hams and West Devon Playing Pitch Strategy (January 2015) highlights facility improvements required at the Horsham Playing Fields (to increase capacity and meet demand from future growth). Furthermore, Brixton Parish Council have identified a requirement for investment in the Brixton Play Trail, football pitch facilities and footpath links to meet the increased pressure generated by the Canes Orchard development.*

*It is considered that there is a clear pressure on these identified existing facilities that will be generated by this proposed development site, and accordingly a requirement for investment in these facilities from this proposed development to make this development acceptable in planning terms. The contributions being sought are not part of a pooled funding pot intended to fund provision of general infrastructure in an area. The contribution being sought is one required by policy to make the development sustainable and to mitigate the impact of the development (meeting the tests in the CIL Regs).*

*It is recommended that an off-site contribution should be sought 'towards improvements to facilities and at the Horsham Playing Fields, Brixton, and/or the football pitch at Frankfort Park, Brixton, and/or access improvements to these named facilities.' Based upon the additional 76 residents, and using Table 6 of the SHDC OSSR SPD as a guide on current costs, the sum of £45,220 should be sought within the 07/1196/15/F S106 agreement. It is noted that the dwelling size mix for the 07/1197/15/O has not yet been specified. Accordingly, it will be necessary to apply a '£595 per occupier' sum in the Outline S106 with number of occupiers calculated according to the formula in Table 3 of the SHDC OSSR SPD once the dwelling size mix is detailed at Reserved Matters*

## **Design:**

Phase 2a follows similar design principles to the scheme approved and largely constructed at Phase 1. The house types and materials are also similar to Phase 1 and are acceptable within the context of the site and the character of the area. The layout provides strong street frontages to the adopted highway with properties set close to the road.

Four units have no road frontage and instead front onto the landscape buffer area, the frontages are served by a footpath running from north to south, but vehicular access is gained via a rear parking courtyard and will effectively serve as the main point of access for these properties. Generally this is not a desirable layout solution as such parking areas can suffer security problems, areas can become untidy and the sense of arrival at the properties is diminished.

In this case the garden boundaries defining this courtyard will be stone walls, presenting a more attractive environment than timber fencing. The boundary wall splays northwards as you enter allowing greater visibility into the area therefore improving the sense of security, the area is quite generous and angular corners have been avoided to improve the perception of security. It is important that the area has appropriate lighting as recommended by the Police Architectural Liaison officer.

The provision of the parking court reduces the need for road space within the development and allows dwellings to front the open space, providing good natural surveillance of this area.

Of the 17 units only 2 have north facing gardens and the relationship of these plots with other buildings is such that they should still receive an acceptable amount of sunlight. Each dwelling has a minimum of 2 off street car parking spaces

Details of building and hardsurfacing materials have been submitted which follow the theme from Phase 1 and are considered to be acceptable

Whilst there is an outline application for the land at Phase 2b there is no certainty that this site will be delivered. It is important therefore that Phase 2a functions adequately on its own.

Connectivity of the site to Brixton village is important and a requirement of the Development Brief.

There is footpath provision around all sides of the site and a permissive footpath link is proposed linking the site to the Erme Plym Trail. In the absence of Phase 2b the connectivity provided by the permissive footpath, the circular footways around the site which link through into Phase 1 and from there into the village, are considered to be acceptable.

The density of development is considered to be acceptable and commensurate with many new residential developments. No harm arises from potentially increasing the number of dwellings originally allocated for the smaller RA12 site.

On balance the proposed design and layout is considered to be acceptable.

### **Neighbour Amenity:**

Neighbours at Cherry Tree Drive have raised concerns about loss of privacy resulting from overlooking from the new houses, the overbearing nature of the houses which are set at a higher level and security issues arising from the footpaths behind their gardens.

The houses that front onto the landscape buffer have principal first floor and ground floor windows which face towards Cherry Tree Drive. The distance between the new frontages and the rear elevations of the nearest properties on Cherry Tree Drive is approx. 34m. This distance is greater than often found in residential environments and is deemed to be an acceptable window to window distance.

The properties at Cherry Tree Drive however are used to privacy in their gardens, it is therefore important that the robust landscaping scheme proposed for the eastern site boundary is implemented and that some of the tree planting includes good sized saplings to encourage a fast developing privacy screen.

Due to the topography of the land the houses fronting onto Cherry Tree Drive will be set at a higher level and sections through the site have been submitted to show this. Having regard to the concerns raised by residents the applicant has changed the roof pitch on plots 42 and 43 where the impact was the greatest; this has reduced the ridge heights by approx. 300mm. In the worst case (plot 42) the new dwelling will still be approx. 2m higher than the opposite property on Cherry Tree Drive, however due to the distance between the dwellings the relationship will not be unduly overbearing nor will it result in any loss of light to Cherry Tree Drive.

Concerns have been raised with regard to people walking within the landscape buffer zone, encouraged by the footpath that will be provided, and the loss of privacy and security issues that may arise from this. The landscape plans originally showed additional mown footpaths running through the landscape buffer which ran close to some of the rear garden boundaries; these have now been omitted. The proposed formal footpath providing access to the house frontages is set some 16m - 20m from the site boundary. Even with the link to the Erme Plym Trail the area is unlikely to be heavily used.

Within the landscaping scheme dense, prickly shrub planting is proposed amongst the tree planting on the eastern site boundary. Dense undergrowth improves boundary security. The area is overlooked by the new properties which also aids security.



It is considered that the introduction of a footpath within the landscape buffer will have no significant detrimental impact on the residential amenity of Cherry Tree Drive, particularly when the landscaping begins to mature.

Whilst the development will clearly change the outlook of the houses on Cherry Tree Drive it is considered that the impact on residential amenity is acceptable.

### **Highways/Access:**

No highway issues arise; the Highway Authority raise no objection subject to standard conditions.

### **Heritage:**

Comments from the Council's Conservation Officer include the following:

*The heritage assets most likely to be affected by the development are*

***Brixton House- grade II 19th century house surrounded by mature trees***

***St Mary's Church- grade I listed church***

***Priests cottages near to the church – grade II cottages***

*There are also undesignated assets in the form of important walls and structures within this part of Brixton as identified within the Historic Environment Assessment prepared by AC Archaeology and dated November 2012.*

### **Views and Vistas**

*The current views from the application site towards and from Brixton House and the church are largely screened by mature trees. A carefully designed development in this position of Phase 2B and the current full application above, and working with the topography, should not have an adverse impact on the listed buildings as long as the turning head and branch roads to phase 2B are really well screened as more fully described below. In addition the open space to the east of the upper north east quadrant has a footpath and hedge screening and I note that this is planted with a line of trees running roughly north to south. Further augmenting of the hedgerow planting could be advantageous.*

*The gaps between the trees will afford some broken views and inter-visibility between the development and the listed buildings but these will be fragmented and not adversely impact them – with anticipated glimpses of natural slate roofs, stone and rendered facades. It would be helpful if there were additional trees amongst the housing itself and not necessarily just the few within the plots.*

### **Summary**

*I raise no objection in principle from a Conservation/Historic Environment perspective and the effect of the proposals on the heritage assets nearby as the principle of development has already been established by the development of the curtilage of the listed building to some degree and the tree screening is very effective. However I do recommend more thought is given by the applicant on matters of detail of the design and layout as outlined above in order*

*not to repeat some issues which are not satisfactory on the first phase as built and this may include possibly a slight reduction in density to address some of the issues outlined above.*

The impact of Phase 2a on heritage assets is acceptable and it is considered that there would be no harm to the special architectural or historic interest of the setting of any listed building or other heritage asset.

### **Drainage:**

SHDC's drainage engineer has a holding objection to this scheme; negotiations and investigations are ongoing and a verbal update will be given to the committee on this matter.

### **Renewable Energy**

The applicant has appointed energy consultants to investigate the matter of energy supply. An Energy Efficiency and Renewables Strategy has been submitted which outlines the energy strategy that is proposed to be used to ensure that both site wide carbon dioxide emissions and energy consumption are minimised on site. The applicants propose to ensure that 10% of the energy supply of the development will be met through the deployment of dwelling based PV systems.

Residents and the Parish Council have requested that solar panels are not installed on the east facing roof slopes of the plots facing Cherry Tree Drive. This request is not considered to be reasonable or necessary however it is proposed that a condition be applied to agree the type of PV equipment to achieve the least visually intrusive option.

### **Conclusion**

Due regard has been given to the objections that have been received which raise pertinent material planning considerations, and these have been balanced against material planning issues which are in favour of allowing sustainable development on this site. Paragraph 7 of the NPPF outlines the three dimensions to sustainable development as follows:

- **an economic role** – contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation; and by identifying and coordinating development requirements, including the provision of infrastructure;
- **a social role** – supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services that reflect the community's needs and support its health, social and cultural well-being; and
- **an environmental role** – contributing to protecting and enhancing our natural, built and historic environment; and, as part of this, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change including moving to a low carbon economy.

It is considered that this development is sustainable development as defined by the NPPF and as such, subject to agreeing an appropriate drainage strategy, the prior completion of a

Section 106 Agreement dealing with a number of issues, together with appropriate conditions, it is recommended that planning permission be granted for this development proposal.

## **Considerations**

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

## **Planning Policy**

*NPPF*

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

CS1 Location of Development  
CS2 Housing Provision  
CS6 Affordable Housing  
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  
DP8 Open Space, Sport and Recreation  
DP11 Housing Mix and Tenure

### **Rural Areas DPD**

Policy RA12

### **Affordable Housing DPD**

AH2 – Allocated sites

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

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

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## PLANNING APPLICATION REPORT

**Case Officer:** Wendy Ormsby

**Parish:** Brixton

**Application No:** 07/1197/15/O

**Agent/Applicant:**

D2 Planning Ltd  
Suites 3 and 4 Westbury Court  
Church Road  
Westbury on Trym  
Bristol  
BS9 3EF

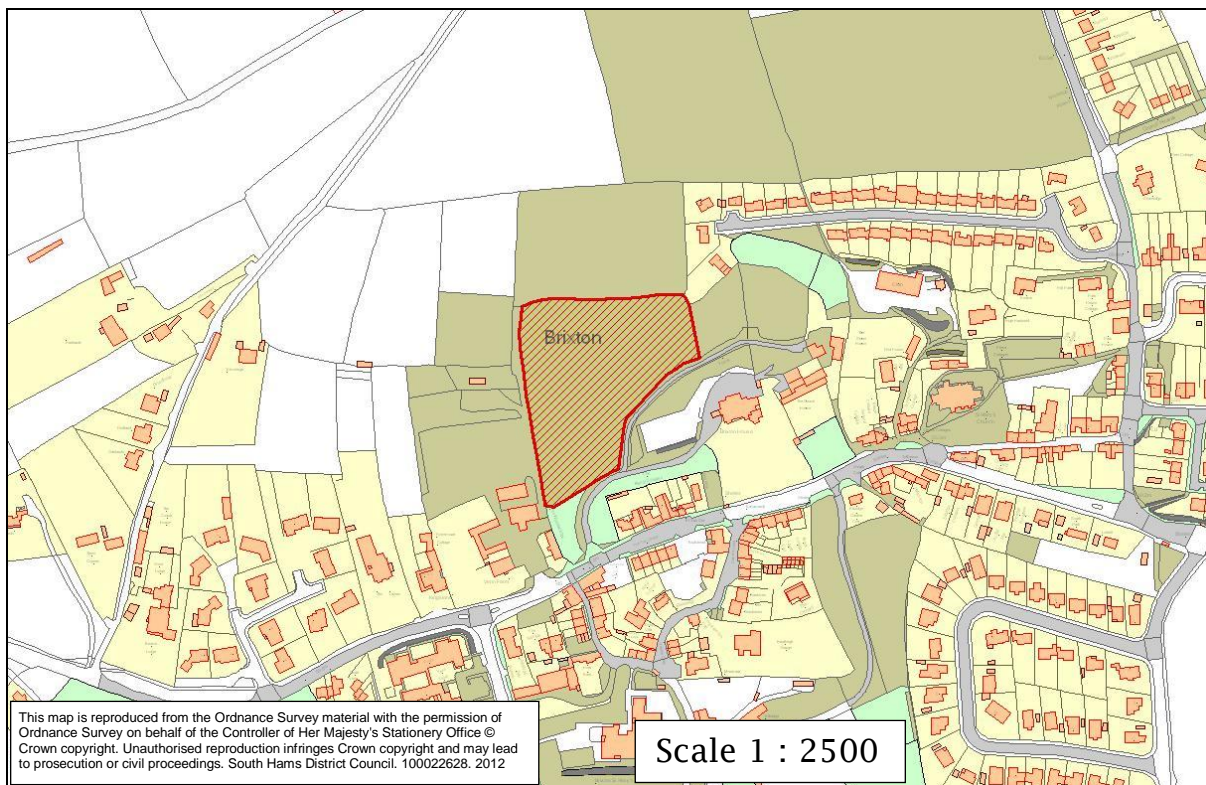
**Applicant:**

David Wilson Homes (Exeter)  
c/o agent

**Site Address:** Proposed development site at SX 550 522 adjacent to Venn Farm, Brixton, Plymouth

**Development:** READVERTISEMENT (Revised Plans Received) Outline application (with some matters reserved) for residential development of up to 17 dwellings, with associated means of access and provision of landscape buffer to south (Phase b)

**Reason item is being put before Committee:** Land is owned by a Member of the Council.



## **Recommendation:**

Authority to grant conditional approval be delegated to the Lead Specialist (Development Management) in consultation with the Chairman of Development Management Committee, subject to conditions and the signing of a Section 106 Agreement to provide the following:

1. Affordable Housing – 5 units of intermediate sale affordable houses
2. Education – Payment of a contribution towards the provision of secondary education at Ivybridge Community College and towards secondary school transport.
3. Tamar/Yealm Estuary SACs –Payment of a contribution dependent on final number of dwellings
4. Sport and recreation – Payment of a contribution of £595 per occupier towards improved facilities for off-site sport and recreation
5. Public Open Spaces, landscape and Ecology – payment of a commuted sum to the Parish Council or other agreed organisation for the maintenance of the public open spaces for a minimum period of 15 years and a requirement to set up an appropriate organisation to manage the public open spaces, landscaping and ecology and to ensure continued access.

