

# South Hams Development Management Committee



<b>Title:</b>	<b>Agenda</b>										
<b>Date:</b>	<b>Wednesday, 15th February, 2023</b>										
<b>Time:</b>	<b>10.00 am</b>										
<b>Venue:</b>	<b>Council Chamber - Follaton House</b>										
<b>Full Members:</b>	<p style="text-align: center;"><b>Chairman</b> Cllr Foss</p> <p style="text-align: center;"><b>Vice Chairman</b> Cllr Rowe</p> <p><i>Members:</i></p> <table style="width: 100%; border: none;"> <tr> <td style="width: 33%;">Cllr Abbott</td> <td style="width: 33%;">Cllr Long</td> </tr> <tr> <td>Cllr Brazil</td> <td>Cllr Pannell</td> </tr> <tr> <td>Cllr Brown</td> <td>Cllr Pringle</td> </tr> <tr> <td>Cllr Hodgson</td> <td>Cllr Reeve</td> </tr> <tr> <td>Cllr Kemp</td> <td>Cllr Taylor</td> </tr> </table>	Cllr Abbott	Cllr Long	Cllr Brazil	Cllr Pannell	Cllr Brown	Cllr Pringle	Cllr Hodgson	Cllr Reeve	Cllr Kemp	Cllr Taylor
Cllr Abbott	Cllr Long										
Cllr Brazil	Cllr Pannell										
Cllr Brown	Cllr Pringle										
Cllr Hodgson	Cllr Reeve										
Cllr Kemp	Cllr Taylor										
<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>	Amelia Boulter - Senior Case Manager Democratic Services 01822 813651										

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

To approve as a correct record the minutes of the meeting of the Committee held on 18 January 2023;
  - 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**

In accordance with the Code of Conduct, Members are invited to declare any Disclosable Pecuniary Interests, Other Registerable Interests and Non-Registerable 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) 2363/22/FUL** **13 - 22**

**“Sunnydale”, Newton Road, Salcombe**

Demolition of existing dwelling and construction of new detached house with associated landscaping
  - (b) 4082/22/FUL** **23 - 36**

**“Development Site At Sx 677 403”, Weymouth Park, Hope Cove**

Erection of single-storey dwelling following grant of permission in principle (Re-submission of 1741/22/FUL)

- (c) 4454/22/HHO 37 - 44**

**“Willows”, Bolberry Road, Hope Cove**

Householder application for extension to approved car port, re-align steps, add window and enclose to form garage

**\*\* Please note that the following Application will not be heard before 2.00pm\*\***

- (d) 2260/22/FUL 45 - 66**

**“Paradise Point”, Ravensbury Drive, Warfleet, Dartmouth**

Householder application for construction of two storey garden building with no internal link between floors, ground floor for use as a garden and water equipment store with changing facilities including shower & WC and first floor for use as home office with WC (Resubmission of 983/21/HHO)

- (e) 3504/21/VAR 67 - 78**

**“The Mooring”, Newton Hill, Newton Ferrers**

READVERTISEMENT (Revised plans) Application for variation of conditions 1 (approved plans) and 6 (stone faced boundary wall) of planning consent 0068/20/VAR

- 7. Planning Appeals Update 79 - 80**

- 8. Update on Undetermined Major Applications 81 - 88**

- 9. Exclusion of Public and Press**

to consider the following resolution to exclude the public and press: -

“That in accordance with Section 100(A)(4) of the Local Government Act 1972, the public and press be excluded from the meeting during consideration of the following items of business in order to avoid the likely disclosure to them of exempt information as defined in paragraph 3 of Part 1 of Schedule 12A to the Act”;

- 10. Enforcement Report 89 - 94**

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# Agenda Item 1

**MINUTES** of the **MEETING OF THE DEVELOPMENT MANAGEMENT COMMITTEE**  
held in the **COUNCIL CHAMBER, FOLLATON HOUSE, TOTNES**, on **WEDNESDAY**,  
**18 January 2023**

<b>Members in attendance</b> * Denotes attendance ∅ Denotes apologies			
*	Cllr V Abbott	*	Cllr M Long
*	Cllr J Brazil (for 6(a), (b), (c) only (Minute DM.52/22 refers)	*	Cllr K Pringle (for 6(a), (b), (c), (d), (e), (f) and (g) only (Minute DM.52/22 refers)
*	Cllr D Brown	*	Cllr H Reeve
*	Cllr R J Foss (Chairman)	*	Cllr R Rowe (Vice Chair)
*	Cllr J M Hodgson	*	Cllr B Taylor (for 6(a) only (Minute DM.52/22 refers)
∅	Cllr K Kemp - apologies	*	Cllr H Reeve
*	Cllr G Pannell (for 6(a) (b), (c), (d), (e), (f) and (g) only (Minute DM.52/22 refers)		

**Other Members also in attendance and participating:**

Cllr J Pearce, Cllr H Bastone and Cllr K Baldry

**Officers in attendance and participating:**

Item No:	Application No:	Officers:
All agenda items		Head of Development Management, Senior Specialists, Specialists and Senior Case Manager – Development Management; Monitoring Officer (via MS Teams); IT Specialists; Highways, Devon County Council and Democratic Services Officer

**DM.49/22 MINUTES**

The minutes of the meeting of the Committee held on 14 December 2022 were confirmed as a correct record by the Committee.

**DM.50/22 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:

Cllr Hodgson declared a personal interest in application 6(e) (minutes DM.52/22 (e) below refer) as the applicant's partner is known to the Member.

Cllr Pannell declared a personal interest in application 6(h) (minutes DM.52/22 (h) below refer) as a founder of Iybridge Rugby Club. Cllr Pannell left the meeting for this application and took no part in the debate nor vote thereon.

Cllr Pringle declared a personal interest in application 6(h) (minutes DM.52/22 (h) below refer) as a voluntary director of Iybridge Rugby Club. Cllr Pringle left the

meeting for this application and took no part in the debate nor vote thereon.

**DM.51/22 PUBLIC PARTICIPATION**

The Chairman noted the list of members of the public, Town and Parish Council representatives, and Ward Members who had registered their wish to speak at the meeting.

**DM.52/22 PLANNING APPLICATIONS**

The Committee considered the details of the planning applications prepared by the Planning Case Officers as presented in the agenda papers, and considered also the comments of Town and Parish Councils, together with other representations received, which were listed within the presented agenda reports, and **RESOLVED** that:

**6a) 1984/22/FUL Higher Coltscombe Farm, Slapton  
Parish: Slapton**

**Development: Siting of two shepherd's huts for holiday accommodation with car port / store / solar pv structure and landscaping (Resubmission of 4366/21/FUL)**

This application was Chaired by Cllr Rowe (Vice-Chair).

Case Officer Update: The Case Officer provided an update on the public right of way as requested at the site visit. They identified the key issues as including:

- Tourist accommodation site in an unsuitable location (limited access to services and amenities, heavy reliance on private car);
- No evidence for specific local need for tourism accommodation and how this development specifically responds to farm diversification requirements;
- Would create a dispersed and detached tourism facility that does not respect the scenic quality, tranquillity, remoteness and pastoral rural qualities of the landscape character Type 5a of the area.

In response to questions raised, it was reported that it is unlikely that the development would be widely visible from the public footpath.

Speakers were: Objector – None, Supporter – Tom Sylger Jones, Parish Council – None, Ward Member - Cllr R Foss

In response to questions, the supporter reported:

- A vast majority of the land will be a wildflower meadow;
- The water will be drained through a pipe to a treatment facility and there was flexibility on the siting of the facility;
- A detailed landscape and ecological plan will be provided if application approved;
- Solar panels will largely meet the requirements with a diesel/gas generator as a backup.

The Ward Member said that the Officer has followed the policy, however this application not in AONB or Heritage Site. This site unsuitable for modern day farming and farming needs to diversify. This application is making best use of the land, not visible from the public footpath and inaccessible which makes this attractive to tourists. He concluded by saying that he fully supported this application.

During the debate Members made arguments that farmers now have to diversify and felt that this application supported tourism. In terms of sustainability this is off-grid, not imposing on the network with a low carbon impact. Concerns were raised on the generator, drainage and ecology plans. Members wanted to ensure the biodiversity net gain and potential to increase for maximum benefit. Some Members raised that there was a danger of going against policies on sustainability in the countryside and this could lead to an influx of similar applications.

The Head of Development supported the Officer recommendation to refuse on the basis that carbon emissions in rural areas were not reducing.

**Recommendation:** Refusal

**Committee decision:** Delegated to the Head of Development Management for approval subject to conditions being agreed in consultation with Cllrs Hodgson and Brazil to include the following:

- water supply and foul drainage;
- solar panels;
- landscape and ecology plans;
- operated by farm owners;
- removed if ceased to be used.

**6b) 3253/22/FUL "Court House", 40 Buckley Street, Salcombe  
Town Council: Salcombe**

**Development: Revised access to upper roof terrace & replacement kitchen roof (resubmission of 2380/21/FUL)**

**Case Officer Update:** The Case Officer reported that the key issue concerned the reconfiguration of the access to the balcony and includes a privacy screen, as well as replacing the kitchen roof, metal railings and widening the doors to the main house and the impact on neighbouring properties. The Case Officer said that while Officers were mindful of the strength of feeling locally it was considered that the proposal would not significantly worsen existing levels of overlooking.

Members raised concerns over the dwelling being in a Conservation Area and changes were permitted to an historical building and whether Article 4 should be made in Salcombe.

