

## PLANNING APPLICATION REPORT

**Case Officer:** Ben Gilpin

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

**Application No:** 2682/15/FUL

**Agent/Applicant:**

Stephen Whettem  
The Works  
3 Dolvin Road  
Tavistock  
PL19 8EA

**Applicant:**

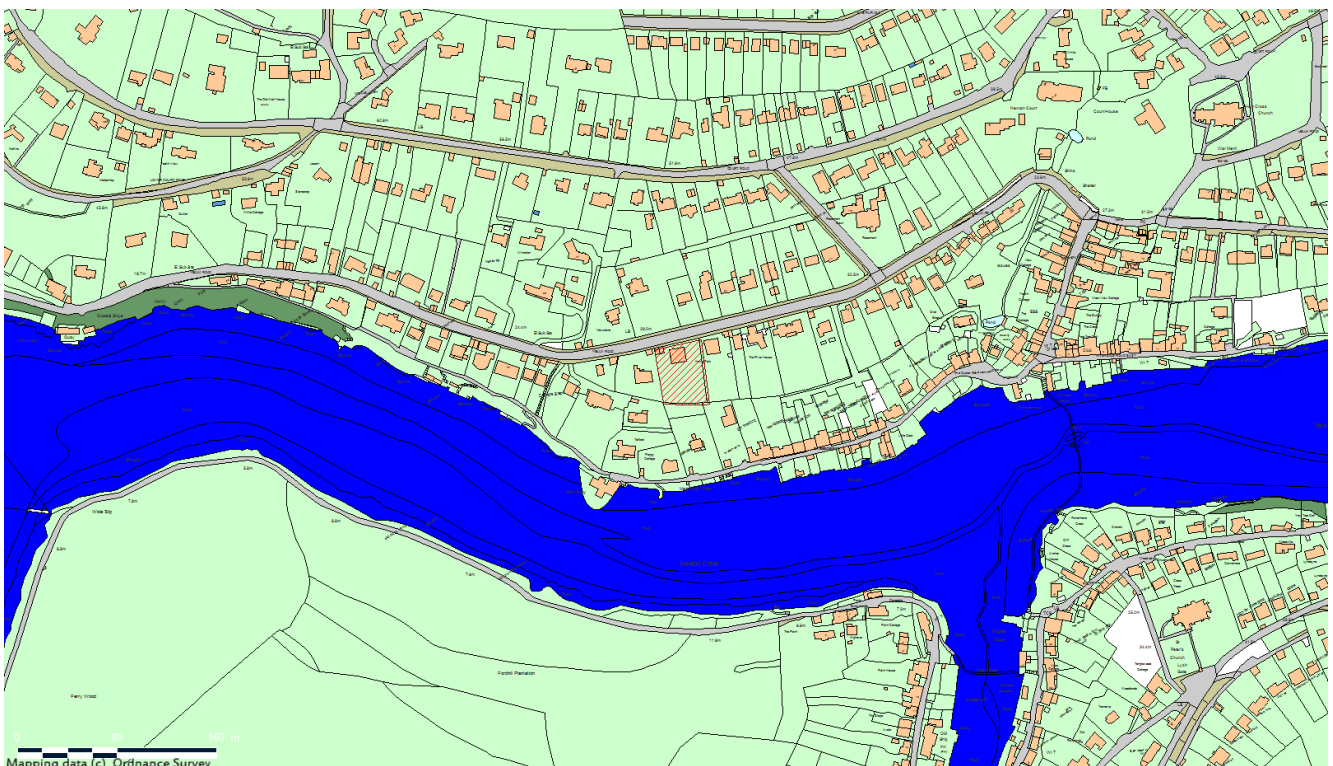
Ms Gillie Scherr  
47 Yealm Road  
Newton Ferrers  
PL8 1BJ