## **Conditions**

1. Standard time limit for submission of reserved matters
2. Standard time limit for commencement of development
3. Access details accord with plans.
4. LEMP to be submitted
5. Implementation of ecological mitigation measures and LEMP
6. Supervision of Ecological Measures.
7. Retention of Trees & Hedgerows.
8. No works to hedgerows without evidence of appropriate consents from Natural England
9. Protection of Trees & Hedgerows and no storage of equipment within root protection area.
10. Open Space Provision, access and maintenance
11. No External Burning of Waste.
13. Details of Energy Efficiency Measures, including details of PV equipment.
14. Lifetime Homes.
15. Completion of Highways Related Works.
16. Construction Management Plan
17. Hours of Construction Working.
18. Unsuspected Contamination.
19. GPDO Exclusion (roof alterations, boundary treatment, porches).
20. Implementation and maintenance of agreed drainage strategy.

## **Key issues for consideration:**

Principal of the development  
Affordable housing  
Landscape impact  
Impact on residential amenity  
Drainage

## **Site Description:**

The application site is a 1.1ha (approx.) parcel of agricultural land located to the north of the village of Brixton and sited east of Phase 1 of the residential development known as Canes Orchard, currently under construction on the north side of the A379.

To the top north east corner the site adjoins the rear garden of 23 Cherry Tree Drive. To the east the site adjoins a paddock and the south eastern boundary adjoins the access road to properties including Brixton House, The Coach House and The Stone House. To the west the site is bounded by a hedgerow with Phase 1 beyond. To the north a boundary defined by a hedgerow, is agricultural land that is currently subject to a planning application for a further 17 houses (Phase 2a of the Canes Orchard development).

The land is undulating but generally slopes downwards from North West to south east.

The site lies outside of the South Devon AONB, the boundary of which is defined by the A379 to the south

Access to the site is via the existing access into Phase 1 of Canes Orchard, located on the north side of the A379.

The site is outside of the defined development boundary for Brixton but is within housing site allocation area RA12. The site is located within walking distance of the centre of Brixton which includes shops, a pub and a primary school.

## **The Proposal:**

The application seeks outline planning permission for up to 17 dwellings with only means of access to be agreed; an indicative layout has been submitted but is not for detailed consideration.

It is proposed that 5 units (2 x three bed and 3 x two bed) will be offered as intermediate sale affordable dwellings. This represents 29.5% affordable housing.

Access into the site will be from the north east corner of the site where it adjoins the Phase 1 land.

A 25m deep landscaped area, linked to the landscape buffer in Phase 2a, is indicated along the south eastern site boundary. Within this area is indicated a hammerhead turning area from which private drives will provide access to the dwellings fronting this open space. Footpath links connect this open space to Phase 1 and Phase 2a. The submitted landscape scheme shows significant tree and shrub planting adjacent to this eastern site boundary, intended to provide screening to the listed building Brixton House. A play area is indicated within the landscape buffer zone which would provide the principal play area for the overall Canes Orchard development.

The majority of existing hedgerow boundaries will be retained, part of the northern and western hedgerows will be removed to allow access through.

The application is supported by a number of documents available to view on the website which include the following:

Design and Access Statement  
Statement of Community Engagement  
Landscape and Visual Appraisal  
Waste Management  
Transport Statement  
Flood Risk Assessment (addressing drainage)  
Ecological Impact Assessment  
Aboriginal Constraints Report  
Ground Investigation Report  
Historic Environment Assessment  
Landscape Strategy  
Non-technical drainage statement  
(Viability assessment relating to affordable housing also submitted as a confidential document)

## **CONSULTATIONS:**

### **County Highways Authority:**

No objection subject to conditions requiring a Construction Management Plan and details to be agreed.

### **Environmental Health Section:**

No objection. Recommend unsuspected land contamination condition

### **Police Architectural Liaison:**

Recommends that the principals of Secured by Design are applied to the detailed scheme.

### **DCC Education:**

No contribution to primary school places required  
Due to over capacity at Ivybridge Community College a financial contribution is sought  
Contribution to secondary school transport is sought

### **Natural England:**

No comments

### **SHDC Strategic Planning:**

Whilst the overall quantum of development proposed exceeds the original aspirations of the allocation, the schemes as submitted do make provision for the range of benefits identified within the development brief.

Following the viability assessment, and looking at the balance of the proposal including the acceptance of the AH contribution by SHDC Officers, it is confirmed that there are no policy objection to the proposals.



**Environment Agency:**

Is not required to comment

**SHDC Affordable Housing:**

Supports the application which includes 5 affordable dwellings

**AONB:**

No objection

**SHDC Conservation:**

No objection

**SHDC Drainage:**

Holding objection – negotiations/investigations are ongoing, the results of which will be verbally reported at the Committee meeting

**SHDC Landscape:**

No objection

**SHDC Ecology/Open Space and Recreation**

**Recommendation:** No objection subject to conditions and S106 clauses as follows:

**Conditions**

- Prior to commencement, submission of a Lighting Strategy reflecting recommendations of the Ecological Impact Assessment (EAD, December 2014).
- Prior to commencement, submission of a Landscape and Ecological Management Plan
  - Works to remove hedgerow or scrub habitats shall not in any circumstances commence unless the LPA has been provided with either:
    - a) a licence issued by Natural England pursuant to Regulation 53 of The Conservation of Habitats and Species Regulations 2010 authorising the works to go ahead; or
    - b) a statement in writing from Natural England or a suitably qualified ecologist to the effect that they do not consider that the works will require a dormouse licence
  - Details of equipped natural play area to be provided with Reserved Matters application

**S106 clauses**

- Securing contributions to projects to mitigate recreational pressures on the Yealm Estuary area of the Plymouth Sound and Estuaries SAC – to be calculated in accordance with the 'per dwelling' table once dwelling mix is determined at Reserved Matters.
- Securing management in perpetuity of open space, including play area, boundary features, etc. in accordance with LEMP

- Securing public access to the public open space in perpetuity through the s106 agreement
- Securing playing pitch and recreational facility contribution of £595 per occupier 'towards improvements to facilities and at the Horsham Playing Fields, Brixton, and/or the football pitch at Frankfort Park, Brixton, and/or access improvements to these named facilities.' – occupiers to be calculated in using dwelling size mix detailed within the Reserved Matters application and using Table 3 of the SHDC OSSR SPD 2006.

**Town/Parish Council:**

No reasons to recommend refusal but has the following concerns:

- Drainage: Need agreement for maintenance of soakaways and indemnity for existing residents relating to septic tank leakage.
- Drainage details still unclear. Can the swales manage expected water flows?
- Development should be required to include the use of solar slates to maximise energy efficiency while minimising visual impact

**Representations:**

5 letters of objection have been received, these letters can be viewed in full on the Council's web site. The reasons for objection include the following issues:

Potential for flooding  
 Conflicting drainage information  
 No need for more houses in the area  
 Exceeds number of units proposed in Policy RA12  
 Adverse impact on water quality at Yealm shellfishery  
 Development has encroached into the 25m landscape buffer zone  
 Access to Phase 1 already congested  
 Carbon emissions high enough already in the area, adverse impact on health  
 Adverse impact on the character of the village.

**Relevant Planning History**

07/2023/12/DEVBR – Development brief for proposed mixed use development comprising 27 dwellings and 0.1 ha of employment land – Approved

07/2022/12/F. Mixed use development comprising 27 dwelling and 0.1ha of employment land with associated access, car parking, landscaping and open space. – Conditional Approval.

07/1196/15/F – Residential development comprising 17 dwellings with associated access, car parking, landscaping, open space and associated works. – Registered (Phase 2a)

## ANALYSIS

### Principle of Development/Sustainability:

Policy CS1 of the South Hams Local Development Framework, 2006 (LDF) identifies settlements within which residential development is acceptable in principle. Outside of these settlements development will be strictly controlled and only permitted where it can be delivered sustainably and in response to a demonstrable local need.

Brixton is an identified settlement within Policy CS1; the application site lies outside, but adjacent to the identified settlement boundary.

The Rural Areas Site Allocations Development Plan Document, 2011 (DPD) allocates development sites within the rural areas of the South Hams. Site allocation RA12 includes the area of land related to this application, the site of Phase 1 which is under construction and part the site of planning application ref 07/1196/15/F.

Proposal RA12 seeks mixed use development to include residential and employment provision beyond 2016. About 50 dwellings and 0.1 ha of employment land are required by the proposal. There are also requirements for 0.1 ha of play provision and 0.15 ha of other public space together with cycle and footpath access to the village centre and towards Plymouth. Development of the site should accord with a Development Brief previously approved by the Council.

27 dwellings, 0.1ha of employment land and 0.075ha of open space have been approved as part of Phase 1.

Site allocation RA12 is roughly triangular in shape and dissects fields, not following any logical existing field boundaries. The development brief approved as part of Phase 1 revised the site boundaries.

The original RA12 site allocation covered an area of approx. 2.27 ha, a combination of the sites of Phase 1, Phase 2a and Phase 2b would total an area of approx. 3.2 ha.

Paragraph 49 of The National Planning Policy Framework states the following:

*Housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.*

Concerns have been raised that this application, together with the current application for a further 17 houses at Phase 2a would result in the provision of a total of 61houses on the RA12 allocated site, significantly more than the approx. 50 houses proposed in the RA12 allocation.

Paragraph 49 of the NPPF states that in the absence of a 5 year housing land supply relevant policies for the supply of housing are out of date. This means that the reference in Policy allocation RA12 to approx. 50 houses is not relevant and the presumption is in favour of sustainable development.

This is a sustainable site therefore the principal of residential development is acceptable subject to all other material planning considerations. The acceptability or otherwise of the increased number of houses should be considered with regard to issues such as design, landscape, residential amenity etc. rather than as a matter of policy and principal.

### **Affordable Housing Assessment**

SHDC's Affordable Housing Officer has been consulted about this application. There is a target of 60% affordable housing on allocated sites in the rural areas such as Brixton. This target is subject to viability and the availability of funding and based on the information in the Council's Affordable Housing DPD i.e. free serviced land and reasonable build costs.

The provision of affordable housing is one of the Council's corporate priorities due to the high level of need. This application proposed 5 affordable units which represents 29.5%. In order to support their position the applicants submitted an independent viability assessment (IVA). As the offer was significantly below the policy position the Council commissioned consultants DTZ to review the submitted assessment.

The proposals seek consent for 17 residential units. The IVA report seeks to establish the Residual Land Value (RLV) derived from the completion of the mixed use scheme (assuming varying levels of affordable housing) based on an acceptable level of developer's profit and an appropriate land value in order to encourage a site to come forward.

DTZ visited the site and took into consideration it's constraints, the methodology used and carried out a review of the assumptions made, looking at sales costs, build costs, external works, planning costs, commercial land, s.106 contributions, finance, delivery and developers profits.

DTZ concluded that, as with Phase 1 there are considerable site constraints which have a significant impact on the amount of affordable housing that can viably be provided. After this detailed scrutiny Officers accept that the development is unable to support a higher level of affordable housing. For this reason, the Affordable Housing Team accepts the viability of the site only supports 29.5 % affordable housing.

### **Education and education transport**

Revised contribution requests from the Strategic Planning Children's Services at DCC have very recently been received. These requests result in larger than anticipated contributions being sought from the developer which were not taken into account during the viability assessment. Discussions are ongoing and a verbal update on this matter will be given at the committee meeting.

### **Landscape impact:**

No objections have been received from the AONB unit or the Council's Natural Environment officers.

The site is outside of any protected landscape but visible from parts of the AONB which lies to the south. A detailed Landscape Visual Impact Assessment has been submitted as part of this application and it addresses the impact on landscape character, views and visual amenity.

Due to the topography of the land, the site being a south facing slope surrounded by mature hedgerows, the site is not prominent, offering limited views from the north and west. Longer distance views are available from the south but they are limited by vegetative screening.

Views of the development will mainly be localised, from adjoining land, and views will be of the site within the urban context of the village. The development will be clearly visible from the rear of the properties on the western end Cherry Tree Drive and visible from properties on the A379.

The scheme indicates a 25m landscape buffer on the south eastern site boundary which was agreed in principal as part of the Development Brief. The intention of this is on this part of the site is to minimise the impact on the setting of nearby listed buildings. Substantial tree planting is indicated within this landscape buffer which would reduce the visual impact of the development.

The 25m landscape buffer would provide a generous area of open space within the development which is accessible from the north and west providing good pedestrian connectivity through Phase 1 and 2.

Having regard to the site location and site constraints it is considered that the site could be developed for up to 17 dwellings without adverse impact on the landscape.

