

PLANNING APPLICATION REPORT

Case Officer: Clare Stewart

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

Application No: 2027/17/HHO

Agent/Applicant:

Research & Design
The Plymouth Science Park
1 Davy Road
Plymouth
PL6 8BX

Applicant:

Mr And Mrs Hotham
Brook Bakery
Riverside West
Newton Ferrers
PL8 1AD

Site Address: Brook Bakery, Riverside Road West, Newton Ferrers, Devon, PL8 1AD

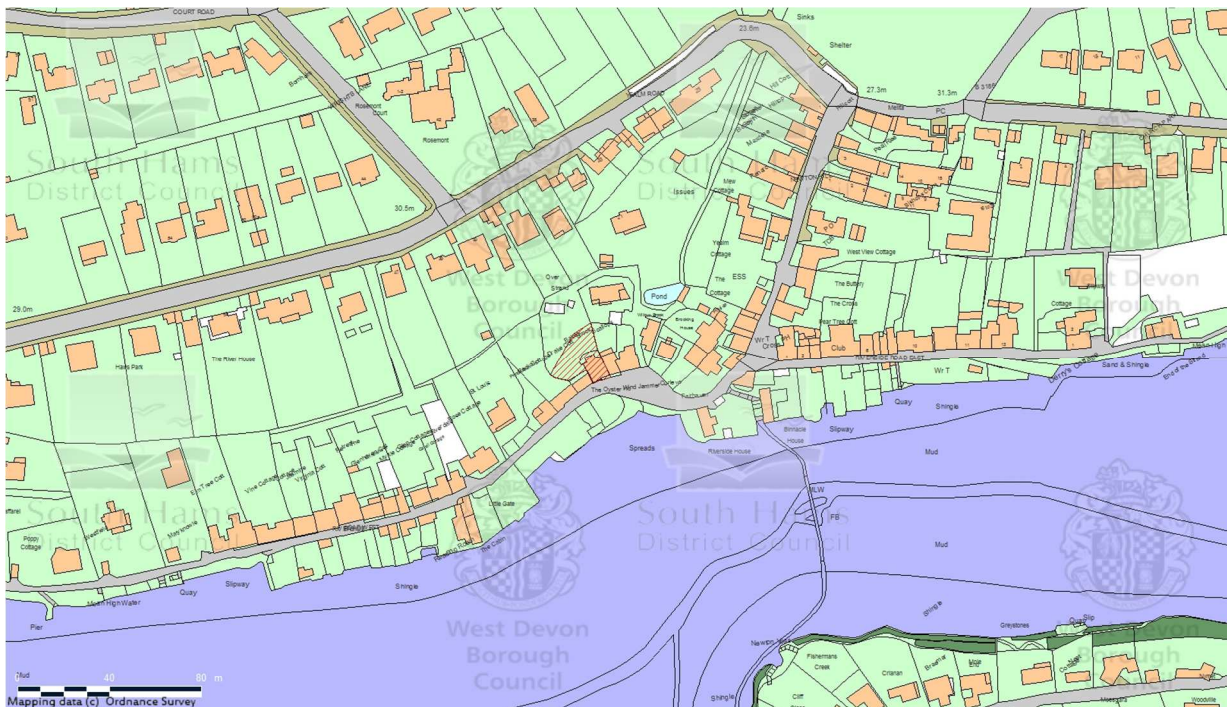
Development: Householder application for refurbishment and renovation of existing cottage, new garage/boat store and replacement of rear extension including a new roof terrace.

Reason item is being put before Committee:

This application was considered by the Committee on 01/11/17, where Members decided to defer making a decision to allow the Applicant/Agent to provide revised plans before a final decision was made. It is assumed that had a decision been taken at the meeting the application would have been refused. Since the last Committee meeting the Applicant/Agent has submitted an appeal to the Planning Inspectorate for non-determination of the application. Based on the concerns raised by Members at the previous meeting it is considered the reason for refusal of the application would have been:

1. The design of the proposed garage/boat store would neither preserve nor enhance the character and appearance of the Conservation Area. The proposal is therefore contrary to Policies CS7 and CS9 of the LDF Core Strategy; Policies DP1 and DP6 of the LDF Development Policies DPD; Policies DEV20, DEV21 and DEV22 of the emerging Plymouth & South West Devon Joint Local Plan; and the National Planning Policy Framework.