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

**Development:** Replacement of existing dwelling with 2 No proposed dwellings.

**Reason item is being put before Committee:** At the request of Cllr Baldry, who stated:

1. *The number of objections*
2. *I think more weight needs to be given to note 8 October 2013 Inspector's description of the property as a 'heritage asset' and it would be 'regrettable to see the loss of this building'.*
3. *I think there is a real concern about the inability of people to view the application on the website before the closing date for representations. The fault for the website failure lies with SHDC. The price of this failure is that in the interests of public confidence this may mean that more cases go to DM Committee.*
4. *The justification for approval of one additional dwelling to meet the 5 year land supply is not convincing.*



**Recommendation:**

Conditional Approval

**Conditions:**

Standard Time Limit  
Accord with Plans  
Unsuspected Contamination  
Materials (Prior to Commencement (PTC))  
Landscape / Maintenance Scheme (PTC)  
Accord with Ecology Report Recommendations

**Key issues for consideration:**

- Principle of Development
  - Impact on the Area of Outstanding Natural Beauty (AONB) / Design and Scale
  - Neighbouring Amenity (Privacy)
  - 5 Year Housing Land Supply (5YHLS)
  - Other (Heritage 'Asset' (Designated and Non-designated) / Excessive Development Density for the Area (Over Development) / Out of Character with the Wider Area / Loss of Green Space / Inability to View Plans / Loss of Public Views / Drainage / Scale)
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**Site Description:**

The site is a large south facing plot accessed from Yealm Road. The site is within the settlement boundary. In addition the site is within the South Devon AONB, but has no other statutory designation constraints.

The site is circa 35 metres west of a Conservation Area.

**The Proposal:**

Replacement of existing dwelling with 2 No proposed dwellings

**Consultations:**

- County Highways Authority  
No objection subject to accordance with DCC Highways Standing Advice

- Environmental Health Section

No comments received – apply default Unsuspected Contamination planning condition

- Town/Parish Council

Objection:

1. *Visual Impact*
2. *Overdevelopment of the Site*

3. *Loss of Green Space*
4. *Heritage Setting*

*Members are also concerned that both they and members of the public have been unable to view the plans on the South Hams District Council website commenting that it is a subversion of democracy.*

- Others

#### South Devon AONB Unit:

*As this application is for two dwellings, set within the built environment of Newton Ferrers village, it falls below the scale threshold for the AONB office to get involved and so this is not one that we will be looking at or commenting on. It therefore falls to the planning authority to make an assessment of the impact on the AONB and to give great weight to the conservation and enhancement of the AONB in its decision making, as required by the NPPF.*

#### **Representations:**

##### **Representations from Residents**

13 letters of objection had been received at the time of writing.

The comments received cover the following points:

1. Over Development
2. Loss of Green Space
3. Impact on Heritage Assets / Non-designated Heritage Assets
4. Out of Scale (too tall)
5. Parking
6. Impact on the AONB
7. Out of Character
8. Loss of Public Views
9. Privacy
10. Drainage

##### **Representations from Internal Consultees**

###### Conservation SH:

Neither support nor object.

The comments received read:

*As advised in the previously considered application this is an impressive example of Victorian architecture, one of the few remaining in the village that projects its late 19th / early 20th century development. As such its loss should not be taken lightly.*

*The property is not contained within the Conservation Area and unfortunately the previous request for listing English Heritage advised that in national terms it is an unremarkable design and of modest architectural styling and detailing which resulted in them not designating it as a Listed Building.*

*In terms of it being a non-designated Heritage Asset then it appears that there is limited weight with this, as it isn't contained within the conservation area and it hasn't been formally defined as one separately. Therefore although the existing building is a building of quality, the planning inspector in his consideration of 37/1256/12/F dated 8<sup>th</sup> October 2013 states:*

*"Westerly retains its proportions and spacious character and I consider this property has a role in making the development history of the village legible, and its open plot and spacious setting contribute to the overall setting of the CA. Although of a relatively standard design for its time, it is not without merit and can be considered, in the broadest sense of the Framework, a heritage asset, albeit the lack of local assessment and review, limits the weight this attracts."*