## **Trees and Hedges**

Comments from the Councils Trees and Landscape Specialist are as follows:

*In assessing the submitted Arboricultural Constraints Report (D2 57 04: JP Associates; 2013.11) and Soft Landscape Proposals, limited attention appears to have been given to trees in designing the overall layout. This has resulted in the removal of some Category B trees and those that are retained will require engineering solutions to mitigate the position of access roads and paths. Whist the overall impacts remain generally limited given the number of semi-mature and mature trees within the context of existing hedgebanks, mitigation will be sought to compensate for the loss of trees, in particular in Phase 2b. Sufficient space has been given to retained hedgerows within the layout for Phase 2a, and Phase 2b is currently indicative.*

*Protection of hedgerows, trees and new planting areas should concur with the recommendations of the submitted Arboricultural Constraints Report (D2 57 04: JP Associates; 2013.11) and detailed Conditions will seek further details prior to development. No objection is raised subject to Conditions*

## **Ecology:**

An Ecological Impact Assessment has been reviewed by the Council's ecological advisor who has provided detailed comments as follows:

### ***On-site biodiversity***

*The Ecological Impact Assessment (EclA) describes that 'the proposed development site comprised of arable, poor semi-improved and improved grassland fields surrounded by species-rich hedgerows, including mature and semi-mature trees.'*

*With respect to protected species, the EclA notes the following:*

- *No bat roosts were found within the site.*
- *Five species of bat were recorded foraging and travelling within the site (Common pipistrelle comprising 97% of bat passes). Bat activity at the site was low.*
- *Hazel dormice were recorded within hedgerows on site. The proposed development would require an EPS Licence with respect to dormice to proceed.*
- *A 'low' population of slow worms was found.*
- *Suitable bird nesting habitat occurred within the site, including hedgerow and scrub.*

*The EclA recommends mitigation and enhancement measures to include the following:*

- *Landscape / ecological planting, including an 'ecological buffer' along the south and east boundary. This would include new mixed-native hedgerow, mixed-native scrub, native tree planting and wildflower meadow. The extent of new native hedgerow and scrub planting would exceed the extent of hedgerow and scrub loss within the development area.*
  - *Habitat manipulation and supervised clearance of suitable habitat to avoid direct impacts on slow worms.*
- *Timing of habitat clearance outside of the bird breeding season or under the supervision of an ecologist.*
- *Activities considered likely to affect dormice or their habitats (including any removal of hedgerows or scrub) would be covered by a suitable Mitigation Licence from Natural England. Work would be undertaken in accordance with the conditions of the licence; as set out in the Method Statement submitted with the licence application. Suitable measures would be undertaken to ensure dormice were not directly affected during construction. New native hedgerow and mixed-scrub planting in the 'ecological buffer' would ensure there was no net loss of dormice habitat.*
  - *The retained hedgerows would be maintained and enhanced as corridors and would remain suitable for use by foraging and commuting bats.*
- *Sensitive lighting scheme to minimise light-spill on to retained and created hedgerows*
- *Inclusion of bird and bat boxes would be integrated into new buildings within the site; dormouse nesting boxes would be installed in retained hedgerows.*
- *Management of new and retained habitats under a LEMP.*

## **Dormice**

*As the proposed development will require an EPS Licence for Dormice, the LPA is required to consider whether the proposal meets the 3 derogation tests, and these are considered below:*

- *Imperative Reasons of Overriding Public Interest – These applications relate to allocated site RA12 (Rural Allocations DPD, 2011). The site will meet a requirement for additional housing as identified by the South Hams District Council Core Strategy (2006).*
- *No Satisfactory Alternative – This site has been through a process of site selection, and its selection is based on a range of factors, the balance of which formed the basis of it's' allocation.*
- *Maintenance of Favourable Conservation Status – The ecologist has outlined measures to ensure dormice are not directly affected during construction. New native hedgerow and mixed-scrub planting in the 'ecological buffer' would ensure there was no net loss of dormice habitat. This test is considered met.*

*It is considered that the 3 tests are met, and that it reasonable to expect that Natural England will subsequently grant an EPS Licence for Dormice.*

### **Off-site Biodiversity**

*The site is located some 1km to the Yealm component of the Plymouth Sound and Estuaries SAC. The South Hams Core Strategy HRA identified the potential for this site to cause effects on the SAC with respect to additional recreational pressures, and accordingly concluded that mitigation measures should to be secured if this site was developed to ensure there were no adverse effects on the SAC, namely:*

- *Partnership funding and support for the Tamar Estuaries Consultative Forum and Yealm Estuary Management Group or appropriate funding and support for the management structures undertaking the management scheme work in relation to the SAC.*
- *Secure funding to support recreation linked projects/actions identified in the Tamar Estuaries Management Plan, Yealm Estuary Environmental Management Plan, any revisions or updates of these plans and/or other relevant management plans.*

*Accordingly, it is recommended that S106 contributions per dwelling are sought from the proposed development.*

Natural England have commented that they do not wish to comment and their standing advice applies.

The impact on Ecology is considered to be acceptable subject to the recommended conditions and Section 106 obligations as set out above.

### **Open space and recreation:**

The Council's officer from Natural Environment and Recreation has commented as follows:

#### **Open Space, Sport and Recreation**

*The Rural Allocations DPD (2011) proposal RA12 includes a requirement for 'about 0.1ha of play provision and 0.15ha of other public space.'*

*Phase 1 of this allocation included small areas of open/public space (under provision for the houses provided), did not deliver any play area provision, and delivered a proportionate playing pitch contribution which was included within the S106.*

*Accordingly, there is an expectation that Phase 2 of the allocated site should deliver the policy requirement for the whole allocation with respect to play area provision, deliver the remainder of the open/public space requirement, and also deliver further playing pitch contributions.*

#### **Play**

*Taking the allocated site as a whole (61 dwellings) and a requirement for about 0.1ha of play provision, this broadly equates to a requirement for a Locally Equipped Area for Play (LEAP) to meet the requirements of the new residents of the allocated site.*

*Phase 1 delivered no play space.*

*Phase 2a includes provision of approximately 200sqm of 'natural play' aimed at toddlers (traditionally considered a Local Area for Play or LAP) comprising timer balance posts, 'log train' and seating.*

*Phase 2b indicates provision of circa 600sqm of 'equipped natural play area.'*

*It is noted that there is further opportunity for 'informal play' within the wider open space provision which runs along the southern and eastern boundary.*

*Accordingly, considering the whole allocated site in its' entirety at present it would appear that there may be a slight under-provision of play against the policy requirement, however I note that across the allocation, open space is slightly overprovided, and there is the opportunity for 'natural play' against a backdrop of new planting and meadow grassland.*

### **Open Space**

*The policy requirement is for about 0.15ha of open/public space across the allocated site. Phase 1 delivered a small amount of open space and this is supplemented by more a more meaningful corridor of open space as an eastern boundary buffer in Phase 2a, and an eastern and southern boundary buffer in Phase 2b. This forms an effective green corridor along the boundary of the site, within which there is proposed to be significant planting and meadow grassland. A path runs the length of the proposed open space. The provision is well considered and meets the policy requirement.*

### **Playing Pitches and outdoor recreational facilities**

*SHDC Core Strategy Policy CS8 sets out the rationale for seeking Open, Space, Sport & Recreation (OSSR) provisions as key infrastructure for securing the delivery of sustainable development and meeting the various needs of the community. Levels of reasonable contributions based upon existing deficiencies and future demand for various OSSR provisions are detailed within the SHDC OSSR Supplementary Planning Document 2006.*

*The site does not include sports or recreational facility provision however an anticipated additional 76 residents from Phase 2a (applying Table 3 of SHDC OSSR SPD) will generate increased pressure on local off site facilities. There are local play facilities within the Brixton village, and football and rugby pitches. The South Hams and West Devon Playing Pitch Strategy (January 2015) highlights facility improvements required at the Horsham Playing Fields (to increase capacity and meet demand from future growth). Furthermore, Brixton Parish Council have identified a requirement for investment in the Brixton Play Trail, football pitch facilities and footpath links to meet the increased pressure generated by the Canes Orchard development.*

*It is considered that there is a clear pressure on these identified existing facilities that will be generated by this proposed development site, and accordingly a requirement for investment in these facilities from this proposed development to make this development acceptable in planning terms. The contributions being sought are not part of a pooled funding pot intended to fund provision of general infrastructure in an area. The contribution being sought is one required by policy to make the development sustainable and to mitigate the impact of the development (meeting the tests in the CIL Regs).*

*It is recommended that an off-site contribution should be sought 'towards improvements to facilities and at the Horsham Playing Fields, Brixton, and/or the football pitch at Frankfort*



*Park, Brixton, and/or access improvements to these named facilities.’ Based upon the additional 76 residents, and using Table 6 of the SHDC OSSR SPD as a guide on current costs, the sum of £45,220 should be sought within the 07/1196/15/F S106 agreement. It is noted that the dwelling size mix for the 07/1197/15/O has not yet been specified. Accordingly, it will be necessary to apply a ‘£595 per occupier’ sum in the Outline S106 with number of occupiers calculated according to the formula in Table 3 of the SHDC OSSR SPD once the dwelling size mix is detailed at Reserved Matters*

### **Design:**

Layout, scale and external appearance are reserved matters. The layout shown on supporting documents is illustrative only.

### **Neighbour Amenity:**

There is only one existing dwelling that directly adjoins this site, 23 Cherry Tree Drive. Having regard to the requirement for a 25m landscape buffer on the boundary the minimum distance between 23 Cherry Tree Drive and any new house within Phase 2b would be approx.50m.

It is considered that it would be possible to achieve a development of up to 17 dwellings on the site that would not have a significant impact of the amenity of 23 Cherry Tree Drive.

Brixton House lies to the south of the site; the distance away from the site and the presence of existing vegetative screening at Brixton House means that a development could take place at the application site without adverse impact on the amenity of this property.

The Stone House and The Coach House have both raised concerns about possible flooding of their properties as a consequence of this development. Clearly flooding would adversely affect their amenity.

The recommendation for approval of this application is subject to an agreed drainage strategy that will mitigate any potential flooding issues that could arise as a result of the development.

### **Highways/Access:**

No highway issues arise; the Highway Authority raise no objection subject to standard conditions.

### **Heritage:**

Comments from the Council’s Conservation Officer include the following:

*The heritage assets most likely to be affected by the development are*

***Brixton House- grade II 19th century house surrounded by mature trees***

***St Mary’s Church- grade I listed church***

***Priests cottages near to the church – grade II cottages***

*There are also undesignated assets in the form of important walls and structures within this part of Brixton as identified within the Historic Environment Assessment prepared by AC Archaeology and dated November 2012.*

### **Views and Vistas**

*The current views from the application site towards and from Brixton House and the church are largely screened by mature trees. A carefully designed development in this position of Phase 2B and the current full application above, and working with the topography, should not have an adverse impact on the listed buildings as long as the turning head and branch roads to phase 2B are really well screened as more fully described below. In addition the open space to the east of the upper north east quadrant has a footpath and hedge screening and I note that this is planted with a line of trees running roughly north to south. Further augmenting of the hedgerow planting could be advantageous.*

*The gaps between the trees will afford some broken views and inter-visibility between the development and the listed buildings but these will be fragmented and not adversely impact them – with anticipated glimpses of natural slate roofs, stone and rendered facades. It would be helpful if there were additional trees amongst the housing itself and not necessarily just the few within the plots.*

### **Summary**

*I raise no objection in principle from a Conservation/Historic Environment perspective and the effect of the proposals on the heritage assets nearby as the principle of development has already been established by the development of the curtilage of the listed building to some degree and the tree screening is very effective. However I do recommend more thought is given by the applicant on matters of detail of the design and layout as outlined above in order not to repeat some issues which are not satisfactory on the first phase as built and this may include possibly a slight reduction in density to address some of the issues outlined above.*

The impact of Phase 2b on heritage assets is acceptable and it is considered that there would be no harm to the special architectural or historic interest of the setting of any listed building or other heritage asset.

### **Drainage:**

SHDC's drainage engineer has a holding objection to this scheme; negotiations and investigations are ongoing and a verbal update will be given to the committee on this matter.

### **Conclusion:**

Due regard has been given to the objections that have been received which raise pertinent material planning considerations, and these have been balanced against material planning issues which are in favour of allowing sustainable development on this site. Paragraph 7 of the NPPF outlines the three dimensions to sustainable development as follows:

- **an economic role** – contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation; and by identifying and coordinating development requirements, including the provision of infrastructure;
- **a social role** – supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and

by creating a high quality built environment, with accessible local services that reflect the community's needs and support its health, social and cultural well-being; and

- **an environmental role** – contributing to protecting and enhancing our natural, built and historic environment; and, as part of this, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change including moving to a low carbon economy.

It is considered that this development is sustainable development as defined by the NPPF and as such, subject to agreeing an appropriate drainage strategy, the prior completion of a Section 106 Agreement dealing with a number of issues, together with appropriate conditions, it is recommended that planning permission be granted for this development proposal.