Speakers were: Objector – David McCarthy, Supporter – Steve King, Parish Council - Cllr M Fice, Ward Members - Cllrs Pearce and Long

In response to questions from Members the Case Officer reported that there was no indication that the canopy would be removed.

The Ward Member said that they were happy for this application to be approved. They explained that:

- the windows can be changed under permitted development
- the terrace exists and some noise is to be expected when living in the centre of town
- the overlooking complies with SPD rules and
- noise can be dealt with by Environmental Health. These are minor changes and should not be refused.

The Ward Member added that they have to accept the existence of the current terrace and consider the points raised by the neighbours and Town Council. The impact on neighbours and privacy, within a Conservation Area, and regretted that bi-fold doors are permitted development. Overall they said that in their view the changes do impact negatively on the neighbourhood amenity.

During the debate Members felt that noise and disturbance was a consequence of living in an urban area and Salcombe gets incredibly busy and noisy in the summer. It was also felt that the changes to the property would not make much difference to the neighbourhood amenity. Members were pleased that the home would be used more by the family. One Member was concerned with the increased use of the terrace area and impact on the neighbours, with the bi-fold doors increasing indoor space to outside. There was still the opportunity to be used by holiday makers and impact on neighbours. Reiterated the importance of Article 4 to prevent detrimental impact in a conservation area.

**Recommendation:** Conditional Approval

**Committee decision:** Delegated to the Head of Development Management for approval subject to conditions and subject to receipt of plans that show the canopy area.

**Conditions:**

1. Time limit
2. Accord with plans
3. Privacy screens
4. Materials as per details
5. Adhere to ecological report

**6c) 2363/22/FUL "Sunnydale", Newton Road, Salcombe  
Town Council: Salcombe**

**Development: Demolition of existing dwelling & construction of new detached house with associated landscaping**

Case Officer Update: The Case Officer reported that the key issue was



design.

In response to questions raised, it was reported that:

- Members were shown different images to show the comparison in size of existing and replacement dwelling;
- The current dwelling is of its time and of no particular architectural merit and there is sufficient separation between the application site and listed buildings for the proposal to be seen as a contemporary building;
- SHDC does not have a policy to test the percentage increase in glazing;
- 4 parking spaces with the end space slightly reduced in size. The parking arrangement similar to what was proposed previously and highways raised no objections.

Speakers were: Objector – Sarah Fairbairn, Supporter – Mark Evans, Parish Council – Cllr M Fice, Ward Councillors – Cllrs Pearce and Long.

In response to questions raised, the Case Officer agreed that a condition to include anti-glare on glazing can be included if Members minded to approve and if required.

The Ward Member raised the Town Council's concerns that this is contrary to the neighbourhood plan. The increase in size, concerns expressed by neighbours and Town Council on parking, materials used, whether adequate or good design and whether appropriate to have a redevelopment in that position. The Town Council raised concerns on the construction management plan if this was approved.

The Ward Member acknowledged that the Town Council have objected. This is a large plot and unfortunately the neighbourhood plan contains no restriction on volume and increase in floor space. The cowl design will reduce the glare from the windows and materials proposed will stand out less than the present is building. The roof will be of similar design to others in the area. Newton Road fairly busy and a Construction Management Plan must be in place if approved pre-commencement.

A discussion took place on the Construction Management Plan and whether it should include the size and number of lorries and operation period with a banksman to control the traffic on Newton Road.

During the debate, some Members felt that the site visit was informative and shared the concerns on this will be constructed, but this was not grounds to refuse. Concerns raised on the materials palette being used not being in keeping with the area and sheer volume of glass. Views will be affected along Newton Road and impact for the local people. The Town Council also highlighted this conflicted with the Neighbourhood Plan. This will not improve the area and so many things wrongs with this dwelling. Salcombe deserves better. Do not feel this is the appropriate design and would refuse because not in keeping with the area and increases the density with loss of local view. Other Members felt strongly that a clear view of the property from across the estuary was required for a proper panoramic view for visual aspect before making a

decision.

**Recommendation:** Conditional Approval

**Committee decision:** Deferred for a further site visit

**6d) 2260/22/HHO "Paradise Point", Ravensbury Drive, Warfleet,  
Dartmouth  
Town Council: Dartmouth**

**Development: Householder application for construction of two storey garden building with no internal link between floors, ground floor for use as a garden and water equipment store with changing facilities including shower & WC and first floor for use as home office with WC (Resubmission of 3983/21/HHO)**

The Head of Development Management was made aware that the Ward Councillor would like the committee to consider a site visit to aid in determining the application.

**Recommendation:** Refusal

**Committee decision:** Deferred to allow Members to undertake a site visit to aid in the determination of the application.

**6e) 3563/22/VAR "Parklands", Bay View Estate, Stoke Fleming  
Parish Council: Stoke Fleming**

**Development: Application for variation of condition 1 (approved drawings) of planning consent 3542/16/VAR**

**Case Officer Update:** The Case Officer reported that the key issues include whether the proposed amendments were considered to be significantly different from the approved scheme that they would render the development unacceptable. The Case Officer then took Members through the amendments and commented as follows:

- Re-arrangement of fenestration – no impact subject to conditions;
- Removal of chimney – no impact;
- Relocation of garage – no impact;
- Additional height – remains in keeping with street pattern, impact on neighbours not considered harmful.

Members questioned the how the height of the dwelling is measured and it was reported that measurements were taken from the plinth

Speakers were: Objector – Jill Wallis, Supporter – None, Parish Council – Cllr Struan Coupar, Ward Member – Cllr H Reeve.

The Ward Member said there was a long history to the site and had therefore asked to bring to committee. The small amendments different to what was approved in 2016. The dwelling is overwhelming and roof too high.

During the debate, Members felt strongly about the height of the roof and the imposing nature of the property on the neighbourhood. It was felt it unreasonable for applicant to go against what has been approved. Members said that the site visit was useful for the visual impact on neighbouring properties. Some Members raised that you do not have a right to a view but do have a right to amenity and light. The scale of the property there is a noticeable increase and concerned if refuse how this would stand at appeal.

**Recommendation:** Conditional Approval

**Committee decision:** Refused: The proposed amendment by virtue on the height of the dwelling would have harmful impact on the amenity DEV1 of the JLP and Neighbourhood Plan.

**6f) 2856/22/HHO “10 Fernbank Avenue”, Ivybridge  
Town Council: Ivybridge**

**Development: Householder application for proposed single storey front extension**

Case Officer Update: The Case Officer reported that the key issues include:

- Scale: sizeable and prominent addition to the property which would dilute the simplicity of the front elevation and harm the symmetry of the row of terrace properties;
- Design: roof form would compromise a flat to hipped roof; not present amongst the other properties within the street;
- Neighbour Amenity: consideration of potential loss of light to number 8, however, not substantial reason for refusal.

Speakers were: None

During the debate Members felt that this extension will impact on the streetscape and extending the building at the front of the property should not be supported.

**Recommendation:** Refusal

**Committee decision:** Refusal for reasons as set out in the report.

**6g) 2556/22/HHO 18 New Park Road, Lee Mill Bridge  
Parish Council: Sparkwell**

**Development: Householder application for proposed rear garden store**

Case Officer Update: The Case Officer reported that the key issues include:

- Parking: the proposal would occupy one parking place which can be offset by the creation of a new parking space to the front and conditioned as such. Objections in regards to blocking existing access to number 20 are not considered to be reasons for refusal;
- Design: the scale and design is considered appropriate and typical of this type of development;
- Neighbour Amenity: the shed would be visible over the neighbour's fence for a short section at the far end of the garden and the impact is considered acceptable;
- Drainage: SWW has confirmed discharge to a combined sewer (if required) would be acceptable.

Speakers were: Objector - None, Supporter – Daniel Langdon, Parish Council – Cllr Serpell Denman, Ward Member – Cllr K Baldry

The Ward Member thanked members for attending the site visit and asked the members refuse on drainage concerns. There are parking issues in New Park Road and cannot afford to lose more spaces.

During the debate, Members found the site visit useful to view the location of the shed and parking arrangements. Members felt that drainage issues were being addressed by SW Water.

**Recommendation:** Conditional Approval

**Committee decision:** Conditional Approval

Conditions: Standard time limit  
Adherence to plans  
Surface water discharge to an existing sewer within the application site  
Not to be implemented until parking space approved by 2555/22/HHO is provided  
Removal of Class E PD rights

**6h) 2084/22/OPA "Land at SX 648 561", Rutt Lane, Ivybridge Parish Council: Ivybridge**

**Development: Outline application (all matters reserved) for the provision of a Special School including new two storey teaching block with associated hard & soft landscaping**

Case Officer Update: The Case Officer reported that the key issues include:

- The use proposed is an employment generating community facility and is not seen as a significant change from the currently approved land use from a planning viewpoint;
- Planning conditions can effectively mitigate any potential issues for those residents in closest proximity to the site at the reserved matter stage;

- The site is a sustainable location with a variety of transport options;
- There is already a cycle link between the site and the heart of Iybridge and further works already secured through existing s106 agreements for nearby developments in the other direction

Speakers were: Objector - None, Supporter – Neil Pateman, Parish Council – Cllr Sara Hladkij, Ward Member – Cllr Abbott

In response to questions, the Supporter reported it will cost £10 – 15 million to construct and development being delivered by the Department of Education;

The Ward Member reported that Iybridge Iybridge has developed over the last few decades, many houses built around the centre with no overarching plan, entrapped by the railway line and A38. The Government’s latest proposal, Active Travel England responsible for making walking and cycling a priority by 2023, if we do not build appropriately now will not reach this aim. The cycle routes are not complete in the area and DCC offered this scheme £20k towards transport improvements. By my calculation this figure should be in the region of £880k. I am asking for small improvements and ask for 4 conditions:

- DCC support Government and Active Travel England to provide suitable infrastructure at this point in build to ensure compliance by 2030;
- DCC and SH agree with the local travel support group PL21, a masterplan of all traffic free routes for the local area;
- DCC contribute providing suitable crossings to access to the school and on B213 into the new estate at Saxon Gate;
- DCC to provide £400k to support the improvement of routes for Active Travel.