*In conclusion we still have concerns about the loss of the existing property on the site as it does contribute as a backdrop to the character and appearance of the nearby Conservation Area and in examining the current design for two properties then clearly they are clearly different to the current property on the site. Design is very much a subjective matter however I would observe that it would be regrettable to see the loss of this building which still holds presence within the townscape and is of quality however the replacement buildings have been designed with elegance and presence albeit in a contrasting language something which isn't always favoured. I would note that the current status of the building is partly gained from its position in the site surrounded by generous grounds, this would be diluted by the proposal to construct two dwellings. There is also a clear prominence of conventional pitched roofed dwellings and clearly what is proposed doesn't accord with local identity however in some instances contrived pitched roofs can be equally as damaging.*

#### Drainage SH:

No comments received – apply default 2 number drainage planning conditions (foul and surface)

#### **Representations from Statutory Consultees**

##### SW Water:

No objection

*With reference to the planning application at the above address, the applicant/agent is advised to contact South West Water if they are unable to comply with our requirements as detailed below.*

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

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

*South West Water will only allow foul drainage to be connected to the public foul or combined sewer. Permission will not be granted for the surface water from this site to return to the public*

*combined or foul sewerage network. We will request that investigations are carried out to remove the surface water using a Sustainable Urban Drainage System, such as a soakaway. If this is not a viable solution to remove the surface water, please contact the Developer Services Planning Team for further information.*

*If further assistance is required to establish the exact location of the sewer or should you require any further information please contact the Developer Services Planning Team by email [developerservicesplanning@southwestwater.co.uk](mailto:developerservicesplanning@southwestwater.co.uk) or direct line: 01392 443616.*

### **Relevant Planning History:**

37/1256/12/F – Construction of a replacement house (refused – 24.08.2012)

APP/K1128/A/13/2192805 – appeal of decision notice on 37/1256/12/F (appeal dismissed – 08.10.2013)

### **ANALYSIS:**

#### Principle of Development:

The site is within the settlement boundary and development per se is deemed acceptable in principle (subject to accordance with the Development Plan and planning balance).

#### Impact on the Area of Outstanding Natural Beauty (AONB) / Design and Scale:

Concerns have cited impact on the AONB and design and scale as reasons for refusal.

In relation to Design and Scale, Policy DP1, section 1(a) and (e) are considered most relevant, and they read:

1. *All development will display high quality design which, in particular, respects and responds to the South Hams character in terms of its settlements and landscape. New development should:*
  - a. *be based on a good understanding of the context of the site, and contribute positively to its setting by enhancing the local character, taking account of the layout, scale, appearance, existing materials and built and natural features of the surrounding area;*
  - e. *protect local and strategic landmarks and buildings, and enhance views and skylines.”*

In relation to landscape, Policy DP2, sub section 1, states that:

*“Development proposals will need to demonstrate how they conserve and / or enhance the South Hams landscape character, including coastal areas, estuaries, river valleys, undulating uplands and other landscapes.”*

The development that is the subject of this planning application is clearly set within the boundary of the settlement, and would be seen in its residential context. It is accepted that the design of the scheme is ‘new’ (relatively contemporary in appearance), but as stated in the NPPF (paragraph 60), Planning policies and decisions should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or

styles. Paragraph 60 also states that it is, however, proper to seek to promote or reinforce local distinctiveness, but in this instance, there is no definitive style or character to properties in this location (the properties being a varied mix of architectural styles from bungalows to larger one and a half / two storey houses).

In addition, due to the slightly lowered position below the public highway, the development would not appear excessively visually dominant at close viewing, and if visible from further afield it would be at such a distance as to considerably reduce the perceived impact, so in turn maintaining the character of the AONB.

Knowing the above, it is considered that the development and works would continue to preserve the setting and character of the AONB in this instance, and would be of such a design and scale as to not appear excessively incongruous with their surrounds, and to recommend a refusal on design / scale grounds in this instance could not be supported.