## **Considerations**

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

## **Planning Policy**

*NPPF*

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

CS1 Location of Development

CS2 Housing Provision

CS6 Affordable Housing

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

DP8 Open Space, Sport and Recreation

DP11 Housing Mix and Tenure

## **Rural Areas DPD**

Policy RA12

## **Affordable Housing DPD**

AH2 – Allocated sites

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

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

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## PLANNING APPLICATION REPORT

**Case Officer:** Tim Furmidge

**Parish:** Dartington

**Application No:** 14/1687/15/VAR

**Agent/Applicant:**

Ms H Ruddock-West

Lownard Mill

Week

Dartington

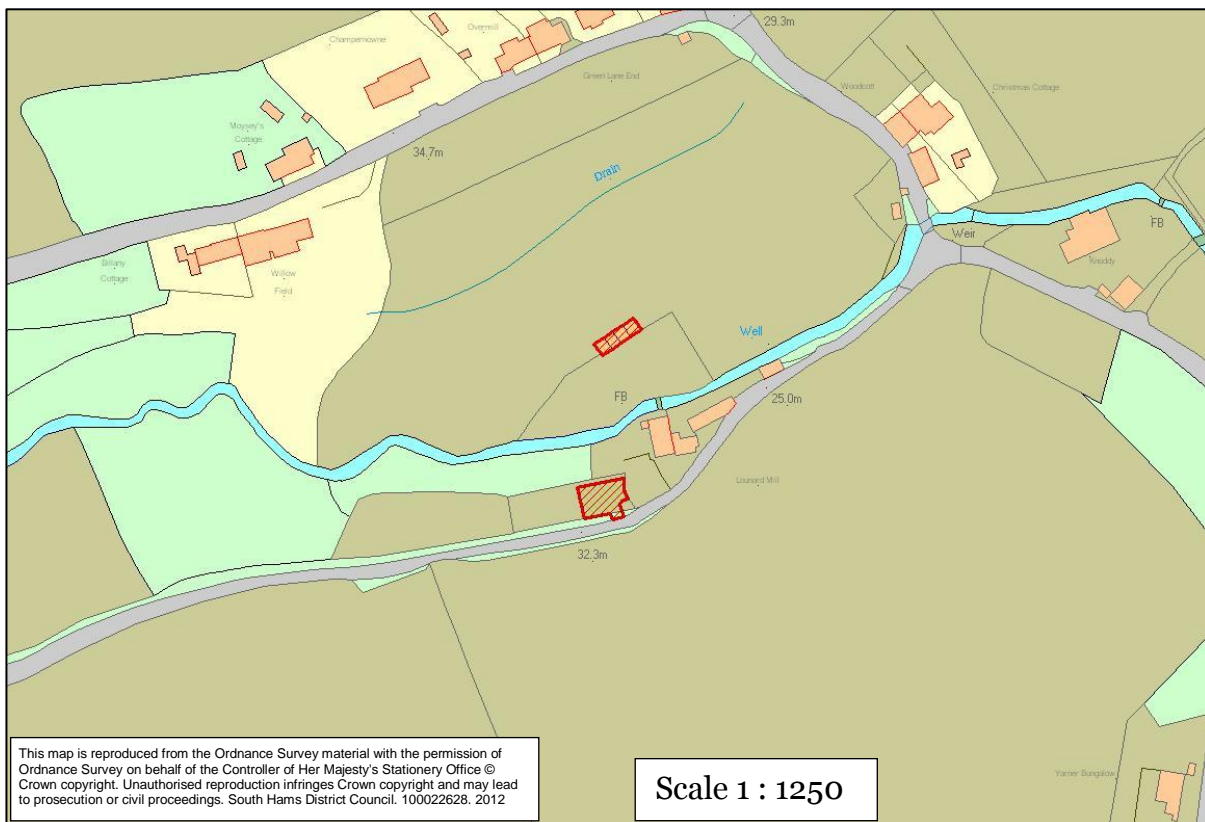
Totnes

TQ9 6JJ

**Site Address:** Stables, Lownard Mill, Dartington, Totnes, TQ9 6JJ

**Development:** Variation of condition 6 (Traffic Management Plan) and removal of condition 7 (Closure of Access) of planning consent 14/3161/14/F

**Reason item is being put before Committee:** This application is before Committee at the request of Councillor Hodgson, mindful of the number of objections received



## **Recommendation: Conditional Approval**

### **Conditions**

1. Accord with plans
2. Unsuspected Contamination
3. Holiday accommodation
4. Access and parking in accordance with approved plans
5. Details of traffic movements and construction
6. Development carried out in accordance with Preliminary Ecological Assessment

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

The impact of keeping the field access open, for the use of builders/contractors during construction phase and holiday cottage users, on Highway users and Highway safety.

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### **Site Description:**

The site is to the rear (north) of Lownard Mill, and is currently a redundant kennel block, which was given planning approval in April 2015 (14/3161/14/F) for the change of use and conversion of stables into self-contained holiday accommodation. The approved parking and access was to be from the south (the access also serves Lownard Mill).

The site is open countryside but has no statutory designation constraints.

### **The Proposal:**

The proposal is for the variation of Condition 6 (Traffic Management Plan) and removal of Condition 7 (Closure of Access) of planning consent 14/3161/14/F.

### **Consultations:**

- County Highways Authority: No objection.
- Dartington Parish Council: They object to the proposal for the following reason:
  - a) Unsafe highway access/highway safety implications
- Others: None received

### **Representations:**

The proposal has received 15 letters of objection from local residents, they object for the following reasons:

- Unsafe highway access / poor visibility / highway safety implications;
- Impact from building contractor movements.

### **Relevant Planning History**

14/3161/14/F - change of use and conversion of stables into self-contained holiday accommodation – Conditional Approval 24/04/15.

## **ANALYSIS**

The existing approval is for the change of use and conversion of stables into self-contained holiday accommodation. The applicants are now seeking to variation of Condition 6 (Traffic Management Plan) and removal of Condition 7 (Closure of Access) of planning consent 14/3161/14/F.

### Principle of Development

Planning officers have no objection in principle with the use of this small building for self-contained holiday accommodation. The applicant's have now applied to vary the condition to allow the use of the eastern field access for builders during construction and for users of the approved holiday accommodation, and to remove the amount of detail required for the Traffic Management Plan. On balance, it is considered by Officers to be acceptable and would be supported by Officers due to the comments received from the County Highways Authority, in which they have no objection to this application.

### Highways

The original point of access and egress to the site was revised during the course of the previous planning application (14/3161/14/F), and it was agreed that the access, egress and parking for users of the holiday accommodation would be from the public highway to the south that currently serves Lownard Mill. The submitted drawing titled 'Application Site in Context' (dated February 2015) clearly identifies this as the approved access and parking in relation to the holiday accommodation.

The previous application (14/3161/14/F) was approved on the basis that the eastern field access would be closed due to poor visibility and highway safety implications and that the southern shared access would be used for the approved holiday accommodation. This ensured that objections received from statutory consultees and interested parties on highway grounds were either withdrawn or that it was stated that there would be no objection. This was subject to being in accordance with Highways Standing Advice, which with the revised access, it was considered to accord with.

Conditions were attached to the approved application (14/3161/14/F) requiring the submission of details identifying the point of access, egress and parking for construction workers, as well as a planning condition stating that the point of access to the east of the site should not be used for vehicular access and egress for holiday residents to the facility (in that it should only be used for the maintenance of the surrounding land for agricultural purposes only). The Applicant has submitted this application to allow the use of the eastern access for construction traffic and access to the approved converted stables/kennels with the removal of condition 7 and the reduction of required information for traffic and construction in condition 6. The Applicant states that condition 6 is over onerous in its requirement for details of construction traffic and vehicle movements for this type of development and a simplification of Condition 6, especially with the use of the eastern access, would be more reasonable. They have submitted details regarding construction traffic, location of parking and normal working hours on site (construction between hours 08.00 to 17.00 Monday to Friday and 08.00 to 12.00 Saturdays). They state that the use of the eastern access will not cause delays on the local highway network and construction traffic would be small and for a short period of time due to minor size of the approved development; and the use of the track would allow safer and easier use of the approved holiday unit, without this it would be more difficult with people of limited movement or are disabled; and that the Highway authority did not object to the use of the eastern access.

Officers have taken a visit to the site and have viewed the proposed eastern entrance, access and the surrounding connecting highway network. It is appreciated that the country lane, in which the eastern track would be accessed from, is narrow with little visibility splays available for egress of vehicles from the site. Due to this, Devon County Highways Authority were consulted and they commented that they had no objection to the variation and simplification of Condition 6 and the removal of Condition 7 for allowing the use of the eastern field access for the development (due to low volume of traffic anticipated). In the light of these Highways comments, officers consider that they would be unlikely to maintain a Refusal on Highway Safety grounds, if the application was to be taken to Appeal, without the backing of the County Highway Authority.

**Conclusion:**

Although there are concerns regarding highway safety, and objections received from the Parish Council and from 15 local residents also on highway safety grounds, however, in view of the above comments from the Highway Authority, the proposed variation of Condition 6 and removal of Condition 7 is therefore considered to be acceptable and does accord with the relevant Local and National Planning Policies. It is therefore recommended for Approval subject to relevant conditions.

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

**Planning Policy**

*All standard policies listed (delete where not relevant, add others as relevant, including NPPF):*

***South Hams LDF Core Strategy***

CS1 Location of Development

CS7 Design

***Development Policies DPD***

DP1 High Quality Design

DP2 Landscape Character

DP3 Residential Amenity

DP5 Conservation and Wildlife

DP7 Transport, Access & Parking

DP15 Development in the Countryside

DP12 Tourism and Leisure

DP16 Conversion and Reuse of Existing Buildings in the Countryside

**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:** Mrs Clare Stewart

**Parish:** Dittisham

**Application No:** 18/0742/15/F

**Agent/Applicant:**

Mr Adam Bennis  
BBH Chartered Architects (Dartmouth) Ltd  
9 Duke Street  
Dartmouth  
TQ6 9PY

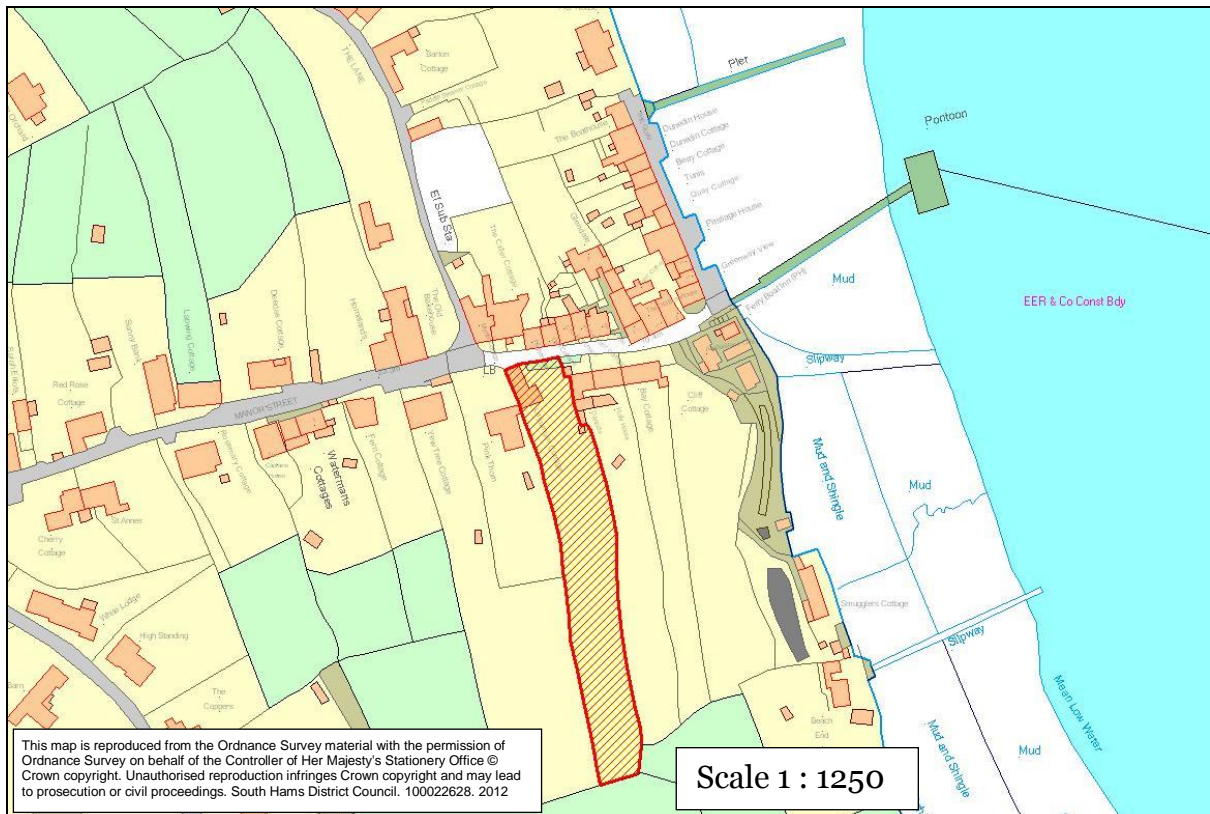
**Applicant:**

S Quinn  
Laburnum Cottage  
Manor Street  
Dittisham  
Dartmouth  
TQ6 0EX

**Site Address:** Laburnum Cottage, Manor Street, Dittisham, Dartmouth TQ6 0EX

**Development:** Householder application for demolition of existing extension and construction of 2 storey extension, alterations to dwelling with associated landscaping and parking

**Reason item is being put before Committee:** This application (and an associated listed building consent application ref. 18/0743/15/LB) have been brought to DM Committee on the request of the Ward Member in light of public concern and Parish Council objection.



**Recommendation:** Conditional approval

### **Conditions**

1. Time limit
2. Accord with plans
3. External finishes to extension
4. Stonework to parking area
5. Unsuspected contamination

Informative re. protected species

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

Principle, design, impact on historic environment, street scene, AONB.

### **Site Description:**

Laburnum Cottage is situated towards the eastern end of Dittisham on the south side of Manor Street, a short distance to the east of the junction with The Lane. It is a detached Grade II listed property which faces towards the estuary, but is clearly visible from Manor Street. The southern end of the property has previously been extended (somewhat unsympathetically), and it currently benefits from a parking space immediately adjacent to Manor Street. The residential curtilage extends a considerable distance to the south of the dwelling, with neighbouring properties to the east and west.

The site is located within the Dittisham Conservation Area and the South Devon Area of Outstanding Natural Beauty.

### **The Proposal:**

Permission is sought to demolish the existing extension to Laburnum Cottage and construct a new two storey extension. The proposed extension is contemporary in design, with a curved elevation and flat roof. External finishes would include stone and rain screen cladding, with powder coated aluminium windows. Minor works are also proposed to the existing cottage including a new natural slate roof, construction of new a chimney and re-rendering. The elevations originally submitted also showed the replacement of the windows on the existing dwelling with new double glazed timber units, however this element was removed from the scheme during the life of the application.

Landscaping works are proposed to accommodate the new extension and make more use of the top section of the garden. It is also proposed remove an existing boundary wall facing Manor Street and construct a new one further back into the site to provide additional space for parking.

Additional plans were submitted during the life of the application to further illustrate the proposals. The Parish Council and third parties who had already submitted representations were invited to submit any further comments.