The Highways Officer from DCC reported that the applicant requested a transport statement on traffic flow on previous approval on that site and there was not a requirement for a crossing. £20k for the crossing on the B road to best serve the residents and school and cycle link approved through Wain Home. It was felt that the crossing is in the right place this has been strategically thought out by the DCC.

During the debate, one Member raised that they were being asked to consider to grant outline consent for a specialist school guided by officers and this was perfectly reasonable and should be approved. Some Members felt that more crossings were required and whether the speed limit should be reduced to 20 mph.

The Ward Member asked the proposer to include the 4 conditions as outlined in his speech, this request was declined.

**Recommendation:** Conditional Approval

**Committee decision:** Conditional Approved

**Conditions:**

1. Reserved Matters time limit
2. Reserved Matters details to be submitted

3. Accord with plans
4. Pre commencement Construction Management
5. Road Surfacing
6. School Travel Plan
7. Waste Audit Statement
8. Designing out crime
9. Landscaping including along frontage
10. Tree retention
11. Detailed Drainage Strategy
12. Foul Drainage
13. Noise Mitigation
14. Ecology Survey recommendations
15. Biodiversity Net Gain
16. Carbon Reduction Measures
17. Local employment & skills
18. External Lighting
19. Archaeology
20. Contamination
21. Restrict external lighting

DM.47/22 **PLANNING APPEALS UPDATE**

Members noted the list of appeals as outlined in the presented agenda report.

DM.48/22 **UPDATE ON UNDETERMINED MAJOR APPLICATIONS**

Members noted the update on undetermined major applications as outlined in the presented agenda report.

(Meeting commenced at 9:45 am. Meeting concluded at 4:39 pm, with a break at 11:09 am and 3:30 pm and lunch at 12.37 pm. Meeting adjourned at 12:17 pm)

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Chairman

**Voting Analysis for Planning Applications – DM Committee 18 January 2023**

<i>Application No:</i>	<i>Site Address</i>	<i>Vote</i>	<i>Councillors who Voted Yes</i>	<i>Councillors who Voted No</i>	<i>Councillors who Voted Abstain</i>	<i>Absent</i>
1984/22/FUL	Higher Coltscombe Farm, Slapton	Approved	Cllrs Abbott, Brazil, Brown, Hodgson, Pringle, Reeve and Rowe (7)	Cllrs Long and Pannell (2)	Cllr Foss (1)	Cllrs Kemp and Taylor (2)
3253/22/FUL	"Court House", 40 Buckley Street, Salcombe	Approved	Cllrs Abbott, Brazil, Brown, Foss, Pannell, Reeve, Rowe and Taylor (8)	Cllrs Hodgson, Long and Pringle (3)		Cllr Kemp (1)
2363/22/FUL	"Sunnydale", Newton Road, Salcombe	Deferred	Cllrs Abbott, Brazil, Hodgson, Long, Pannell, Reeve and Taylor (7)	Cllrs Rowe and Brown (2)	Cllrs Foss and Pringle (2)	Cllr Kemp (1)
2226/22/HHO	"Paradise Point", Ravensbury Drive, Warfleet, Dartmouth	Deferred	Cllrs Abbott, Brown, Foss, Hodgson, Long, Pannell, Pringle, Reeve, Rowe and Taylor (10)			Cllrs Brazil and Kemp (2)
3563/22/VAR	"Parklands", Bay View Estate, Stoke Fleming	Refused	Cllrs Abbott, Brown, Hodgson, Long, Pringle, Reeve, Rowe and Taylor (8)		Cllrs Foss and Pannell (2)	Cllrs Brazil and Kemp (2)
2856/22/HHO	"10 Fernbank Avenue", Ivybridge	Refused	Cllrs Abbott, Brown, Foss, Hodgson, Long, Pannell, Pringle, Reeve, Rowe and Taylor (10)			Cllrs Brazil and Kemp (2)
2556/22/HHO	18 New Park Road, Lee Mill Bridge	Approved	Cllrs Abbott, Brown, Foss, Hodgson, Long, Pannell, Pringle, Reeve, Rowe and Taylor (10)			Cllrs Brazil and Kemp (2)
2084/22/OPA	"Land at SX 648 561", Rutt Lane, Ivybridge	Approved	Cllrs Abbott, Brown, Foss, Hodgson, Long, Reeve, Rowe and Taylor (8)			Cllrs Brazil, Kemp, Pannell and Pringle (4)

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## PLANNING APPLICATION REPORT

**Case Officer:** Bryony Hanlon

**Parish:** Salcombe **Ward:** Salcombe and Thurlestone

**Application No:** 2363/22/FUL

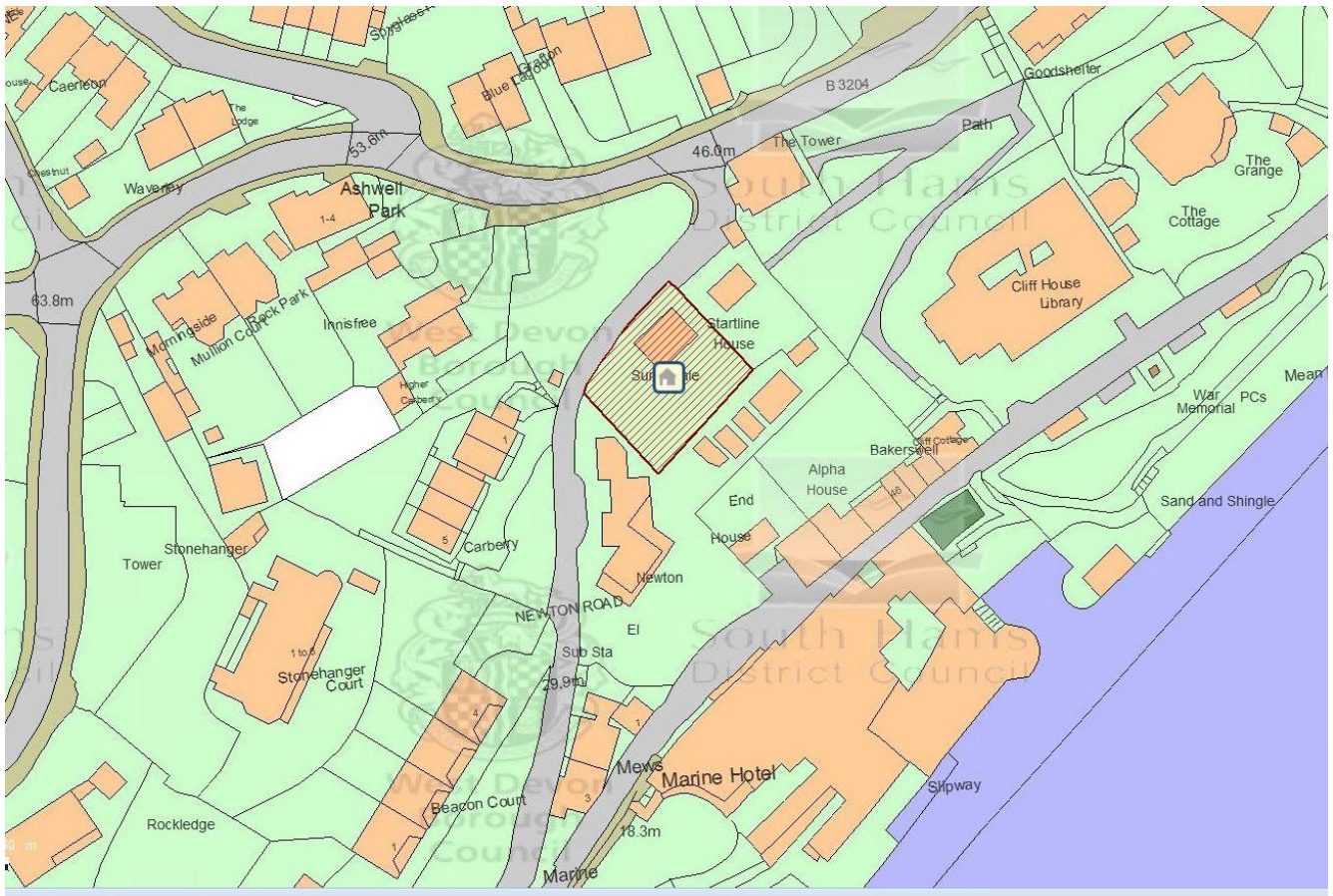
**Agent:**

Mr Tim Provost  
BBH Chartered Architects Ltd  
9 Duke Street  
Dartmouth  
TQ6 9PY

**Applicant:**

Mr & Mrs Taylor  
Sunnydale  
Newton Road  
Salcombe  
TQ8 8HH

**Site Address:** Sunnydale, Newton Road, Salcombe, TQ8 8HH



**Reason for call-in:** Cllr Long would like the Committee to review the application with respect to the scale, footprint and massing, design and Construction Management Plan.