It is proposed that the non-determination appeal (which is considered as a deemed refusal of the application by the Council) be defended by Officers on the above basis.



Original Officer Report

Recommendation:

Conditional Approval

Conditions

Standard time limit
Adherence to plans
Unexpected contaminated land
Adherence to ecological mitigation
Privacy screen for southern boundary of upper terrace
Boat store door to be retained in timber

Key issues for consideration:

Design, impact in Conservation Area, impact on AONB, neighbour amenity.

Site Description:

The site is situated adjacent to Riverside Road West with views across the estuary. Brook Bakery is a two storey property which forms part of a terrace. The south (principle) elevations retains some historic charm. To the rear is an existing flat roof extension with terraced amenity space beyond which is elevated above street level. Internal accommodation is arranged across two levels.

The site is located just inside the Newton Ferrers Conservation Area, with the nearest individually listed building to the south west (Rock Cottage, Grade II). The site is also within the South Devon AONB.

The Proposal:

Permission was granted in 2016 for the erection of a replacement porch and extensions to the rear of the property (LPA ref. 1191/16/HHO). The approved plans show part of the approved rear extension being higher than the ridge line of the existing main dwelling, although the Officer report notes that sight lines would restrict views from road level and from within the Conservation Area.

The current application includes an extension to the rear to provide additional accommodation (bedroom and dining space), with a terrace area between the proposed extension and the existing dwelling. The proposed projecting extension would have a standing seam roof similar to that previously approved, but set further back into the site. The existing upper level of accommodation would also be extended with a sedum roof covering. The internal layout of the main dwelling would be reconfigured, including the introduction of a boat store area on the lower ground floor. The door to the boat store would be constructed in timber.

The submitted plans also show the existing slate roof being refurbished, with existing UPVC windows to be replaced with timber on the original cottage.

Consultations:

- County Highways Authority – No highways related issues
- Historic England – Do not wish to be consulted
- Newton and Noss Parish Council – Objection – “1. The extension will affect the privacy of the neighbouring property. 2. Overbearing. 3. Visual impact in a Conservation Area – the rear roof line will be higher than the existing roof line and will be visible from the river and Noss Mayo.”

Representations:

3 letters of objection/reservations have been received with concerns raised summarised as follows:

- Overlooking from roof terrace to bathroom window of Drake Cottage. Request a semi-solid screen at an agreed distance.
- Overlooking to Overstrand
- Undermining effect on construction of adjoining houses. Request condition survey and appropriate mitigation as a condition of any planning approval.
- Flood risk from removal of stone wall in front of Brook Bakery, flood barrier should be designed into plans.
- Surface water drainage
- Roll-over garage door not in keeping with surroundings, conventional opening wooden double door more appropriate
- Boat store not in keeping with surroundings in Conservation Area
- Living spaces inside property would be dark
- Disruption during building works due to limited access

One letter of support has been received subject to the front shared wall being protected from sea damage and damp once the retaining wall outside the Bakery is removed, reassurance that rear foundation works do not impact neighbouring property Scallops, and that loud ground and foundation work is done outside the summer season.

Relevant Planning History

- 1191/16/HHO READVERTISEMENT (Revised Plans Received) Householder application for erection of replacement porch and rear extensions. The Bakery, Riverside Road West, Newton Ferrers. Conditional Approval: 16 Sep 16.

ANALYSIS

Principle of Development/Sustainability:

The principle of alterations/extension to the existing dwelling raises no planning policy objections. Other material considerations are set out below. It needs to be noted that consent for a similar rear extension was granted relatively recently and could still be lawfully implemented.