A listed building consent application for the above works has been submitted concurrently (18/0743/15/LB). A separate application for an ancillary building within the garden of Laburnum Cottage is also under consideration (18/0305/15/F).

## **Consultations:**

- County Highways Authority – Standing Advice applies
- Environmental Health Section – No objection subject to standard unsuspected contamination condition
- Dittisham Parish Council – Objection – proposal out of keeping with AONB, Conservation Area and Listed Building. Removal of protected stone wall. Application submission is inaccurate. Negative effect on residential amenity. Light pollution. Concerns regarding excavation works adjacent to foundations of neighbouring property. If LPA is minded to approve request conditions that flat roof is not used for any domestic or recreational purpose, and a detailed Method and Access Statement and Dilapidation Schedule are required. Proposal should be considered in conjunction with proposal for structure in garden.

## **Representations:**

12 letters of objection have been received following the statutory consultation period and further invitation for submission of comments, with the issues raised summarised as follows:

- Overdevelopment
- Out of keeping with surrounding area, negative impact on historic street scene
- Impact on street scene has not been considered
- Overlooking to neighbouring properties
- Noise from new doors (close to neighbouring bedroom)
- Use of flat roof as balcony/amenity space
- Increased noise and traffic generation
- Vehicles would be reversing onto Manor Street, more dangerous than current situation.
- Impact of parking area would damage character of street scene. Parking area could accommodate 4/5 cars – unnecessarily large
- Stone wall similar to others in village, permission for a similar application for parking was refused
- Existing stone would not be re-used
- Light pollution from excessive glazing
- Damage to neighbouring properties from excavation works
- Submitted details misleading
- Double glazing proposed in main cottage – other listed properties on Manor Street have not been allowed this glazing
- Drainage
- Precedent
- Errors in application form
- Schedule of Dilapidations of neighbouring properties needed
- Concern regarding removal of existing asbestos roof
- Should be considered in conjunction with yurt application

## Relevant Planning History

- 18/0743/15/LB, Listed building consent for demolition of existing extension and construction of 2 storey extension, alterations to dwelling with associated landscaping and parking, Laburnum Cottage, Manor Street, Dittisham – under consideration
- 18/0305/15/F, Householder application for construction of ancillary garden building within the curtilage of Laburnum Cottage (resubmission of 18/2875/14/F), Laburnum Cottage, Manor Street, Dittisham – under consideration
- 18/2875/14/F, Householder application for construction of new single garden building within the curtilage of Laburnum Cottage, Laburnum Cottage, Manor Street, Dittisham – withdrawn
- 18/0254/84/3, Car parking bay, Laburnum Cottage, Manor Street, Dittisham – conditional approval
- 18/0959/75/3, Erection of private double garage with forecourt and turntable (renewal of permission granted under WP/8331 and WP/8484/73), Laburnham Cottage Manor Street Dittisham – conditional approval

## ANALYSIS

Principle of Development/Sustainability:

The principle of alterations/extension to the existing dwelling raises no objection.

Design/Conservation/Landscape:

The existing extension does not make a particularly positive contribution to the main dwelling from a visual perspective and is of no significant architectural merit. There are examples of modern houses and extensions within Dittisham, and the principle of a contemporary design approach to the replacement extension is not in itself an issue. The current submission follows lengthy discussions between the Agent and Officers (including a Conservation Officer) to try and agree an appropriate scale and design for the new extension. Additional information was submitted during the life of the application to better illustrate what the proposed extension would actually look like. On balance it is considered the proposed extension, taking into account the size of the existing extension, offers an acceptable design solution. Whilst it would be visible from Manor Street the scale and form of development proposed would preserve the special interest of the existing cottage, and it is considered it would not result in substantive harm to the character of the immediate or wider locality.

Concern has been raised in representations regarding the impact of the proposed alterations to the parking area fronting Manor Street. There appears to be some confusion regarding the size of the proposed parking area. The submitted plans shows that the new wall would be constructed approximately 1 metre from the line of the existing wall. An additional plan submitted during the life of the application shows that the new parking area would provide space for two vehicles parked horizontally. Whilst historic nature of Manor Street is acknowledged, it is not considered a parking area of the size proposed would result in substantive harm to the character of the locality (particularly as vehicles currently parking in this area, including at Laburnum Cottage, already have an impact on the historic character). Concern has also been raised regarding the finish of the stone wall. A condition is recommended to ensure the details are acceptable. Each application must be considered on its own planning merits taking account of the specific site context. The previous application

for a parking area at St Anne's Cottage related to the provision of an entirely new parking area. The current application is effectively for the extension of an existing parking area (which was approved in 1984) and it is considered the difference between the existing site and what is proposed (subject to a condition to secure the detailing of the new stone wall), would not result in substantive harm in this case.

Reference has also been made to the use of double glazed window units on the existing property. There was concern regarding the lack of justification for this removal of historic fabric (the windows in question may be original) and this element has now been withdrawn from the current proposal.

#### Neighbour Amenity:

Concern has been raised in particular with regard to the impact of the proposed development on the amenities of Pink Thorn, which lies to the west of the application site. Noise from the use of a domestic extension is not considered to constitute grounds for refusal (it could be investigated under separate legislation by Environmental Health if any noise complaints were received by the Council in the future). There is no easy access onto the roof of the proposed flat roof extension which would make it difficult to be used as amenity space.

It is considered the proposed window openings would not result in a substantive increase in overlooking.

#### Highways/Access:

Devon County Highways have referred to their Standing Advice. Concern has been raised in representation regarding the need to additional parking as detailed above. The submitted plans show that the enlarged parking area would provide space for two vehicles (which is not considered excessive), with drivers needing to reverse onto Manor Street as they do currently. It is considered that the proposed parking arrangement would not result in a significantly worse situation than the existing and as such refusal of the application could not be substantiated on this basis.

#### Other Matters:

In response to other matters raised in representations not considered above:

- Application for garden building – this is a separate application to be considered on its own planning merits.
- Method and Access Statement and Dilapidation Schedule – given the constraints on access to the site for construction vehicles a condition to secure a Construction Method Statement is considered reasonable. Damage to third party property is not a planning consideration.
- Removal of asbestos – this is controlled by separate legislation.

An Ecological Survey was not required as given the state of the existing building it was considered highly unlikely that an offence would be committed. An informative is recommended as a precautionary measure.

The Planning Balance:

The proposal is primarily for a contemporary extension to a listed building. On balance it is considered the proposal would preserve the special interest of Laburnum Cottage, and would not result in substantive visual harm to the locality. The proposal is considered acceptable in all other planning respects and is therefore recommended for approval subject to conditions as detailed above.

***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

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.

## PLANNING APPLICATION REPORT

**Case Officer:** Mrs Clare Stewart

**Parish:** Dittisham

**Application No:** 18/0743/15/LB

**Agent/Applicant:**

Mr Adam Bennis  
BBH Chartered Architects (Dartmouth) Ltd  
9 Duke Street  
Dartmouth  
TQ6 9PY

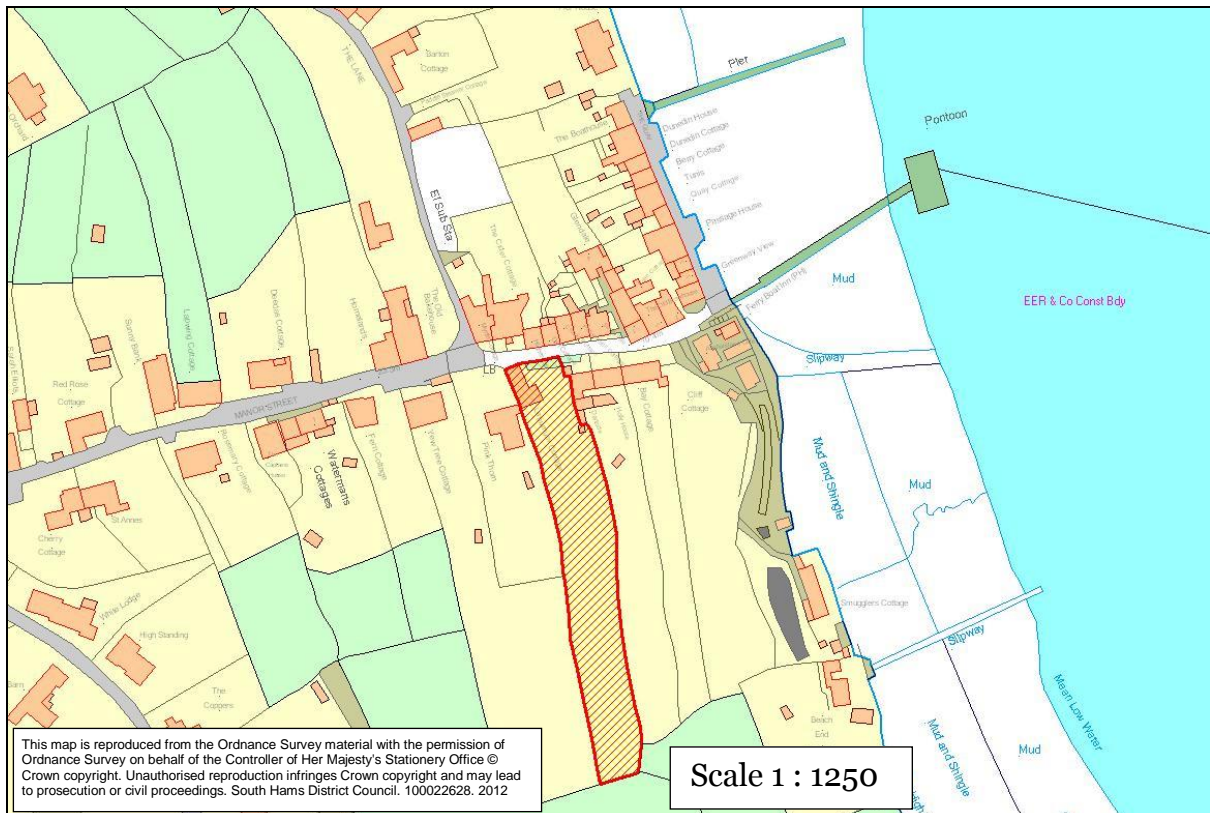
**Applicant:**

S Quinn  
Laburnum Cottage  
Manor Street  
Dittisham  
Dartmouth  
TQ6 0EX

**Site Address:** Laburnum Cottage, Manor Street, Dittisham, Dartmouth TQ6 0EX

**Development:** Listed building consent for demolition of existing extension and construction of 2 storey extension, alterations to dwelling with associated landscaping and parking

**Reason item is being put before Committee:** This application (and an associated planning application ref. 18/0742/15/F) have been brought to DM Committee on the request of the Ward Member in light of public concern and Parish Council objection.



**Recommendation:** Conditional approval

**Conditions**

1. Time limit
2. Accord with plans

**Key issues for consideration:**

Impact on historic fabric of listed building

**Site Description:**

Laburnum Cottage is situated towards the eastern end of Dittisham on the south side of Manor Street, a short distance to the east of the junction with The Lane. It is a detached Grade II listed property which faces towards the estuary, but is clearly visible from Manor Street. The original dwelling dates from the late 15<sup>th</sup> or early 16<sup>th</sup> century, with 19<sup>th</sup> and late 20<sup>th</sup> century extensions. The list description indicates it may once have been part of a larger house. The southern end of the property has previously been extended (somewhat unsympathetically), and it currently benefits from a parking space immediately adjacent to Manor Street. The residential curtilage extends a considerable distance to the south of the dwelling, with neighbouring properties to the east and west.

The site is located within the Dittisham Conservation Area and the South Devon Area of Outstanding Natural Beauty.

**The Proposal:**

Permission is sought to demolish the existing extension to Laburnum Cottage and construct a new two storey extension. The proposed extension is contemporary in design, with a curved elevation and flat roof. External finishes would include stone and rain screen cladding, with powder coated aluminium windows. Minor works are also proposed to the existing cottage including a new natural slate roof, construction of new a chimney and re-rendering. The elevations originally submitted also showed the replacement of the windows on the existing dwelling with new double glazed timber units, however this element was removed from the scheme during the life of the application.

Landscaping works are proposed to accommodate the new extension and make more use of the top section of the garden. It is also proposed remove an existing boundary wall facing Manor Street and construct a new one further back into the site to provide additional space for parking.

Additional plans were submitted during the life of the application to further illustrate the proposals. The Parish Council and third parties who had already submitted representations were invited to submit any further comments.

A planning application for the above works has been submitted concurrently (18/0742/15/F). A separate application for an ancillary building within the garden of Laburnum Cottage is also under consideration (18/0305/15/F).



## **Consultations:**

- County Highways Authority – No highways related issues
- Dittisham Parish Council - Objection – proposal out of keeping with AONB, Conservation Area and Listed Building. Removal of protected stone wall. Application submission is inaccurate. Negative effect on residential amenity. Light pollution. Concerns regarding excavation works adjacent to foundations of neighbouring property. If LPA is minded to approve request conditions that flat roof is not used for any domestic or recreational purpose, and a detailed Method and Access Statement and Dilapidation Schedule are required. Proposal should be considered in conjunction with proposal for structure in garden.

## **Representations:**

6 letters of objection have been received (there have been 12 objections in respect of the associated planning application). The issues raised are summarised as follows:

- Design inappropriate and not in keeping with surrounding properties in Conservation Area
- Additional parking area not necessary
- Overlooking
- Vehicles would be reversing onto Manor Street, more dangerous than current situation
- Extent of excavation and damage to neighbouring properties
- Drainage
- Noise

## **Relevant Planning History**

- 18/0742/15/LB, Householder application for demolition of existing extension and construction of 2 storey extension, alterations to dwelling with associated landscaping and parking, Laburnum Cottage, Manor Street, Dittisham – under consideration
- 18/0305/15/F, Householder application for construction of ancillary garden building within the curtilage of Laburnum Cottage (resubmission of 18/2875/14/F), Laburnum Cottage, Manor Street, Dittisham – under consideration
- 18/2875/14/F, Householder application for construction of new single garden building within the curtilage of Laburnum Cottage, Laburnum Cottage, Manor Street, Dittisham – withdrawn
- 18/0254/84/3, Car parking bay, Laburnum Cottage, Manor Street, Dittisham – conditional approval
- 18/0959/75/3, Erection of private double garage with forecourt and turntable (renewal of permission granted under WP/8331 and WP/8484/73), Laburnham Cottage Manor Street Dittisham – conditional approval

## **ANALYSIS**

Principle of Development:

The principle of alteration to the existing listed building raises no objection.