**Development:** Demolition of existing dwelling & construction of new detached house with associated landscaping

**Recommendation:** Conditional approval

**Conditions:**

1. Time limit
2. Accord with plans
3. CEMP
4. Materials samples (natural slate)
5. Materials samples (natural stone sample panel)

6. Surface water drainage
7. Air source heat pump
8. Adhere to ecological report

**Key issues for consideration:**

Design, scale and massing, low carbon, neighbour amenity, drainage, heritage, highways safety, biodiversity, impact on South Devon Area of Outstanding Natural Beauty.

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**Site Description:**

The site is located within the built form of Salcombe, c. 0.25km from the town centre. The site hosts a detached dwelling overlooking a terraced garden and the Estuary to the east. The site is accessed via Newton Road and there is off-road parking to the west of the dwelling; there are double yellow lines on both sides of Newton Road adjacent to the application site and there is a one way system in operation so cars can only travel south to north.

**The Proposal:**

The applicant has an extant permission to alter and extend the existing dwelling under 3635/21/HHO. The applicant now wishes to demolish the existing dwelling and provide a contemporary replacement, with associated parking and garden landscaping. The dwelling will be served by air source heat pumps; an electric vehicle charging point will be provided within the garage and a further point within the parking area.

**Consultations:**

- County Highways Authority                      No comments received
- Town Council    Objection

Objection as this was overdevelopment of the site as the proposed development was at least 50% larger than the previously approved refurbishment and extension. The amount of glazing and design would severely impact the AONB (particularly when viewed from the estuary and coast path) which was contrary to NDP policy ENV1 (a & b). The design did not fit in with the surrounding buildings contrary to NDP policy B1 (b). There would be a loss of a public view of the estuary from both Devon Road and Newton Road.

**Representations:**

**Representations from Residents**

Eleven letters of objection have been received and cover the following points:

- Overdevelopment of the site
- Proposal is even larger than the consented scheme
- Should compare with what is existing not what is consented
- Will block light to neighbours
- They should build down into the garden where the development can be better accommodated instead of upward
- Inappropriate design in the South Devon AONB; would be visually prominent in views from East Portlemouth and the estuary
- The design and materials are out of keeping with the local residential area and would be more appropriate in a more industrial setting
- The design is bland, ugly and boring
- Car parking is dangerous; cars are too close to the road where drivers are inclined to speed up, no turning curves have been provided, when cars occupy the spaces pedestrian access is not possible
- The development will block public views of the estuary
- Approval would set a precedent for further such developments in the area
- Plans are inaccurate and misleading

## Relevant Planning History

Planning Application Reference	Proposal	Site Address	Decision
41/1052/78/3: FUL	Provision of vehicular layby	Sunnydale Newton Road Salcombe	Conditional approval: 19 Sep 78
41/1279/88/3: FUL	Ancillary accommodation and layby	Sunnydale Newton Road Salcombe	Conditional approval: 26 Aug 88
41/0220/97/3: FUL	Alterations and extensions	Sunnydale Newton Road Salcombe.	Conditional approval: 01 Apr 97
41/1249/98/3: FUL	Amendments to approved plans for alterations and extensions	Sunnydale Newton Road Salcombe.	Conditional approval: 17 Sep 98
41/0676/02/F: FUL	Extension and alterations	Sunnydale Newton Road Salcombe Devon TQ8 8HH	Withdrawn: 20 May 02
41/1790/12/PREMIN: PRE	Pre-application enquiry for proposed demolition of existing dwelling and erection of new dwelling	Sunnydale Newton Road Salcombe TQ8 8HH	Pre app not concluded CLOSED: 29 Nov 12
1641/21/HHO	Householder application for refurbishment, extension, second parking space and landscaping works	Sunnydale Newton Road Salcombe TQ8 8HH	Withdrawn
3635/21/HHO	Householder application for refurbishment, extension and landscaping works (Resubmission of 1641/21/HHO)	Sunnydale Newton Road Salcombe TQ8 8HH	Conditional approval: 01 Feb 22

## ANALYSIS

### Principle of Development/Sustainability

The site is located within the built form of Salcombe and hosts a single residential dwelling with consent to extend; the principle of development within this context is therefore established, subject to compliance with the other protective designations in this highly sensitive location.

### Design/Landscape

Objectors have suggested that the applicant build down into the garden instead of upward, so that the bulk of the new development can be better accommodated by the site. Officers note that a range of alternative development options may be available to the applicant but that only the scheme as submitted can be considered.

Objectors have also asked that the proposed scheme be compared to the existing dwelling only and not the consented scheme (3635/21/HHO). Officers confirm that the proposed scheme will be considered on its own merits but that Officers have had regard to the fact that there is an extant consent for the existing dwelling to be extended and altered.

Objectors have raised concerns that due to the increased scale and bulk of development, the proposal represents overdevelopment of the site. The site falls within character and density policy area B of SALC ENV7 Maintaining the character and density of development in key areas of Salcombe. Officers note that the replacement dwelling would be larger than the existing dwelling but that the applicant has provided plans to demonstrate that the ridge height of the new dwelling will not

exceed the height of the existing dwelling. The footprint and bulk of development will increase but much of this will sit below street level within Newton Road and as such, is unlikely to be unduly visually prominent when viewed from within the street scene. Much of the garden is to be retained in its current terraced form; the applicant has provided a landscaping plan to demonstrate where planting will be sited to help to maintain the character of the site. Officers note that the applicant seeks to replace the dwelling only, albeit with a larger building, rather than to subdivide the plot for additional dwellings. Officers consider that in totality, the proposal does accord with the provisions of SALC ENV7.

The design has attracted some criticism; objectors have raised concerns that the design is more suited to an industrial setting than a residential street and that the contemporary design centred around the three gables is bland, ugly and boring. Officers recognise the strength of feeling and would acknowledge that the design would also be likely to sit comfortably in an area with a more industrial character. It is noted that the design is very clearly contemporary and that such a design may not be to everyone's taste. There are a range of dwellings in the area surrounding the site and Officers consider that when viewed in this context, the proposal would not appear incongruous. Concerns regarding the visual prominence of the dwelling, with its glazed gables, within wider views from East Portlemouth are also noted. However, Officers consider the use of a recessive materials palette and the cowl design to partly enclose the gables will act to shield the surrounding area from upward light spill and break up the areas of glazing on the east elevation, thus minimising the visual impact of the proposal when viewed at a landscape scale.

It is considered necessary to secure the details of the natural slate in the interests of visual amenity. It is considered necessary to secure the details of the natural stone in order to enable the Local Planning Authority to consider the details of all stonework to be constructed as part of the development hereby permitted in order to ensure that the development displays good design and is of a locally distinctive style, to ensure that all stonework is retained in its natural stone finish. As such, the proposal is considered to accord with the provisions of DEV20, DEV23, SALC ENV7 and SALC B1.

Policy DEV25 requires that proposals "conserve and enhance the natural beauty of the protected landscape with particular reference to their special qualities and distinctive characteristics or valued attributes". The proposal meets the first policy test, in that the design and palette of materials have a neutral impact on the AONB itself, as the proposal is located well within the built form of Salcombe and changes to character and appearance of the residential area will be localised only, thereby conserving the natural beauty of the AONB. While it does not offer enhancement, given the small scale of the proposal and having regard to the current condition of the site, including the presence of an existing residential dwelling, the proposal is considered acceptable with regard to the provisions of DEV25 and SALC ENV1.

#### Heritage

Officers are mindful of the duty noted at Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses in exercising planning functions. The application site is within the setting of a number of Grade II Listed Buildings; Grade II Tower House, Alpha House, End House, Ferry View, Nos. 46-48 and Cliff Cottage. These buildings are listed for their historic, architectural and (except for The Tower) their group value and would remain unaltered as a result of the development.

Officers consider that the proposal is clearly discernible as a contemporary addition to the site with a recessive materials palette. On this basis, the setting of the Listed Building is preserved and the proposal is considered to accord with the provisions of DEV21 and SALC B1.

### Neighbour Amenity

Officers note that the cowl design over the gables provides privacy screening for neighbours. The new terrace may offer some additional views over the surrounding area but in comparison to existing levels of overlooking, Officers do not consider that the impact on neighbour amenity would be so significant so as to warrant a refusal solely on this basis.

Objectors have raised concerns that the proposal would block light for neighbours but given the siting, height and orientation of neighbouring dwellings relative to the path of the sun, Officers do not consider that the proposal would result in such a significant loss of light so as to warrant a refusal solely on this basis.

Objectors have also commented that the proposal will block public views of the Estuary from both Devon Road and Newton Road. Officers do acknowledge that there will be a change in the view available from both roads and that it is likely that there will be some reduction in the public view available. However, Officers do not consider that the proposal will block all views of the Estuary across the site altogether and are mindful that the right to a view is not recognised within the planning system per se. Officers are mindful of the provisions of the Salcombe Neighbourhood Plan and that there are Locally Important Views defined in policy SALC ENV6 but Officers do not consider that the proposal would be caught by the provisions of this policy, as none of the views cover the application site.

On balance, Officers consider that the proposal accords with the provisions of DEV1.

### Construction Management Plan

Officers are mindful of the potential impact of construction on the surrounding residential area, given the proximity of neighbours, the lack of on-street parking and the narrow section of road at the front of the site. The applicant has submitted a Construction Management Plan to outline how the construction phase will be managed in order to address these constraints. Officers consider that the CMP is acceptable, with the document to be secured by condition in order to safeguard the interests of residential amenity and the natural environment. On this basis, the proposal is considered to accord with the provisions of DEV1, DEV2, DEV25 and SALC ENV1.