Design/Heritage:

The refurbishment of the original cottage would offer an aesthetic improvement to the property, with the replacement of UPVC windows and doors with timber more in keeping with its historic character. The proposed extension to the rear would not be any more visible above the ridge line when viewed from the south than the previously approved scheme, and the overall character of the Conservation Area would still be preserved. As noted above the upward projecting rear extension would not be readily visible from street level. As with the approved scheme there would be views of the projection from the water and from across the estuary at Noss Mayo, but the scale of development would not appear significant or detrimental to the character of the area. The door to the boat store/garage is shown on the submitted plans to be constructed in timber, and a condition to ensure it is retained as such forms part of the Officer recommendation. On this basis Officers consider it would not be significantly out of keeping with the area. Overall the character and appearance of the Conservation Area would be preserved, and there would be no harm to the setting of any nearby individually listed buildings.

Notwithstanding third party comment it is considered the proposal would provide an acceptable level of amenity for the occupiers of the extended property, and does not constitute poor design in this regard.

Landscape:

The scale and location of development proposed will have no adverse impact on the landscape setting of the AONB.

Neighbour Amenity:

It is considered the proposal would not result in an undue degree of overbearing or loss of privacy such that the application could be refused on this basis. There are already substantial degrees of overlooking from the application site into the neighbouring properties on either side. The proposed upper terrace would result in a slightly greater degree of overlooking to one of the rear windows serving Drake Cottage in particular as it would be easier to stand much closer to it, and a condition to secure a solid screen along the southern boundary of this terrace forms part of the Officer recommendation.

Highways/Access:

No concerns raised.

Flood risk:

The site lies just outside Flood Zones 2 and 3, and the scale of development proposed does not require the submission of a formal Flood Risk Assessment or substantiate mitigation measures.

Other Matters:

Whilst it is acknowledged that access to the site for construction vehicles etc. is constrained, the scale of development proposed is not considered sufficient to warrant a Construction Management Plan (bearing in mind the existing consent does not have such a requirement and it is not normally considered necessary for householder scale developments). Noise/disturbance complaints during construction would be investigated by Environmental Health as required, and construction vehicles would not have any legal right to obstruct the public highway.

The potential for damage to neighbouring properties arising from the development proposal is a civil matter and not a material planning consideration.

The Planning Balance:

The proposed development is considered acceptable in general design terms, and the appearance and setting of the Conservation Area would be preserved. There would be no adverse impact on the AONB. The proposal is considered to accord with the relevant Development Plan policies and there are no material planning reasons to justify refusal. 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.

Planning Policy

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

The relevant development plan policies are set out below:

South Hams LDF Core Strategy

CS1 Location of Development
CS7 Design
CS9 Landscape and Historic Environment

Development Policies DPD

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

South Hams Local Plan

SHDC 1 Development Boundaries

National Planning Policy Framework

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
DEV1 Protecting amenity and the environment
DEV2 Air, water, soil, noise and land
DEV10 Delivering high quality housing
DEV20 Place shaping and the quality of the built environment
DEV21 Conserving the historic environment
DEV22 Development affecting the historic environment
DEV24 Landscape character
DEV27 Nationally protected landscapes
DEV37 Managing flood risk and Water Quality Impacts

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.

Officer recommended conditions in full:

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

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

2. The development hereby approved shall in all respects accord strictly with drawing numbers EX01A, GA01, GA02, GA03, GA04, GA05, GA06, GA07, GA08, Design and Access Statement received by the Local Planning Authority on 29th June 2017.

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

3. 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.

4. Notwithstanding the details set out on the submitted drawings, the development hereby permitted shall be carried out in accordance with the comments and recommendation set out in the Ecology Survey dated 28 June 2017 from Accorn Ecology Ltd, including precautions during building works and timing of operations.

Reason: To safeguard the welfare of a protected species of wildlife, in the interests of the amenity of the area and the Conservation (Natural Habitats) Regulations 1994 and the 1981 Wildlife and Country Act (as amended).

5. Prior to be brought into use details of a privacy screen to be constructed along the southern boundary of the upper terrace shall be submitted to and agreed in writing. The approved privacy screen shall thereafter be installed prior to the upper terrace being brought into use and thereafter so retained and maintained.

Reason: In the interests of the amenities of neighbouring residential occupiers.

6. The door to the boat store shall be constructed and thereafter retained and maintained in timber.

Reason: In the interests of the visual amenities of the site which lies within a Conservation Area.