## Design/Impact on historic fabric:

The existing extension does not make a particularly positive contribution to the main dwelling from a visual perspective and is of no significant architectural merit. There are examples of modern houses and extensions within Dittisham, and the principle of a contemporary design approach to the replacement extension is not in itself an issue. The current submission follows lengthy discussions between the Agent and Officers (including a Conservation Officer) to try and agree an appropriate scale and design for the new extension. Additional information was submitted during the life of the application to better illustrate what the proposed extension would actually look like. On balance it is considered the proposed extension, taking into account the size of the existing extension, offers an acceptable design solution. Whilst it would be visible from Manor Street the scale and form of development proposed would preserve the special interest of the existing cottage, and it is considered it would not result in substantive harm to the character of the immediate or wider locality of the Conservation Area.

The alterations proposed to the existing main house are considered acceptable. Reference has also been made to the use of double glazed window units on the existing property. There was concern regarding the lack of justification for this removal of historic fabric (the windows in question may be original) and this element has now been withdrawn from the current proposal.

## Other Matters:

Other matters raised in representations not considered above are not material to the consideration of a listed building consent application (they have been considered in respect of the associated planning application where appropriate).

## Conclusion:

For the reasons identified above it is considered that the proposal would not result in harm to historic fabric and appearance and setting of the main dwelling would be preserved. As such the application is recommended for approval subject to conditions as detailed above.

***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.***

***This application has been considered in accordance with Sections 16,17, and 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990***

## Planning Policy

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

CS7 Design

CS9 Landscape and Historic Environment

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

DP1 High Quality Design

DP6 Historic Environment

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

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

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## PLANNING APPLICATION REPORT

**Case Officer:** Lucy Hall

**Parish:** Bigbury

**Application No:** 05/1325/15/F

**Agent/Applicant:**

Derek Butler  
Derek Butler Designs Ltd  
Hext Hill Cottage  
Torr  
Brixton  
PL8 2BD

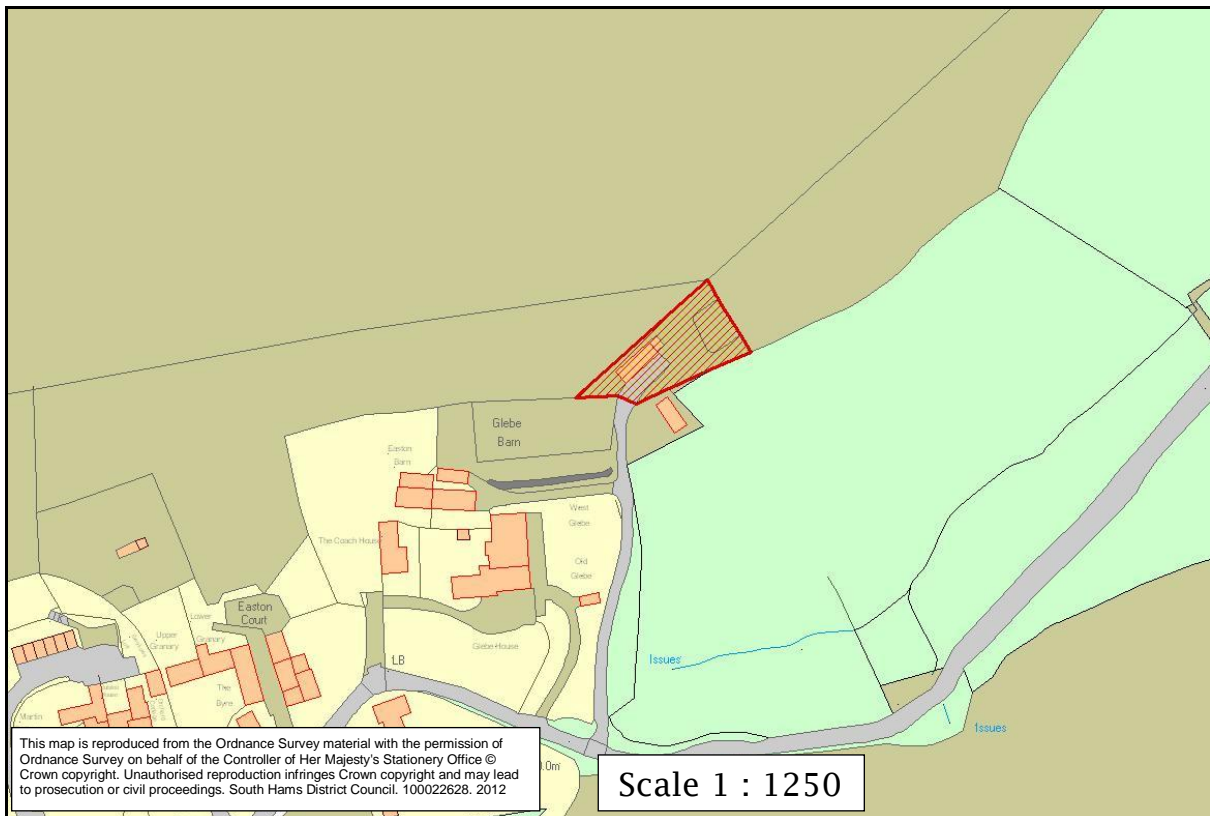
**Applicant:**

Mr & Mrs R Smith  
67 Elford Crescent  
Colbrook  
Plymouth  
PL7 4BT

**Site Address:** Development site at SX 672 471, The Old Vineyard, Easton, Kingsbridge, TQ7 4AN

**Development:** Demolition of existing commercial building and replacement with two bedroom bungalow

**Reason item is being put before Committee:** At the request of Cllr Ward, who wishes the Committee to consider making an exception to policy in this instance.



## **Recommendation: Refusal**

### **Reasons for refusal**

- The proposed development would result in unessential and unsustainable development within a remote location within the countryside, isolated from any defined settlement or local services and without demonstrable justification is contrary to policies LDF CS1, DPD DP15 and the National Planning Policy Framework.

### **Site Description:**

The application site, The Old Vineyard, is located within the historic hamlet of Eastern which lies approximately 0.7KM south east of St Anns Chapel, 0.8KM north east of Bigbury and 2KM west of Aveton Gifford. The site occupies an elevated position on the north eastern edge of the hamlet, with a number of dwellings located to the south west including the Grade II listed Glebe House.

The site itself is essentially a long narrow field. There is an existing rendered concrete block building situated on the south western side of the site. Access to the site is off a shared private driveway, which is accessed off the lane to the south of the site.

The site lies within the countryside and South Devon Area of Outstanding Natural Beauty.

### **The Proposal:**

The proposal seeks to demolish the existing single storey building and replace it with a two bedroom residential bungalow.

The proposed bungalow would take the form of a simple rectangular block set under a hip roof measuring approximately 14.9 metres in length by 6.6 metres deep with a height of 2.2 metres to the eaves and 4.5 metres to the ridge. External finishing materials include render, timber framed openings and natural slate roof covering. The proposal also includes solar panels to the south elevation. The building would occupy a similar footprint as the existing structure.

The proposed internal layout includes two bedrooms, bathroom, kitchen/dinning area and living area, which would offer access onto a level patio to the east.

Access into the site would remain as existing with a new driveway and parking area proposed to the south of building.

The proposed residential curtilage, has been amended at the request of officers, to exclude the agricultural shed. Revised plans have been submitted.

### **Consultations:**

- |                                |                                    |
|--------------------------------|------------------------------------|
| • County Highways Authority    | No objection                       |
| • Environmental Health Section | No comment subject to conditions   |
| • Drainage Engineer            | No objection subject to conditions |
| • Bigbury Parish Council       | No objection                       |
| • Landscape                    | No objection                       |
| • Ecology                      | No comments                        |

## **Representations:**

2 letters of objection have been received, raising the following issues: -

- Harm to landscape character and AONB;
- Light and noise pollution;
- Approval would set an undesirable precedent for similar proposals throughout the district;
- Proposal would detract from peace and solitude of the area;
- Increased traffic movements to the site
- Reduction in property values
- Contrary to policy
- Adverse impact on wildlife

1 letter registering support for the proposal has been received:-

- Consider change of use of the site from commercial to domestic would be the 'best outcome' for Easton as continuation of industrial could lead to intensification of the site, increased noise/nuisance levels and have an adverse impact on the highway network;
- Applicants are already part of the community having occupied the site for over 20 years.

## **Planning History**

- 05/0061/80/3, Winery and tractor house, The Vineyard, Conditional Approval
- 05/1340/98/1, Outline application for erection of a dwelling, Land adj to The Old Vineyard, Refusal
- 05/1016/99/F, Extension to provide office and toilet facilities for workshop, The Old Vineyard, Withdrawn
- 05/0474/00/F, Installation of sealed cesspool. Conditional approval
- 05/0200/10/AG, Agricultural determination for erection of shed, The Vineyard, Withdrawn
- 05/1243/10/F, Shed to store animal feed, tools and machinery, The Old Vineyard, Withdrawn
- 05/0104/11/F, Resubmission of planning application 05/1243/10/F for erection of agricultural shed to store animal feed, tools and machinery. Conditional approval

## **Analysis**

The application seeks full planning consent for the demolition of the existing building and its replacement with a two bedroom bungalow.

## Site History

The existing building was consented in 1980 for use as a winery in connection with the former (adjoining) 'St Ann's Vineyard'. Although there have been a number of subsequent applications on the site, the established planning use of the building remains as a winery which does not have a specific planning use but is categorised as sui generis. The surrounding land remains agricultural.

Outline planning consent was refused in 1998 for the erection of a dwelling for the following reasons: -

- (a) *The proposal constitutes an undesirable intensification of sporadic development in the countryside which, in the absence of any overriding agricultural need, is contrary to the provisions of the County Structure Plan.*
- (b) *The site is situated within the South Devon Area of Outstanding Natural Beauty and the proposed development would be detrimental to the character and appearance of this area where new development will not be permitted except where this is necessary to the economic or social well-being of the area or where it will enhance its character neither of which criteria are applicable in this case.*
- (c) *The proposal would result in increased traffic using lanes that are of inadequate width and alignment to cater satisfactorily for the additional movements that would be generated.*

A subsequent application for an extension to the existing building to provide a workshop and toilets was withdrawn in 1999. The most recent application was submitted in 2011 for an agricultural shed to provide a store for animal feed, tools and machinery and this was approved and is now in existence.

As outlined within their supporting statement, the applicants purchased the building and the associated site in 1987 and have used it for their personal use since that time including to camp in at weekends and store machinery and unused furniture. The surrounding land is used for animal grazing, in accordance with definition of agriculture. Without a lawful development certificate it would appear that the applicant's use of the building is contrary to the established planning use.

#### Planning Policy Context and Sustainability

The application site lies within the countryside, outside any settlement boundary. LDF policy CS1 sets out the strategic objectives for development and is clear that outside defined settlement boundaries development will be strictly controlled and *'only permitted where it can be delivered sustainably and in response to a demonstrable local need'*. This is consistent with the advice given in paragraph 55 of the NPPF which says *'to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities'*.

DPD policy DP15 sets out the criteria for new development within the countryside and states that it must require a rural location and support the needs of agricultural or forestry interests or *'meets the essential, small scale, and exceptional local development needs of a settlement which cannot be met within the development boundaries'*. It also goes on to say that within the countryside, agricultural, forestry and other occupational dwellings *may* be permitted where there is a *'proven essential operational need'*. This criteria reflects the advice given within paragraph 55 of the Framework which advises that Local Planning Authorities should avoid new isolated homes within the countryside unless there are *'special circumstances'* which includes an occupational dwelling where essential need is demonstrated; conversion of a heritage asset or the re-use of a redundant or disused building which would lead to an enhancement of the site. Whilst there is an argument that the proposed development could enhance the visual aesthetics of the site, the applicants have failed to adequately demonstrate why the existing building is no longer viable as a winery or for agricultural use and therefore on this basis have failed to show that there are special circumstances which merit a recommendation of approval.

The existing hamlet of Easton is made up of about 20 residential units. It lies in a fairly remote location, around 0.7KM from St Anns Chapel, the nearest settlement, 2KM from Aveton Gifford and 3KM from Bigbury on Sea.



There are no facilities or services within the hamlet so the occupants would need to travel to access these. The applicants indicate that the local village (St Anns Chapel) which has a pub and shop is within walking distance of the site. However, the journey would be either across agricultural fields or along narrow, unlit country lanes with no pavements. It is therefore reasonable to assume that the occupiers of the dwelling would choose to travel by car for the majority of their journeys.

The applicants have argued that the range of services available within the neighbouring settlements is limited and therefore it is also reasonable to assume that the majority of trips made by occupants residing within the village will also be by car. Although historically St Anns Chapel did not have a defined boundary development, it is outlined within CS1 as a village where further development is acceptable in principle. Therefore on this basis the Council have accepted that it is a sustainable settlement. Locating new isolated housing developments where there is no immediate access to these provisions, outside of the established settlements is not considered to be a sustainable approach to development and results in unnecessary and inappropriate development within the countryside, contrary to the established planning policies. .