### Highways/Access

Objectors have raised concerns regarding the parking provision within the development, including the arrangement and number of spaces provided. Officers would note that there is one parking space within the garage, with the potential for one car to park in front of the garage. The parking area is indicated as offering three parking spaces but due to the route of Newton Road, two spaces are provided that accord with the space standard provisions of the SPD. With this in mind, it is likely that the pedestrian gate would be accessible when cars occupied the spaces.

Objectors have raised concerns about highways safety, given the gradient of Newton Road, the one way system in operation and the restricted width adjacent to the application site. The parking arrangement is similar to that as approved under 3635/21/HHO and the DCC Highways Team did not raise any concerns during the life of that application. On this basis and having regard to the current parking and turning arrangements, Officers do not consider that the current scheme would give rise to significant increased risk to highways safety and would accord with the provisions of DEV29.

### Surface Water Drainage

The applicant has proposed the use of a soakaway to dispose of surface water from the proposed scheme; it is considered appropriate to secure these details by condition to ensure surface water runoff does not increase to the detriment of the public highway or other local properties as a result of the development. On this basis, the proposal is considered to accord with the provisions of DEV35 and is acceptable.

### Low Carbon

Officers are mindful of the carbon implications of replacing an existing dwelling and asked the applicant to supply a SAP assessment to accompany the application. Officers are satisfied that the design of the replacement building has been informed by the need to minimise the carbon emissions of the dwelling and that the proposal accords with the provisions of DEV32.

The applicant has included the provision of air source heat pumps within the proposal. While the principle of this element is acceptable, full details of the ASHPs must be secured by condition in order to safeguard the interests of residential amenity and the natural environment. On this basis, the proposal is considered to accord with the provisions of DEV1, DEV2, DEV26, DEV28 and DEV32.

### Biodiversity

The applicant has provided a Preliminary Ecological Appraisal to confirm that there are no ecological constraints to development on the site. The Appraisal contains a number of precautionary recommendations in order to safeguard the interests of protected species, which are necessary to secure through condition. On this basis, the proposal is considered to accord with the provisions of DEV26.

### Other Matters

Objectors have raised the issue of precedent should the application be approved; Officers would reiterate that each application is considered on its own merits in accordance with the policies in force at the time of determination. As such, this matter is not considered further within this report.

Objectors have raised concerns that the plans are inaccurate and misleading. Officers would note that the use of three dimensional models by both the applicant and objectors does seem to have generated some dispute but are satisfied that the two dimensional scaled drawings depict the proposal accurately. Officers have determined the application based on the plans as submitted and consider that sufficient information has been provided.

### Conclusion

Officers recognise the strength of feeling in the local community objecting to the proposal. While Officers note that the design of the building is starkly contemporary, in the context of the existing dwelling with extant consent for an extension, Officers do not consider that the proposed replacement dwelling would result in a significantly harmful impact so as to warrant a refusal solely on this basis.

***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**

### Relevant policy framework

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. For the purposes of decision making, as of 26 March 2019, the Plymouth & South West Devon Joint Local Plan 2014 - 2034 is now part of the development plan for Plymouth City Council, South Hams District Council and West Devon Borough Council (other than parts of South Hams and West Devon within Dartmoor National Park).

The relevant development plan policies are set out below:

**The Plymouth & South West Devon Joint Local Plan was adopted by South Hams District Council on 21 March 2019 and West Devon Borough Council on 26 March 2019.**

SPT1 Delivering sustainable development

SPT2 Sustainable linked neighbourhoods and sustainable rural communities  
SPT3 Provision for new homes  
SPT9 Strategic principles for transport planning and strategy  
SPT10 Balanced transport strategy for growth and healthy and sustainable communities  
SPT11 Strategic approach to the Historic environment  
SPT12 Strategic approach to the natural environment  
TTV1 Prioritising growth through a hierarchy of sustainable settlements  
TTV2 Delivering sustainable development in the Thriving Towns and Villages Policy Area  
DEV1 Protecting health and amenity  
DEV2 Air, water, soil, noise, land and light  
DEV8 Meeting local housing need in the Thriving Towns and Villages Policy Area  
DEV9 Meeting local housing need in the Plan Area  
DEV10 Delivering high quality housing  
DEV20 Place shaping and the quality of the built environment  
DEV21 Development affecting the historic environment  
DEV23 Landscape character  
DEV25 Nationally protected landscapes  
DEV26 Protecting and enhancing biodiversity and geological conservation  
DEV28 Trees, woodlands and hedgerows  
DEV29 Specific provisions relating to transport  
DEV31 Waste management  
DEV32 Delivering low carbon development  
DEV35 Managing flood risk and Water Quality Impacts

### **Neighbourhood Plan**

Following a successful referendum, the Salcombe Neighbourhood Plan was made at Executive Committee on 19 September 2019. It now forms part of the Development Plan for South Hams District and is used when determining planning applications within the Salcombe Neighbourhood Area. It is not considered that the proposal conflicts with the policies below;

SALC ENV1 Impact on the South Devon Area of Outstanding Natural Beauty  
SALC ENV6 Locally Important Views  
SALC ENV7 Maintaining the character, and density of development in key areas of Salcombe  
SALC B1 Design Quality and safeguarding Heritage Assets

Other material considerations include the policies of the National Planning Policy Framework (NPPF) and guidance within the Planning Practice Guidance (PPG). Additionally, the following planning documents are also material considerations in the determination of the application: Plymouth and South West Devon Joint Local Plan Supplementary Planning Document 2020, South Devon AONB Management Plan (2019-2024).

### **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.

### **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 approved shall in all respects accord strictly with drawing numbers;

Site Location Plan 4086 S01

Proposed Level 0 Plan Drawing 4086 75 Rev G

Garden Layout - PC / BBH / 644 - 01 A

Proposed Elevations with external Materials 4086 85

Proposed Sections A-A and B-B 4086 90 Rev C

Proposed Elevations 4086 84

Proposed Level 2 Plan 4086 77 Rev F

Proposed Roof and Site Plan 4086 78 Rev D

Received by the Local Planning Authority on 08 September 2022

Proposed Level 1 Plan - 4086 76 Rev H

Received by the Local Planning Authority on 27 September 2022

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. The development hereby approved shall take place in accordance with the Construction Management Plan received by the Local Planning Authority on 14 December 2022.

Reason: To safeguard the interests of residential amenity and the natural environment.

4. Prior to their installation details (such as a product brochure, technical specification sheet and colour photographs) of the natural roofing slate to be used in the construction of the proposed development shall be submitted to and approved in writing by the Local Planning Authority.

The natural slate used on all new buildings with pitched roofs must accord with the hierarchy of origin as well as meeting the requirements to be compatible with local vernacular and design:

- Reclaimed UK or European slates where available with proof of origin from supplier
- New UK derived slates with proof of origin from supplier
- New European derived slates with proof of origin from supplier
- No other natural slate products will be considered acceptable

All new roof slates must be covered by a minimum warranty period of 50 years. Where possible, a product should be obtained that has an Environmental Product Declaration (EPD). If an EPD is not available, a verifiable certificate of origin or provenance will need to be supplied.

The development shall then be carried out in accordance with those samples as approved. The slates shall be fixed in the traditional manner using nails not hooks and retained and maintained for the lifetime of the development.

Reason: In the interests of visual amenity.

5. The new stone walls shall be constructed of natural random stone laid traditionally on its quarry bedding. A sample panel of not less than two square metres shall be provided for inspection and written agreement by the Local Planning Authority prior to the construction of any of the new walls.



The natural stone used in all of the new walls must accord with the hierarchy of origin as well as meeting the requirements to be compatible with local vernacular and design:

- Reclaimed UK or European stone where available with proof of origin from supplier
- New UK derived stone with proof of origin from supplier
- New European derived stone with proof of origin from supplier
- No other natural stone products will be considered acceptable

All new natural stone must be covered by a minimum warranty period of 50 years. Where possible, a product should be obtained that has an Environmental Product Declaration (EPD). If an EPD is not available, a verifiable certificate of origin or provenance will need to be supplied.

Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and reenacting this Order), all new stone walls, constructed in accordance with the approved drawings and the terms of this condition, and all existing stone boundary walls shall be retained in their natural stone finish and shall not be rendered, colourwashed or otherwise treated in a manner which would obscure the natural stone finish, nor shall they be demolished either in whole or in part.

Reason: To enable the Local Planning Authority to consider the details of all stonework to be constructed as part of the development hereby permitted in order to ensure that the development displays good design and is of a locally distinctive style, and to ensure that all stonework is retained in its natural stone finish.

6. Notwithstanding the submitted details, prior to the installation of any part of the surface water management scheme or before development continues above ground level, whichever is the sooner, full details of the most sustainable drainage option shall be submitted to and approved in writing by the Local Planning Authority (LPA). Design steps as below:

1. Soakaway testing to DG 365 to confirm the use of soakaways or to support an alternative option. Three full tests must be carried out and the depth must be representative of the proposed soakaway. Test results and the infiltration rate to be included in the report.

2. If infiltration is suitable then the soakaway should be designed for a 1:100 year return period plus an allowance for Climate change (currently 40%).

3. If infiltration is not suitable then an offsite discharge can be considered. Attenuation should be designed for a 1:100 year return period plus an allowance for Climate change (currently 40%).

