

PLANNING APPLICATION REPORT

Case Officer: Tom French

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

Application No: 3117/17/FUL

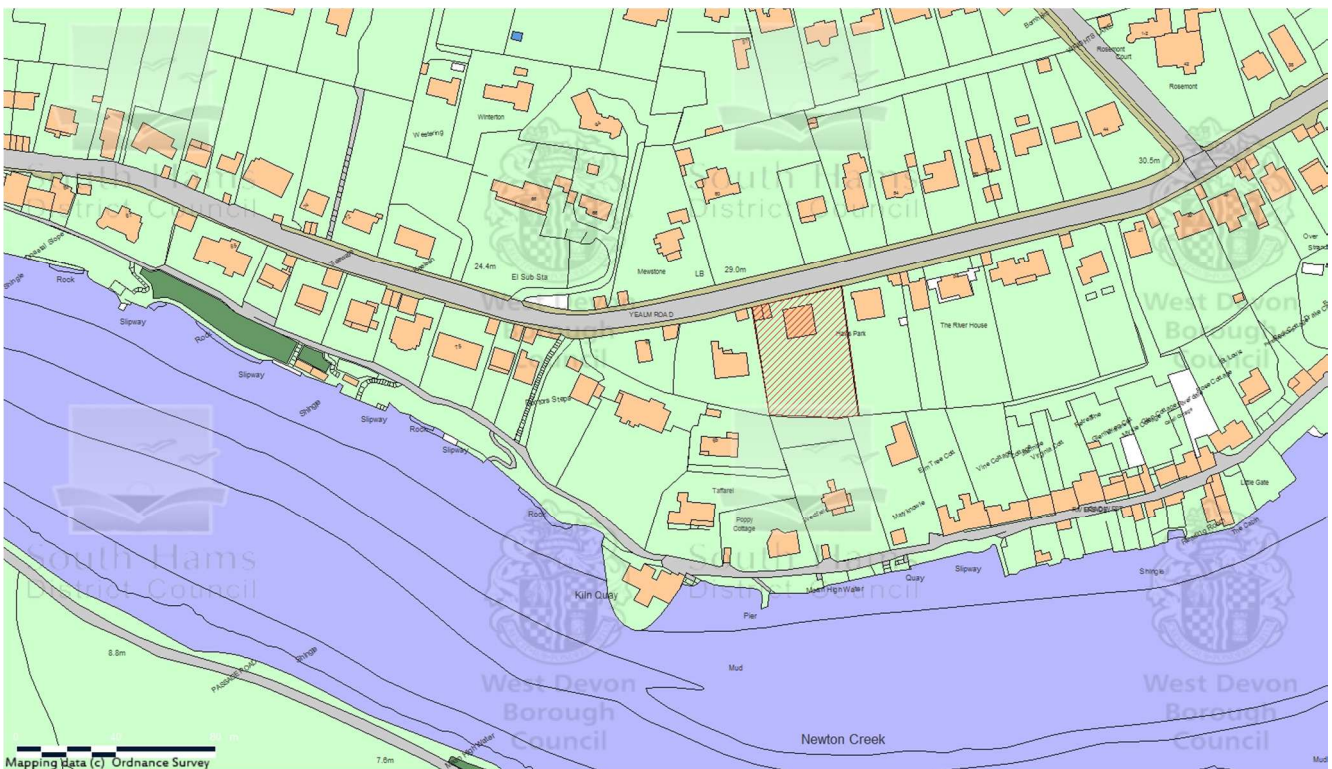
Agent/Applicant:
Mr Stephen Whettem
The Works
3 Dolvin Road
Tavistock
PL19 8EA

Applicant:
Gillie Scherr
47 Yealm Road
Newton Ferrers
PL8 1BJ

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

Development: Replacement of existing dwelling with single dwelling

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



Recommendation:
Conditional Approval

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

Key issues for consideration:

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

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

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

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

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

Site Description:

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

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

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

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

The Proposal:

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

Consultations:

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

Representations:

Support comments received as follows

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

Objections comments received as follows:

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

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

ANALYSIS

Background:

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

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

Principle of Development/Sustainability:

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

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

Design/Landscape Character:

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

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

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

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

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

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

Neighbour Amenity:

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

Highways/Access:

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

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

Ecology:

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

Listed Buildings:

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

Summary:

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

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

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

Planning Policy

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

The relevant development plan policies are set out below:

South Hams LDF Core Strategy

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

Development Policies DPD

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

South Hams Local Plan (please delete as necessary)

SHDC 1 Development Boundaries

Emerging Joint Local Plan

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

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

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

The JLP is at a relatively advanced stage of preparation. The precise weight to be given to policies within the JLP will need to be determined on a case by case basis, having regard to all of the material considerations as set out on the analysis above.

**PLYMOUTH AND SOUTH WEST DEVON JOINT LOCAL PLAN -: PUBLICATION
(as considered by the Full Councils end Feb/Early March 2017)**

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

Considerations under Human Rights Act 1998 and Equalities Act 2010

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

Proposed conditions;

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

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

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

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

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

Reason: In the interests of visual amenity.

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

Reason: To safeguard the interests of protected species

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

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

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

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

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

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

(c) Part 1, Class D (porch)

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

(e) Part 1, Class F (hardsurfaces)

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

(g) Part 14, class A & B (Installation of domestic Microgeneration Equipment)

(h) Part 1, (h) Including those classes described in Schedule 2 Part 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (and any Order revoking and re-enacting this Order)

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

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

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

Reason: In the interests of pedestrian safety