The applicants have also argued that proposed use of the site as residential would actually result in a net reduction in potential vehicular trips to the site when compared with the current, established planning use, and on this basis Devon County Highways Officers have not raised any objections with the proposal. However, reusing the building in accordance with its established planning use would bring clear economic benefits. From looking at the original planning consent for the winery it would appear that was only approved having regard to its association with the existing vineyard. This use is fairly restrictive as a winery does not fall into a specific planning use class and is categorised as having a sui generis use. Therefore, notwithstanding the fact that there is an existing business use on the site, it is very specific and any change of use would require a further planning application.

Officers' note that a number of approvals have recently been given for new residential units within the neighbouring settlements, suggesting that the development needs of the neighbouring settlements can be met within its boundaries. As it stands without a clear justification setting out why there a demonstrable need for new houses within Easton or why there are special circumstances as to why this site should come forward for residential development, the proposal would conflict with the objectives of LDF policy CS1, DPD policy DP15 and the NPPF all of which are intended to ensure development is delivered sustainably and protect the countryside from harm.

It should be noted that the applicants have stated that the building has been used on what appears to have been an ad hoc basis for occasional habitable use for the past 25 years. Whilst this is noted, insufficient evidence has been provided to conclusively demonstrate that this has been continuous, nor is it clear the length of time that this has taken place. It is open to the applicant to submit a lawful development certificate with appropriate evidence, however, as matters stand this application has to be determined on the basis on what has been provided.

For the reasons discussed the proposed development is clearly contrary to the provisions of the development plan and inconsistent with the objectives of the NPPF, and therefore should be refused unless there are other material considerations sufficient to outweigh that conflict. The Council is unable to demonstrate a five year land supply and therefore the question arises of whether the benefit of providing the dwelling would outweigh the harm. Although small windfall sites can offer a positive contribution towards meeting housing targets, it is

fundamental that these sites are delivered within sustainable locations. Ad-hoc, piecemeal development within unsustainable locations is not considered an appropriate long term solution to addressing the districts housing shortfall and in reality the proposal would offer a negligible impact.

#### Landscape

Officers are satisfied that this modest building would not cause adverse harm to the character of the surrounding landscape which lies within the South Devon Area of Outstanding Natural Beauty. The existing building is rather unsightly and arguably its replacement with a simple, well designed bungalow could enhance the visual aesthetics of the site and its surroundings. Public views of the site are limited, and from a distance the unit would be read in association with the existing cluster of residential development within Easton.

#### Neighbour Amenity

The separation distance between the site and the nearest neighbour is considered to be acceptable and therefore on this basis officers are satisfied that the proposed use of the site as residential would not cause any harm to the neighbours living conditions.

#### Ecology

A preliminary ecological appraisal has been submitted in support of the application and no evidence of protected species was found within the building. A bat licence is therefore not required for the demolition.

#### Conclusions

The proposed development would be located on the edge of Easton, a remote hamlet, situated almost 700m from the nearest defined settlement. It represents unsustainable development within an inappropriate location. The proposal would conflict with the provisions of the local development plan and would be inconsistent with the objectives of the NPPF. The Council's absence of a five year housing supply, in this instance, is not considered to be sufficient to outweigh the harm caused and therefore on this basis the officer recommendation is refusal.

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

### **Planning Policy**

#### **NPPF**

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

SHDC1 Development Boundaries

#### ***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

DP4 Sustainable Construction  
DP5 Conservation and Wildlife  
DP6 Historic Environment  
DP7 Transport, Access & Parking  
DP15 Development in the Countryside

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

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

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## PLANNING APPLICATION REPORT

**Case Officer:** Sarah Carroll

**Parish:** Wembury

**Application No:** 58/1736/15/F

**Agent/Applicant:**

Ray Clarke  
Project Design Consultancy  
The Old School  
School Hill  
St Neot  
Liskeard  
PL14 6NG

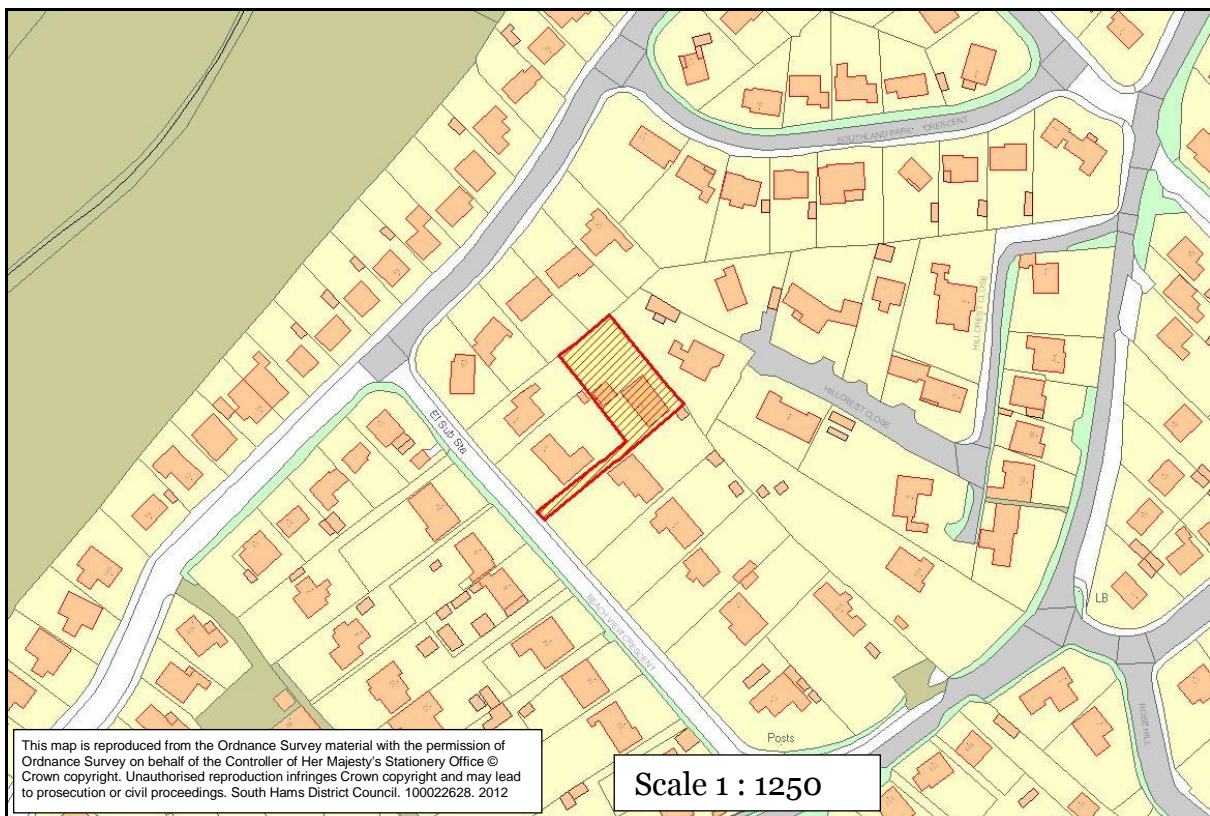
**Applicant:**

Mr A Hanson  
3A Beach View Crescent  
Wembury  
Plymouth  
PL9 0HL

**Site Address:** 3A Beach View Crescent, Wembury, Plymouth, PL9 0HL

**Development:** Householder application for side extension and to raise ridge height for loft conversion (resubmission of approval 58/3028/14/F)

**Reason item is being put before Committee:** This application is before committee at the request of Councillor Brown due to concerns relating to the impacts of the development on the neighbouring properties.



**Recommendation:** Conditional approval

**Conditions:**

1. Standard time limit.
2. Adherence to plans.
3. No first floor windows on South East (side) elevation.
4. Restricted opening on roof lights.
5. Unsuspected contamination.

**Key issues for consideration:**

The main issues this application raises are design and appearance, and neighbour impact in terms of light and privacy.

**Site Description:**

The application site is a single-storey detached dwelling in a residential neighbourhood in the parish of Wembury. The property is accessed by a long drive, leading past the highway-facing properties on Beach View Crescent, to no.3a behind to the north. The site of 3a itself slopes to the north east making the front elevation (south) higher than the rear elevation by half a metre. A detached double garage sits slightly forward to the front (south) of the dwelling, which has a large residential curtilage to the western side. The site is surrounded by dwellings to all sides, with tree and hedge screening to all sides also. However, the neighbour to the south east (5 Beach View Crescent) and the neighbour to the northern side (7 Hillcrest Close) are the closest. The site is within the development boundary of Wembury and is part of the South Devon Area of Outstanding Natural Beauty.

**The Proposal:**

This is a householder application for side extension to the western side of the building and to raise the ridge height for a loft conversion. The application is a resubmission of approval 58/3028/14/F for a side extension and loft conversion.

**Consultations:**

- Town/Parish Council: object on the grounds that there are lots of windows overlooking neighbouring properties. Therefore, concerns of overlooking and privacy impact on neighbours. In addition, the plans are limited and it is difficult to compare the pre and post plans and relative heights as the scales are different.
- Environmental Health: Requested that the application, if approved, include a condition for any unsuspected contamination found during development.
- Highways: No objection.

## Representations:

8 letters of objection received. (2 of which were drafted by the same objector. Therefore, 6 people/residents objected). The points put forward are summarised, in no particular order, as follows:

1. Noise and air disturbance during construction period.
2. No ecological appraisal submitted for alterations to a roof.
3. Doesn't contribute to the character of the area. Poor design.
4. Over-development of the site in comparison to the neighbouring properties.
5. Contravening Planning Policies – overdevelopment, loss of amenity, parking space reduced, privacy concerns, overlooking, overshadowing, lack of collaboration with community, and loss of light to neighbouring properties.
6. Proximity of the dwelling: overlooking and loss of privacy to number 5 Beach View Crescent, and number 6 & 7 Hillcrest Close.
7. Increase in height: impact on neighbouring properties. Loss of light to number 7 Hillcrest Close.
8. Incorrect Block plan: incorrect proximity and scale (of building) of number 7 Hillcrest Close.
9. Proposal will result in an overbearing impact on neighbouring properties.
10. Tree and hedge screening does not surround entire application site, contravening the officer report on approval 58/3028/14/F.

## Relevant Planning History

- 58/0763/01/F - Conversion of roof including construction of dormer window. Conditional approval on 03/07/2001.
- 58/3028/14/F – Conversion of loft and side extension. The application sought to extend the property to the west (side) by approximately 5.6m. A loft conversion would also be carried out, to create a first-floor level for bedrooms and bathrooms, creating more living space downstairs. A pitched-roof dormer would be constructed to the front (south) elevation, with a balcony. Whilst to the rear (north), a flat-roof dormer would extend along nearly the whole length of the roof (approximately 18.5m) Conditional approval granted on 28/01/2015. (Note: Permission is valid until 28/01/2018.)

## ANALYSIS

### Principle of Development/Sustainability:

The site is within the development boundary of Wembury and is within a residential area in the South Devon Area of Outstanding Natural Beauty. Consequently, there are no reasons why, in principle, a residential extension would be unacceptable, subject to complying with other development management policies.

### Design/Landscape:

The design of the house is not considered to be out of keeping with the area. The house is amongst other residences that are not identical in appearance.

The current ridge height of the property is 6 metres to the front and 5.5m to the rear. The proposal would increase the ridge height by one metre on both sides to 7m and 6.5m respectively. The proposal for a side extension is measured at approximately 5.8 metres and will increase the dwelling width from 13.9m to 19.7m in total. The increase in height and width are considered satisfactory by officers and will not cause significant harm to surrounding properties in terms of loss of light and nor would it be overbearing.

The proposal also includes a south facing first floor dormer window on the eastern side with six roof lights installed on the rear elevation and two on the front. Each roof light serves one room; either a bedroom, dressing room, bathroom or stairwell. There are three bedrooms proposed for the first floor. The two larger bedrooms have a second window to provide ventilation and light. The smaller bedroom is dependent on the roof light.

There are some changes to the ground floor windows on the western elevation. The proposal includes a row of 6 windows, increasing the window height by half a metre and the width by 4 metres approximately. In addition, there is a first floor window proposed for the same side (west), measuring 1 metre wide and 2 metres high. There are no changes proposed on the eastern side elevation apart from the height increase. Officers are satisfied that neighbour privacy will be maintained after development.

The proposed development is not considered to be an over development of the site as the parking area and garage are unchanged and the side extension will still allow for a side garden.

### Neighbour Amenity:

Concerns have been raised in relation to overlooking and loss of privacy and officers feel that this is acceptable, and is not considered to impose significant harm. There is a window in the front elevation to the east of the building which faces a neighbouring property to the south. However, the distance and natural landscape make the impact minimal.

The remaining area of the first floor has proposed roof lights (front and rear) which keep overlooking to a minimum. A condition to ensure the roof lights have a restricted opening will minimise loss of privacy.

A condition relating to the South East gable wall will restrict the insertion of first floor windows in the future without consent from the Local Authority. This will protect the privacy of the neighbouring garden (5 Beach View Crescent).

Officers are of the opinion that the proposal will not have a significant overbearing impact on the neighbouring properties due to the increase in height. The proposal has been carefully considered in respect of the approved application and the changes being made in this instance will not unduly affect amenity. Whilst the increase in height and width will be visible from each neighbouring property, it is not considered to have a detrimental impact to the closest properties.



### Other Matters:

The noise and air pollution created during construction phase of development is not a material planning consideration for a development at this scale.

In terms of any concerns about the presence of bats or any other species, the dwelling is located in an urban setting, in that it is nestled amongst other dwellings as opposed to a rural setting and does not therefore pose a threat at this time. However, an informative will accompany the decision notice of this application to make the applicant aware of any issues at construction stage.

The site location plan satisfies officers in this instance as it outlines the curtilage of the site in question.