4. The offsite discharge will need to be limited to the Greenfield runoff rate. This must be calculated in accordance with CIRIA C753. The discharge must meet each of the critical return periods. Full details of the flow control device will be required.

5. A scaled plan showing full drainage scheme, including design dimensions and invert/cover levels of the soakaways/attenuation features, within the private ownership. The soakaways should be sited 5m away from all buildings and highways to accord with Building Regulations and 2.5m from all other site boundaries for best practice.

6. The drainage scheme shall be installed in strict accordance with the approved plans, maintained and retained in accordance with the agreed details for the life of the development.

Reason: To ensure surface water runoff does not increase to the detriment of the public highway or other local properties as a result of the development.

7. Notwithstanding the information submitted, prior to installation full details of the Air Source Heat Pump hereby approved shall be submitted to and approved in writing by the LPA. The equipment shall then be installed, maintained and retained in accordance with those details for the lifetime of the development, unless otherwise agreed in writing by the LPA. The Air Source Heat Pump must be removed as soon as reasonably practicable when no longer required.

Reason: In order to safeguard the interests of residential amenity and the natural environment.

8. The recommendations, mitigation and enhancement measures of the Ecological Report, by Colmer Ecology dated April 2021 and updated on 01 September 2022, 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.

## PLANNING APPLICATION REPORT

**Case Officer:** Charlotte Howrihane

**Parish:** South Huish **Ward:** Salcombe and Thurlestone

**Application No:** 4082/22/FUL

**Agent:**

Mr Joe Owen - Derry Owen Architects  
Unit 5 Homelands  
Higher Union Road, Kingsbridge  
TQ7 1EQ

**Applicant:**

Mr Steve Carter  
5 Cumber Close  
Malborough  
Kingsbridge  
TQ7 3DE

**Site Address:** Development Site At Sx 677 403, Weymouth Park, Hope Cove



**Development:** Erection of single-storey dwelling following grant of permission in principle (Re-submission of 1741/22/FUL)

**Reason item is being put before Committee:** Cllr Pearce has called the application to committee for the following reason:

*The large garage and car port detached building was not an expressed part of the original PIP application. It is an unduly prominent and uncharacteristic feature in Weymouth Park, where there is only one other (single) detached garage in this part of the development, and like all the other garages, this single garage is alongside the bungalow to which it belongs and therefore not unduly prominent.*

**Recommendation:** Conditional approval

**Conditions:**

Standard time limit  
Accord with plans  
Principal residence  
Removal of PD rights  
Landscape scheme to be submitted  
Removal of temporary fence  
Details of materials to be submitted  
Details of external lighting to be submitted  
Details of boundary treatments to be submitted  
Details of boundary screening to southern elevation  
Natural slate  
Incidental use of garage only  
Car port to be retained for parking only  
Accord with drainage  
No surface water or debris outside of the site  
Accord with DEV32 checklist  
Solar panels to be installed prior to occupation  
EV charging point to be installed prior to occupation  
Unsuspected contamination

**Key issues for consideration:**

Principle of development, design, landscape impact, neighbour amenity, highways, low carbon development.

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**Site Description:**

The application site is currently an undeveloped parcel of sloping land located on the south western side of Weymouth Park in the village of Hope Cove. Existing dwellings bound the site to the south, east and west. To the west there is also a public right of way 'South Huish Public Footpath 23' and to the north the existing estate road 'Weymouth Park'.

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

**The Proposal:**

The application seeks full planning permission for the erection of a single dwelling. The dwelling would be a single-storey, two-bed property, with a detached garage and car port. Vehicular access would be from the highway at Weymouth Park, with a driveway and turning area for cars provided within the site.

The dwelling and the garage would both be rendered, with a natural slate roof.

**Consultations:**

- County Highways Authority- no highways implication
- Parish Council- *'South Huish Parish Council have reviewed the above application and have resolved to submit a holding objection as applicant has stated that more information is due to be submitted to the Planning Officer in respect of this application. That said, the following comments were made at the meeting on 11th January 2023:*

- *This is considered overdevelopment, the garage/carport is too high and sited too far forward. The PIP did not allow for this element of development.*
- *The proposals are incongruous, there is a local pattern of development and it was felt that no heed had been given to the JLP, NP and NPPF policies previously mentioned in application reference 1741/22/FUL. Those references are therefore also applicable to this application.*
- *The materials were not felt to be in keeping with the surrounding properties. This dwelling needs to complement the other properties in Weymouth Park, not differentiate from them.*
- *The height of the roof was considered out of keeping. If it were at 23 degrees (as per other properties in the area) this may alleviate the issue.*
- *The orientation does not alight, although it was accepted that the applicant may not have other options due to the site location.*
- *The plans would appear to show a three bedroom property – one room being shown as the office. There were also concerns that the garage, if permitted, might become another habitable area.*
- *The application was considered an improvement on previous plans, but it needs to fit in the street scene.'*

### **Representations:**

Ten letters of objection have been received, along with seven letters of support. These representations can all be seen in full on the Council's website, but can be summarised as follows:

#### *Support:*

- The design and layout fits in with the surroundings
- Good to have a permanent home in the village
- Modern design is good
- Modest scale
- Support for a local family
- Good to encourage younger families into Weymouth Park- currently older people or holiday homes
- Sustainable dwelling
- Using slate has a lower carbon footprint than concrete
- Using renewable energy technologies should be supported
- Single storey design is appropriate
- The footpath is outside of the plot so would not be affected
- Includes sufficient parking

#### *Objection:*

- Too high
- Dwelling is closer to the road than the original plans
- Outline approval did not include a garage
- Appears to be no curtilage or pavement
- Building in front of the building line
- Garage could be used for accommodation
- Fencing is not in keeping with the area
- Out of keeping with the AONB
- Unacceptable massing and overdevelopment of plot
- Impact on privacy of 40 Weymouth Park
- Dispute over extent of boundary
- Location of garage is not shown on plans
- Missing/inconsistent information

- Lack of details on external lighting and landscaping
- Study is probably going to be a third bedroom
- No other double garages or detached garages on the road
- Building will impact on views from other properties in Weymouth Park
- The applicant removed a hedge before submitting the application
- Concerns about surface water impacting properties below the site on Grand View Road
- Overlooking to Ridge Cottage
- Will set a precedent for future extensions beyond the building line

### Relevant Planning History

- 1741/22/FUL- New single-storey dwelling with undercroft workshop and storage at rear- refused
- 0358/22/FUL- New 3 bed bungalow- withdrawn
- 0060/22/FUL- New single residential property- withdrawn
- 4175/19/PIP- Permission in principle application for new 2 bedroom dwelling- refused- appeal allowed (appeal reference APP/K1128/W/20/3264409)

### ANALYSIS

#### 1.0. Principle of Development/Sustainability:

- 1.1. The principle of a dwelling on the site has been established through the grant of a Permission in Principle (PIP) application, which was refused by the Council but allowed at appeal in 2020 (application reference 4175/19/PIP). This granted permission for a two-bed dwelling, but only related to the principle of development. No Technical Details application, which usually follows a PIP, has been submitted, and so no details relating to the scale, design, materials, etc have been approved.
- 1.2. Whilst the principle of development of a two-bedroom dwelling has therefore been established, Officers are mindful of comments made by the Inspector with regard to the PIP application:
 

*‘Dwellings within Weymouth Park are predominately set back from the highway, giving this estate a somewhat open appearance. In this respect, by reason of the surrounding and nearby residential development and well-maintained gardens, in my view the appeal site does not significantly contribute to the somewhat established open appearance of the estate. Consequently, a dwelling that reflected local distinctiveness in terms of scale and design would not necessarily be at odds with this character.’*  
(Appeal APP/K1128/W/20/3264409 paragraph 10).
- 1.3. The Inspector goes on to state that ‘a suitably scaled and designed dwelling would be seen in the context of the nearby residential development and would not be harmful to the enjoyment of the public right of way’.
- 1.4. As such, the principle of the dwelling has already been established, and the specifics of the proposal, such as the design, neighbour impact, etc, will be assessed throughout this report.
- 1.5. Policy SH H2 of the South Huish neighbourhood plan (SHNP) requires an occupancy restriction to be added to any new open market housing, to ensure that the dwelling is only used as a principal residence. A condition securing this use is recommended.

#### 2.0. Housing Mix:

2.1. Policies SPT2(4) and DEV8(1) of the Joint Local Plan (JLP) seeks to provide a good balance of housing types and tenures to support a range of household sizes, ages, and incomes, and to meet identified housing needs. ONS data shows that the parish of South Huish has an oversupply of three-bedroom properties, with the neighbourhood plan Housing Needs Survey identifying the need for smaller units.

2.2. The main floor includes two bedrooms, and a study/office, as well as the usual kitchen, living room, etc. When assessing bedroom numbers, paragraph 4.17 of the Supplementary Planning Document which accompanies the JLP states:

*'Home working is supported and as such the provision of one room identified as an office or study will be accepted, but other rooms that have the potential to be used as bedrooms (other than living rooms, kitchens, dining rooms, rooms with mains plumbing/toilets or rooms with no windows and/or main entrances) will be considered as such, and considered against the requirements of DEV8 on that basis.'*

2.3. Although some objections state that the property would really be a three-bed unit due to the inclusion of the study, when assessed against the SPD criteria, Officers consider the proposed dwelling to be a two-bed unit. There is no current oversupply of two-bed properties in South Huish, and housing data identifies a need for smaller units. The proposal would not exacerbate any existing imbalance in housing stock, and therefore complies with policies SPT2 and DEV8 of the JLP.