#### Neighbouring Amenity (Privacy):

Objections received have suggested that the development proposed could result in a loss of amenity to neighbouring properties.

In this instance, and of most relevance, the 'new' property to the southern end of the garden is considered the structure that could possibly result in overlooking.

The proposed 'new' property would be approximately 16 metres from the nearest neighbouring property, which is to the east. The design is such that there will be no direct lines of sight from the new property to the east, with the only windows on the proposed western elevation being obscured.

#### 5 Year Housing Land Supply (5YHLS):

The South Hams District Council Housing Position Statement 2015 (October 2015) states: The Council has carefully assessed its supply of land and evidence shows it had over 4 years supply in rural South Hams but less than a year in the PPUA (within South Hams) at April 2015. This equated to 1.9 years supply for the district as a whole.

In summary, and to re-iterate, the District has a 1.9 year supply at present. This falls woefully below the 5 year housing land supply requirement as prescribed by paragraph 47 of the National Planning Policy Framework (NPPF), which states:

*To boost significantly the supply of housing, local planning authorities should:*

- *identify and update annually a supply of specific deliverable sites sufficient to provide five years' worth of housing against their housing requirements with an additional buffer of 5% (moved forward from later in the plan period) to ensure choice and competition in the market for land.*

Knowing the above, the fact that the proposed scheme can deliver 2 residential units must carry a reasonable and proportionate level of weight in decision making, even more so knowing the site is within a settlement identified as sustainable by adopted policy CS1 (the policy states that development is acceptable in principle within Newton Ferrers). This is

further supported by the findings in the conclusion to appeal reference APP/K1128/W/15/3035888. As such, even the delivery of 1 or 2 units (1 additional unit in this instance) carries a fair degree of weight in decision making.

Other (Heritage 'Asset' (Designated and Non-designated) / Excessive Development Density for the Area (Over Development) / Out of Character with the Wider Area / Loss of Green Space / Inability to View Plans / Loss of Public Views / Drainage):

Heritage 'Asset' (Designated and Non-designated):

A number of objections have cited the heritage value of the building, and its retention as reason for refusing the application.

In this instance, the findings of the Planning Inspector to APP/K1128/A/13/2192805, and the comments of the SHDC Conservation Officer need to be considered and weighed in the planning balance.

In relation to the comments of the Planning Inspector, it was said that:

*Although of a relatively standard design for its time, it (the property) is not without merit and can be considered, in the broadest sense of the Framework, a heritage asset, albeit the lack of local assessment and review, limits the weight this attracts.*

The SHDC Conservation Officer concurred with the level of weight that could be attributed to the non-designated heritage asset, and stated in comments:

*The property is not contained within the Conservation Area and unfortunately the previous request for listing English Heritage advised that in national terms it is an unremarkable design and of modest architectural styling and detailing which resulted in them not designating it as a Listed Building.*

*In terms of it being a non-designated Heritage Asset then it appears that there is limited weight with this, as it isn't contained within the conservation area and it hasn't been formally defined as one separately.*

It is considered that the weight that can be afforded to the retention of the building as a non-designated heritage asset is very limited. However, consideration of the setting of the Conservation Area, when viewed from further afield should be considered.

The Planning Inspector said:

*However, Westerly retains its proportions and spacious character and I consider this property has a role in ... its open plot and spacious setting contribute to the overall setting of the CA.*

As the setting of the Conservation Area is a material consideration, the layout of the proposal would need to maintain a 'spacious setting'. In this instance, the scale of Plot 1, being no larger than Westerley, and with Plot 2 being positioned lower down the slope and incorporating a 'green roof' system, it is considered that the appearance of the green surrounds of the original property would be sufficiently maintained to provide the visual green space identified by the Planning Inspector.

Therefore, to refuse the proposal on grounds of effects to designated and non-designated heritage assets is not considered sufficient to warrant a recommendation on those grounds alone.