### Conclusion:

The application is considered 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

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

DP1 High Quality Design

DP2 Landscape Character

DP3 Residential Amenity

DP4 Sustainable Construction

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

SHDC 1 Development Boundaries

MP 14 Wembury

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

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

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## PLANNING APPLICATION REPORT

**Case Officer:** Mr Matthew Jones

**Parish:** Totnes

**Application No:** 56/1085/15/F

**Agent/Applicant:**

Ron Milne  
Mitchell Architects  
Tourism House  
Pynes Hill  
Exeter  
EX2 5WS

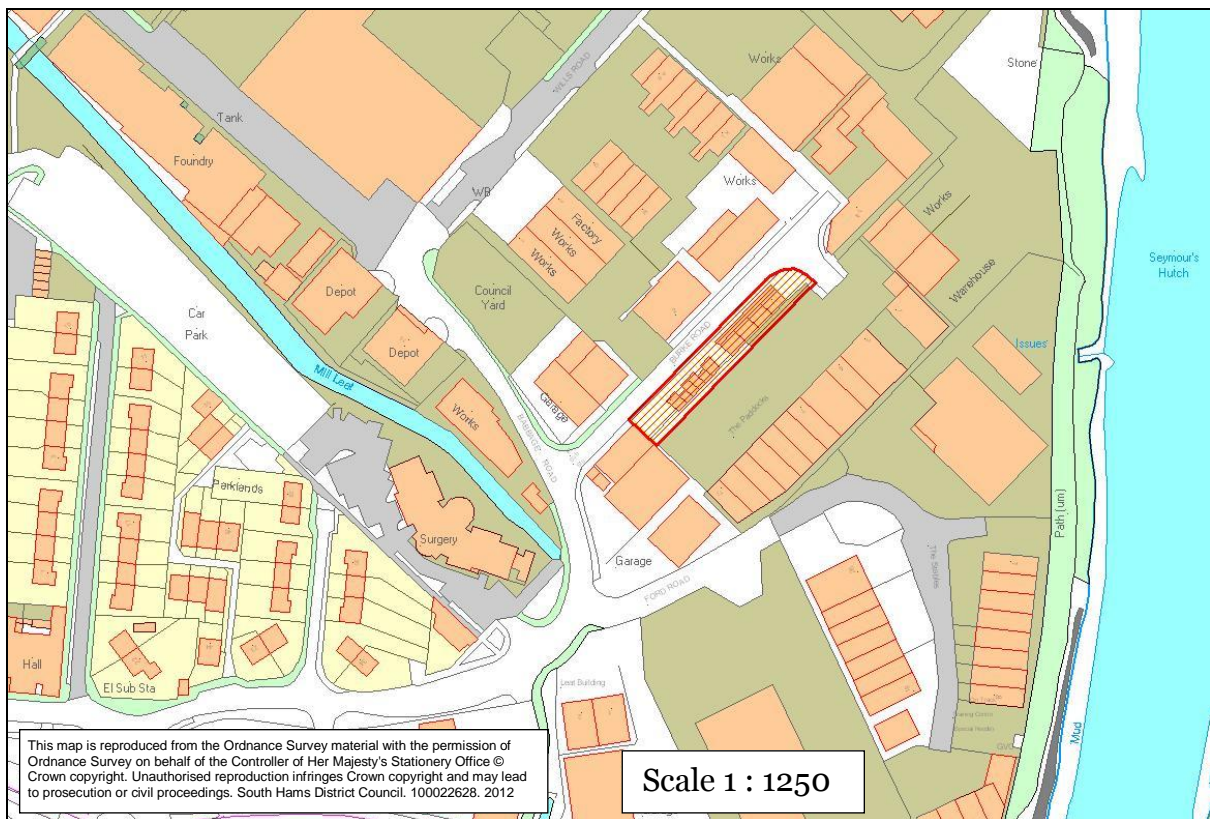
**Applicant:**

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

**Site Address:** 11-20 Burke Road, Totnes TQ9 5XL

**Development:** Demolition of existing single storey offices/workshops (D1/B1). Erection of 5No 2 storey units with associated off-street parking and bin stores (B1)

**Reason item is being put before Committee:** The application is put before members of the Development Management Committee as South Hams District Council is the applicant.



**Recommendation:** Conditional approval

**Conditions:**

Time

Accord with plans

Retention of proposed parking in perpetuity

Conform to submitted emergency flood plan

Construction Environment Management Plan prior to commencement

Removal of Permitted Development Rights (B8 storage and distribution)

North eastern unit for D1 homeless shelter as conforming to current land use

**Informative :**

Section 171 licence will be required to make kerb adjustments for new parking spaces

Protected species

**Key issues for consideration:**

The main issues are design and appearance, the public benefit of the homeless drop in centre, drainage, flooding, ecology and parking provision

**Site Description:**

The application site is situated on an existing industrial estate on the northern side of Totnes, between the A381 to the east and train station to the west. The site, which measures approximately 717.97 square metres, forms a relatively flat narrow strip of land located immediately off Burke Road. The site is bounded by to the north by the road, to the south east by a parking area and to the south west by South Devon House.

The site is currently occupied by two, single storey buildings. The building to the south of the site is a rendered blockwork, flat roof building which is currently used as an emergency drop in shelter. The planning unit subsequently carries a mixed B1 and D1 use.

The site is within flood zones 2 and 3.

**The Proposal:**

The application seeks full planning consent for the demolition of the existing buildings and their replacement with one larger building which would be subdivided to provide 5 B1 units.

The building would measure approx 45 metres by 7.6 metres with a height of 5 metres to the eaves rising to 6 metres to the ridge. It would be a steel frame construction, clad externally with composite panels with mezzanine floors.

The development will provide 357.2 square metres of floor space, divided into 4 units of 74.2 square metres and 1 unit of 134.6 square metres. The proposal also includes 10 off road parking spaces, to serve the units, and makes provision for bin storage.

**Consultations:**

- County Highways Authority -

Recommend approval subject to condition requiring Construction Management Plan

- South West Water

No objections with applicant's proposal to continue utilising existing sewer connection for foul and storm.

- Totnes Town Council

Objection - Clarification sought on future of homeless shelter.

- Environment Agency

Objection due to lack of information – Revised comments awaited

### **Representations:**

None received

### **Relevant Planning History**

56/1812/11/CU - READVERTISEMENT: Change of use from offices (use class B1) to charity drop-in centre (use class D1) – Conditional approval

56/0540/13/CU - Change of use from D1 (homeless drop in centre) to allow overnight and temporary emergency shelter/accommodation in addition to the existing use as a D1 (homeless drop in centre). Conditional approval. Now ceased due to condition of approval:

*The use of the building for overnight and temporary emergency shelter/accommodation hereby authorised shall cease no later than 30th April 2015.*

*Reason: Permission is only granted having regard to the special circumstances of the case.*

56/3234/14/PREMIN - Pre-application enquiry for proposed demolition of existing building and construction of commercial building sub-divided into 5 units - Officer support forthcoming

### **Analysis**

#### **Principle of development**

The site is located within an existing industrial estate in Totnes where there is no objection in principle with further development subject to its design. Due to parking restrictions a B8 use would need further consideration and therefore Permitted Development Rights to B8 are recommended to be removed through planning condition.

#### **Design/Landscape Considerations**

The building would take the form of a utilitarian industrial building finished in composite cladding. Although it is a sizeable structure it would be situated within an existing industrial estate where the existing character is of large, utilitarian buildings.

## **Residential Amenity**

There are no neighbouring residential buildings which would be affected by the proposed development.

## **Highways**

Devon County Council Highways Officers have not raised any objections to the proposal. They note that the footprint of the new building is less than that of the existing buildings and although it is proposed to subdivide the building to provide multiple units, the provision of off road parking is welcomed and will have a *'significant highway parking demand benefit'* within the area. A planning condition requiring submission of a Construction Environment Management Plan, prior to the commencement of development, is recommended.

## **Drainage**

The applicants propose to continue using the existing sewer connection for foul and storm. South West Water have not raised any objections to the proposed development.

## **Ecology**

The submitted ecology survey confirms that the proposal will not disturb any protected species. *'None of the buildings were considered suitable for use by bats and no evidence of breeding birds past or present was identified'*.

## **Flooding**

The application is accompanied by an 'Emergency Flood Plan'. However, the Environment Agency, at the time of writing this report, are objecting on the basis that a full Flood Risk Assessment has not been completed. The application has revised the submitted flood related documentation and the revised comments of the EA are awaited.

The applicant has undergone a sequential test of more appropriate sites within the area. This site maintains the current land uses and is within a designated Development Boundary and within a designated industrial estate.

As this is for the replacement of existing buildings, maintaining the current land uses, this is considered to be sequentially the most appropriate site for the development and the test is considered to be satisfied.

## **Town Council response and the D1 drop-in shelter**

Officers acknowledge the content of the objection raised by Totnes Council and the importance of securing homeless facilities within the town. However, the tenancy of the existing homeless mission could be ceased at any time, regardless of the outcome of this application. Nonetheless, officers consider the homeless drop in centre to fall within the remit of policy DP9 (Local Facilities). DP9 requires alternative provision to be made for the existing facility, either off site or within the new buildings.

The applicant has confirmed that the current D1 unit will be replaced within the new submission. A condition is also imposed restricting the use of the north eastern most unit to that of a homeless drop in shelter, unless otherwise agreed through submission of a future

planning application. This conforms to the current land use and secures retention of a local facility as required within DP9.

## **Conclusion**

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

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

## **Planning Policy**

### **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  
DP5 Conservation and Wildlife  
DP7 Transport, Access & Parking  
DP9 Local Facilities

## **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.

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## SOUTH HAMS DISTRICT COUNCIL

DEVELOPMENT MANAGEMENT COMMITTEE **Wednesday, 18 November, 2015**  
PLANNING APPEALS UPDATE (10-Oct-2015 to 09-Nov-2015)

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**APPLICATION NO :** 22/1896/14/F  
**APPELLANT :** Mr & Mrs Ward  
**PROPOSAL :** Retrospective change of use of land to holiday accommodation, for positioning of 2no. yurts with timber bases and installation of sewage treatment plant (resubmission of 22/0454/14/F)  
**LOCATION :** Chittlesford Mill Barn, Halwell, Totnes, TQ9 7HZ  
**APPEAL STATUS :** **APPEAL DECIDED**  
**APPEAL START DATE :** 15-Jun-2015  
**APPEAL DECISION :** Upheld (Conditional Approval)  
**APPEAL DECISION DATE :** 12-Oct-2015

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**APPLICATION NO :** 41/2636/14/F  
**APPELLANT :** Mr A Nicholls  
**PROPOSAL :** READVERTISEMENT - Retrospective householder application for replacement garden shed  
**LOCATION :** The Grange, Cliff Road, Salcombe, TQ8 8JQ  
**APPEAL STATUS :** **APPEAL DECIDED**  
**APPEAL START DATE :** 1-Jun-2015  
**APPEAL DECISION :** Dismissed - (REFUSAL)  
**APPEAL DECISION DATE :** 13-Oct-2015

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**APPLICATION NO :** 41/2361/14/F  
**APPELLANT :** Mr R Brewster  
**PROPOSAL :** Erection of single dwelling with associated landscaping and access  
**LOCATION :** The Ridings, Bennett Road, Salcombe, TQ8 8JJ  
**APPEAL STATUS :** **APPEAL DECIDED**  
**APPEAL START DATE :** 1-Jul-2015  
**APPEAL DECISION :** Upheld (Conditional Approval)  
**APPEAL DECISION DATE :** 14-Oct-2015

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**APPLICATION NO :** 35/1374/15/F  
**APPELLANT :** Modbury Marketing Computer Services Ltd  
**PROPOSAL :** Retrospective application for addition of external staircase from west access pathway to rear garden and change of use of first floor of building to include A1 (amendments to approval 35/2603/12/CU)  
**LOCATION :** Sentinel House, Poundwell Street, Modbury, PL21 0XX  
**APPEAL STATUS :** **APPEAL LODGED**  
**APPEAL START DATE :** 22-Oct-2015  
**APPEAL DECISION :**  
**APPEAL DECISION DATE :**

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**APPLICATION NO :** 02/1287/15/F  
**APPELLANT :** Mr & Mrs I Darbyshire  
**PROPOSAL :** Householder application for rear extension and replacement roof with raised ridge height  
**LOCATION :** The Rectory Stables, Jubilee Street, Aveton Gifford, Kingsbridge, TQ7 4LG  
**APPEAL STATUS :** **APPEAL LODGED**  
**APPEAL START DATE :** 27-Oct-2015  
**APPEAL DECISION :**  
**APPEAL DECISION DATE :**

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# SOUTH HAMS DISTRICT COUNCIL

DEVELOPMENT MANAGEMENT COMMITTEE **Wednesday, 18 November, 2015**

PLANNING APPEALS UPDATE (10-Oct-2015 to 09-Nov-2015)

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**APPLICATION NO :** 50/0388/15/AGDPA  
**APPELLANT :** Mrs P Tucker  
**PROPOSAL :** Prior approval of proposed change of use of agricultural building to residential dwelling (use class C3)  
**LOCATION :** Proposed dwelling at SX 7849 6521, Hillcroft, Staverton, Totnes TQ9 6AL  
**APPEAL STATUS :** **APPEAL LODGED**  
**APPEAL START DATE :** 27-Oct-2015  
**APPEAL DECISION :**  
**APPEAL DECISION DATE :**

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**APPLICATION NO :** 23/2373/14/F  
**APPELLANT :** New Energy for the World GmbH  
**PROPOSAL :** Installation of ground-mounted solar arrays (total site area 94,000m<sup>2</sup>), estimated output 5 megawatts and associated infrastructure, cable route and Distribution Network Operator substation  
**LOCATION :** Land at SX769,596, Lower Blakemore Farm, Totnes  
**APPEAL STATUS :** **APPEAL LODGED**  
**APPEAL START DATE :** 5-Nov-2015  
**APPEAL DECISION :**  
**APPEAL DECISION DATE :**

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