### 3.0. Design:

3.1. The street scene of Weymouth Park is very uniform; the road contains single-storey bungalows with garages (most garages attached but some examples of detached garages). Properties are set back from the road with generally open front gardens and parking areas. Dwellings are a mix of render and stone, with concrete tile roofs.

3.2. Policy DEV20 of the JLP requires proposals so have *'proper regard to the pattern of local development and the wider development context and surroundings in terms of style, local distinctiveness, siting, layout, orientation, visual impact, views, scale, massing, height, density, materials, detailing, historic value, landscaping and character, and the demands for movement to and from nearby locations.'*

3.3. Policy SH HBE 3 of the South Huish neighbourhood plan also requires development to be *'innovative and locally distinctive using a palette of materials that respond to and integrate with the local built surroundings, landscape context and setting.'*

3.4. Whilst concerns have been raised over the incongruous nature of the proposed development compared with the surrounding properties, it is noted that the surrounding dwellinghouses appear to be low density modern bungalows of 1970/ 80's design. The proposed dwelling would also be a single-storey dwelling, constructed of materials which match existing dwellings in the cul-de-sac. The vast majority of dwellings in the road have roof ridges running east-west, along with a road-facing gabled element. The proposed dwelling would replicate this pattern, and the development has had regard to the local pattern of development in terms of orientation and materials, as required by both the JLP and the SHNP.

3.5. In this instance it is considered that the proposal for a modern detached bungalow in the proposed location would not constitute an inappropriate form of development. In addition, the site does not lie within a designated conservation area or adjacent to any listed building or buildings of historical significance. It is recommended that conditions be imposed requiring samples of external materials to ensure that a high quality design is achieved.

- 3.6. Concern has been raised about the garage, with some objectors noting that there are no other detached garages in Weymouth Park. Although the garage would be a double garage (one garage bay and one open-fronted bay described as a car port), whereas most garages in the cul-de-sac are single garages, there is no uniform style of garages, with existing examples of both integral and detached garages, as well as flat roof and pitched roof garages. The proposed garage building would fit comfortably within the site, and is of a scale and design of a subservient domestic outbuilding. A condition is recommended to ensure that the use of the garage remains incidental to the host dwelling, to prevent any intensification of use which may impact the character of the street and neighbouring properties. The removal of permitted development rights would also restrict further extension, or installation of openings to the garage which could impact the scale and appearance of the building, and the garage would be partially screened by proposed landscaping.
- 3.7. Many objections consider the dwelling to be too large, and constitute overdevelopment of the site. The proposed dwelling is approximately 156sqm, and is a single storey dwelling. Whilst this is large for a two-storey dwelling when assessed against the Nationally Described Space Standards, it is comparable to the recently approved dwelling on the adjacent plot in the garden of no.39. The site would also retain sufficient external amenity space, including a garden area, parking, and turning space, and Officers therefore do not consider that the development would result in overdevelopment of the plot.
- 3.8. In summary, the proposal has addressed the concerns raised in the previously refused application regarding the scale and appearance of the dwelling. The dwelling is now considered to be of a scale and design which is in keeping with the street scene and local pattern of development, and the design is therefore compliant with policies DEV20 and DEV23 of the JLP, and policy SH HBE 3 of the SHNP.

#### 4.0. Landscape:

- 4.1. The site lies within the designated South Devon AONB and Heritage Coast. Policy DEV25 (Nationally protected landscapes), Policy DEV24 (Undeveloped Coast and Heritage Coast), and paragraphs 176 and 178 of the NPPF requires that proposals conserve and enhance the natural beauty of the protected landscape, with particular reference to their special qualities and distinctive characteristics or valued attributes. Policy SH ENV2 of the SHNP requires development in the AONB and Heritage Coast to maintain the intrinsic character of the landscape.
- 4.2. The application site lies within the built up area of Hope Cove, in a residential cul-de-sac. The surrounding landscape consists of modest, detached bungalows located on the brow of a ridge which forms the boundary to the built form of Hope Cove from the open countryside to the north of the application site.
- 4.3. Many objections have raised concerns about the proposed dwelling not retaining the existing building line on the southern side of the road. Whilst the northern side of the road has a fairly defined building line, this is not so prevalent towards the eastern end of the cul-de-sac, particularly on the southern side, where a new dwelling has recently been consented in the garden of no.39, and the building line is interrupted by Campsie Cottage and Hope Croft, which are set much further back than their neighbouring dwellings. The proposed dwelling is therefore not considered to be sited in such a way that it would have a harmful effect on the street scene due to its positioning within the site.



- 4.4. There is currently a timber fence around the site, which has been erected recently by the applicant. This fence is an incongruous addition to the site surroundings - Weymouth Park is generally characterised by open-fronted front gardens, with some hedges denoting boundaries between properties. The applicant has confirmed that this fence is a temporary addition to secure the site, and not part of the proposal. To ensure that any boundary treatments are sympathetic to the street scene, a condition is recommended to require details of any boundary treatments to be submitted for approval prior to installation.
- 4.5. No landscape details have been submitted, so it is recommended that hard and soft landscaping details be submitted to ensure that the proposed development assimilates well into the existing landscape, and retains the existing open character of the existing street scene.
- 4.6. Mindful of policy SH ENV8 of the SHNP (Dark Skies and the avoidance of light pollution), a condition is also recommended to require details of any external lighting to be submitted prior to installation, to ensure that lighting is kept to a minimum, and is of a position and type which is appropriate to the protected landscapes, and does not have an unacceptable impact on neighbouring properties. The removal of permitted development rights would also prevent the installation of any additional openings in the future which may exacerbate the light impact of the development.
- 4.7. Subject to the recommended conditions, it is considered that the proposals would not harm the character and appearance of the AONB and Heritage Coast, given the extent of the existing built form surrounding the site. The landscape impact of the development is therefore acceptable, in accordance with policies DEV23, DEV24, and DEV25 of the JLP, policies SH ENV2 and SH ENV8 of the SHNP, and paragraphs 176 and 178 of the NPPF.
- 5.0. Neighbour Amenity:
- 5.1. The proposed dwelling would be approximately 30m from the dwellings to the north on the other side of the road, approximately 10m from the new dwelling being constructed to the west, approximately 40m from Lothlorien to the south, and approximately 26m to 40 Weymouth Park to the east. There is also a property approximately 8m to the south-east, Campsie Cottage.
- 5.2. *North:* The dwellings to the north are separated by the road and large front gardens of these properties. The dwellings to the north are also at a higher ground level than those to the south due to the sloping topography. As such, the proposed dwelling is not considered to have a harmful impact on the amenity of neighbours to the north. One property on the northern side has expressed concerns that the dwelling would impact on the views from their property, however this is not a material planning consideration.
- 5.3. *West:* The dwelling currently under construction to the west is separated from the site by the public footpath which from the west of Weymouth Park towards the coast. There are no openings to the west elevation of the proposed dwelling to prevent any overlooking, and the orientation and separation between the dwellings is such that no concerns are raised with regards to neighbour amenity between the two dwellings.
- 5.4. *South:* The dwelling to the south, Lothlorien, is arguably the most impacted by the development. However, with a 40m distance between the south elevation of the proposed dwelling, and the north elevation of Lothlorien, this exceeds the required separation distance required by the JLP SPD. There are concerns about the potential overlooking from the proposed rear terrace into the garden of Lothlorien, which is approximately 20m away. No details have been provided of boundary screening

between the two gardens, which would resolve the privacy concerns, although the applicant has informally advised that agreement has been made between themselves and the neighbour to erect a fence on the boundary. Subject to the aforementioned conditions requiring landscaping and boundary treatment details to be provided, Officers are satisfied that an appropriate boundary treatment can be erected which would address potential overlooking into Lothlorien.

- 5.5. *East:* The dwelling to the east, 40 Weymouth Park, would be approximately 26m from the proposed dwelling, which also exceeds the SPD guidance with regard to separation. The two dwellings would be separated by the turning/parking area proposed for the new dwelling, and the proposed garage. Although the garage is close to the boundary with no.40, Officers note that the west elevation of no.40 is blank, with no openings to be impacted by the presence of the garage. To ensure that the use of the garage remains appropriate for a residential area and does not harm the amenity of neighbouring dwellings, a condition is proposed to restrict the use of the garage to incidental use- it would therefore not be permitted to be used as ancillary accommodation (a concern raised by some objectors), or for any business or commercial uses which would have an adverse impact on neighbours. The impact on no.40 is therefore considered acceptable.
- 5.6. *South-east:* Campsie Cottage is sited to the south-east of the application site, and separated by an existing timber boundary fence. The amenity area and outlook of Campsie Cottage faces south, away from the proposed dwelling, and the difference in grounds levels and orientation of the properties leads Officers to conclude that the dwelling would not have a harmful impact on the amenity of Campsie Cottage.
- 5.7. Whilst the proposed dwelling would have an impact on nearby dwellings by virtue of constructing a dwelling in a previously open space, the proposal is not considered to have a harmful impact on the amenity of any nearby dwellings, subject to conditions regarding boundary treatments, the use of the garage, and the removal of permitted development rights. The proposal therefore complies with policies DEV1 and DEV2 of the JLP, and policy SH HBE3 of the SHNP.