#### Excessive Development Density for the Area (Over Development) / Out of Character with the Wider Area:

In this instance Local Plan Policy MP12 (ss. 1 and 2) needs to be considered, where it reads:

1. *Development which would significantly alter the density of buildings or damage the landscape and character of Policy Areas 1 and 2 on the Proposals Map will not normally be permitted.*
2. *Development which would damage the character of, or increase the number of vehicles in, Policy Areas 3 and 4 on the Proposals Map will not normally be permitted.*

In addition, the level of weight that should be afforded to the policy also needs to be considered. In this instance, and in accordance with the findings of the Planning Inspector to APP/K1128/W/15/3035888 only moderate weight can be applied. The Inspector stated in that case that:

*Although KP11 is negatively framed and in this sense is not consistent with the more permissive approach of the Framework this limits the weight that I give to that policy, under the terms of paragraph 215 of the Framework, but it still retains moderate weight*

In this instance KP11 can read MP12 as the same circumstances apply.

The development proposed would increase the density on the site, albeit marginally. The current built footprint of house and garage are 178m<sup>2</sup>, and the proposed built footprint of 311.8m<sup>2</sup>. The site is 1767m<sup>2</sup>. This means that the current built footprint on site is 10.1% and the proposed built footprint would be 17.6% - an increase of 7.5%.

Knowing that the overall built footprint increase is limited, it is considered in this instance that the increase in density is not sufficiently excessive as to warrant a recommendation of refusal.

#### Loss of Green Space:

A number of objections have cited a 'loss of green space' as reason for refusal although this has not been explicitly expanded upon.

From visiting the site it could be reasonably interpreted as meaning loss of green space that is currently laid to grass as part of the garden. The green space referred to is not publicly accessible and only clearly visible if viewed from the Noss Mayo to the south (and then only at certain vantage points).

In this instance, with the limited increase in density on site, coupled with the green roof proposed (so visually offsetting loss of 'green space') it is not considered that the loss of private green space is sufficient to warrant a recommendation for refusal in this instance.

#### Inability to View Plans:

A number of objections have cited an inability to view plans and details on line. The validity of the claims cannot be verified.



From the records available the comments received and plans / documents submitted have been available for public view by virtue of the planning file held for such purposes.

In addition the plans

#### Loss of Public Views:

It has been suggested in objections received that the development proposed could result in a loss of public views. The nature of the site (sloping north to south), the current level (scale) of development on site, and the level proposed, it is not considered that the development as proposed would lead to the loss of public views. As such, it is not considered reasonable to recommend refusal on the grounds of loss of public views.

#### Drainage:

The SHDC Drainage Engineer has stated no objection subject to the inclusion of standard drainage conditions. In this respect it is not considered reasonable to recommend refusal of the proposal on grounds of drainage.

#### Conclusion:

In conclusion, it is accepted that the weight that can be attributed the retention of the building (Westerly) is limited, and that if the appearance of green space can be maintained then the setting of the CA will also be maintained, only a small a degree of weight can be attributed.

The level of weight against the proposal then needs to be considered against the level of weight that can be attributed to the delivery of housing and the contribution to the 5YHLS.

It is considered that other elements of the development are acceptable.

Knowing the weight that should be applied to the delivery of housing is relatively high, and that the weight given to the retention of a non-designated heritage asset is less than this, it is concluded that, subject to planning conditions, this proposal should be supported.

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

#### **Planning Policy**

*All standard policies listed (NPPG / NPPF):*

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

CS1 Location of Development

CS7 Design

CS9 Landscape and Historic Environment

#### **Development Policies DPD**

DP1 High Quality Design

DP2 Landscape Character

DP3 Residential Amenity

DP6 Historic Environment

DP7 Transport, Access & Parking

***South Hams Local Plan (please delete as necessary)***

MP 12 Newton Ferrers and Noss Mayo

**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.