6.0. Highways/Access:

- 6.1. Policy SH T1 of the SHNP requires new 2-bed developments to provide two parking spaces. The proposal includes a garage and car port, as well as parking and turning space within the site meaning that cars could enter and exit the site in forward gear, rather than having to reverse out onto the road, unlike some other properties within Weymouth Park. The development therefore complies with the parking standards contained within the SHNP and JLP SPD.
- 6.2. Objectors have noted that the proposal does not include a pavement along the roadside, expressing concerns about highways safety when pedestrians are existing the footpath. Officers noted during a site visit that there is no existing pavement along this part of the site, so the proposal would not worsen the situation. Given the cul-de-sac layout of Weymouth Park, and the low number and low speeds of vehicles at this end of the road, the lack of pavement is not considered to pose a risk to users of the footpath.
- 6.3. The Highways Authority has raised no objection to the proposal, which is considered acceptable in terms of parking, access, and highways matters, and policy DEV29 of the JLP, policy SH T1 of the SHNP, and paragraphs 110 and 111 of the NPPF.

7.0. Low carbon development:

- 7.1. Policy DEV32 of the JLP requires all development to contribute to the carbon reduction targets of Plan. The application has been submitted with a checklist which details the measures proposed to ensure that the development complies with policy DEV32.
- 7.2. The dwelling would include solar PV panels to the south elevation, and a condition would require these panels to be installed prior to the occupation of the dwelling. The layout of the building has been designed to maximise solar orientation - providing a degree of passive solar gain in the winter months and reducing overheating in the summer with through passive ventilation. An EV charging point is proposed in the garage, and this will also be required to be installed prior to occupation of the dwelling.
- 7.3. Subject to adherence to the carbon reduction checklist, the development is considered acceptable in terms of policy DEV32 of the JLP and SH ENV6 of the SHNP.

8.0. Drainage:

- 8.1. The site is not within a flood zone or Critical Drainage Area identified by the Environment Agency. Details have been provided showing that a soakaway can be accommodated within the site, and that permission has been given to connect the foul drainage to the existing mains sewer. Provided that the development is carried out in accordance with the submitted drainage details, the development raises no concerns with regard to flood risk or drainage.

9.0. Other matters:

- 9.1. Objections have been made to the fact that a garage was not included in the PIP which was approved. This does not preclude the applicant from including a garage in the current proposal, as this is a full planning application. There is no objection to the principle of a garage associated with the proposed dwelling.
- 9.2. Objection has been made to the fact that the eaves height is not shown on the plans. The plans are drawn to scale and the eaves height can therefore be accurately measured and considered.
- 9.3. Claims about boundary disputes are a civil matter, and not a material planning consideration.
- 9.4. It has been claimed that the plans are misleading or inconsistent. Having reviewed the plans, Officers consider them to be adequate to assess the proposal.
- 9.5. It is noted that the applicant removed a hedge prior to submitting the application, however this does not require planning permission and would not warrant refusal of the application.
- 9.6. Objection has been made that the proposal would set a precedent for future development beyond the building line. Notwithstanding the earlier assessment that there is no set building line on the south side of Weymouth Park, any applications on this site or any other would be considered on its own merits, taking the site specifics and context into consideration.

10.0. Summary:

- 10.1. The principle of development on this site has been established through the previous grant of planning permission by the Planning Inspectorate. Previous proposals on the site have been refused due to concern about size and appearance, and these concerns have now been addressed by the currently proposed scheme. The

development of a single-storey, two bed rendered dwelling would be in keeping with the character of Weymouth Park, and the dwelling has been designed and orientated in such a way that it is not considered to have a harmful impact on the amenity of any neighbouring dwellings. Conditions are recommended to ensure that the development is appropriate in terms of landscape impact, to both the immediate street scene and the wider AONB/Heritage Coast setting.

- 10.2. Subject to the recommended conditions, the proposed is considered to comply with all relevant planning policies, and is therefore recommended for conditional approval.

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

## **Planning Policy**

### Relevant policy framework

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. For the purposes of decision making, as of March 26th 2019, the Plymouth & South West Devon Joint Local Plan 2014 - 2034 is now part of the development plan for Plymouth City Council, South Hams District Council and West Devon Borough Council (other than parts of South Hams and West Devon within Dartmoor National Park).

On 26 March 2019 of the Plymouth & South West Devon Joint Local Plan was adopted by all three of the component authorities. Following adoption, the three authorities jointly notified the Ministry of Housing, Communities and Local Government (MHCLG)\* of their choice to monitor the Housing Requirement at the whole plan level. This is for the purposes of the Housing Delivery Test (HDT) and the 5 Year Housing Land Supply assessment. A letter from MHCLG to the Authorities was received on 13 May 2019 confirming the change.

On 14<sup>th</sup> January 2022 the Department for Levelling Up, Housing and Communities published the HDT 2021 measurement. This confirmed the Plymouth, South Hams and West Devon's joint HDT measurement as 128% and the consequences are "None".

Therefore a 5% buffer is applied for the purposes of calculating a 5 year land supply at a whole plan level. When applying the 5% buffer, the combined authorities can demonstrate a 5-year land supply of 5.97 years at end of March 2022 (the 2022 Monitoring Point). This is set out in the Plymouth, South Hams & West Devon Local Planning Authorities' Housing Position Statement 2022 (published 19th December 2022).

[\*now known as Department for Levelling Up, Housing and Communities]

The relevant development plan policies are set out below:

**The Plymouth & South West Devon Joint Local Plan was adopted by South Hams District Council on March 21st 2019 and West Devon Borough Council on March 26th 2019.**

SPT1 Delivering sustainable development

SPT2 Sustainable linked neighbourhoods and sustainable rural communities

SPT12 Strategic approach to the natural environment

TTV1 Prioritising growth through a hierarchy of sustainable settlements

TTV2 Delivering sustainable development in the Thriving Towns and Villages Policy Area

DEV1 Protecting health and amenity

DEV2 Air, water, soil, noise, land and light  
DEV8 Meeting local housing need in the Thriving Towns and Villages Policy Area  
DEV10 Delivering high quality housing  
DEV20 Place shaping and the quality of the built environment  
DEV23 Landscape character  
DEV24 Undeveloped coast and Heritage Coast  
DEV25 Nationally protected landscapes  
DEV26 Protecting and enhancing biodiversity and geological conservation  
DEV28 Trees, woodlands and hedgerows  
DEV29 Specific provisions relating to transport  
DEV32 Delivering low carbon development  
DEV35 Managing flood risk and Water Quality Impacts

### **Neighbourhood Plan**

SH ENV1 Settlement Boundaries and avoidance of coalescence  
SH ENV2 Impact on the South Devon Area of Outstanding Natural Beauty (AONB)  
SH ENV6 Encouraging renewable energy and low carbon development  
SH ENV7 Drainage Impact  
SH ENV8 Dark Skies and the avoidance of light pollution  
SH H2 Principal Residence  
SH T1 Car Parking  
SH HBE3 Design Quality within the Parish

Other material considerations include the policies of the National Planning Policy Framework (NPPF) and guidance in Planning Practice Guidance (PPG). Additionally, the following planning documents are also material considerations in the determination of the application:

### **Plymouth & South West Devon JLP Supplementary Planning Document (2020) AONB Management Plan (2019- 2024)**

### **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.

### Recommended 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 approved shall in all respects accord strictly with drawing numbers 2717.SLP, 2717.SBP, and 2717.10, received by the Local Planning Authority on 22nd November 2022.*

*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. The dwelling hereby permitted shall not be occupied other than by: i. a person or persons as their principal home; ii. persons living as part of a single household with such a person or persons; iii. persons who were living as part of a single household with such a person or persons who have since died; iv. non-paying guests of any of the persons listed in (i) – (iii). The occupant(s) shall at any time supply to the Local Planning Authority such information as the Authority may reasonably require in*

order to determine that this condition is being complied with, within one month of the Local Planning Authority's written request to do so.

*Reason: In accordance with policy SH H2 of the South Huish Neighbourhood Plan which seeks to achieve sustainable communities.*

4. Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) (Amendment) (No. 2) 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, Class AA (enlargement of a dwellinghouse by construction of additional storeys)

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

(d) Part 1, Class D (porch)

(e) 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)

(f) Part 1, Class F (hardsurfaces)

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

(h) Part 1, Class H (microwave antenna) and;

(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.*

5. Prior to the commencement of development above slab level, a landscaping scheme shall be submitted to, and agreed in writing by the Local Planning Authority. Details shall include all proposed soft landscaping, location, species, and density of proposed planting, and any hard landscaping proposed. The development shall hereafter be carried out in accordance with the approved details.

*Reason: In the interests of the amenities of the area.*

6. The timber fence surrounding the site boundary shall be removed in its entirety prior to the occupation of the dwelling hereby approved.

*Reason: In the interests of visual amenity.*

7. Prior to their installation, details 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.*

8. Details of any external lighting (including security lighting) to be erected, placed, or sited within the site shall be submitted to and approved in writing by the Local Planning Authority prior to installation. The work shall thereafter be carried out in accordance with the approved details and under no circumstances shall it cause light pollution nor shall external illumination be operated on the site other than in accordance with the approved scheme.

*Reason: In the interests of the amenities of the occupiers of neighbouring residential properties and preservation of the landscape.*

9. Details of proposed boundary treatments shall be submitted to, and agreed in writing by the Local Planning Authority prior to installation. The development shall hereafter be carried out in accordance with the approved details.

*Reason: In the interests of visual amenity.*

10. Details which demonstrate how the proposed boundary treatment to the south elevation will provide sufficient screening to Lothlorien (dwelling to the south) shall be submitted to, and agreed in writing by the Local Planning Authority. The dwelling hereby approved shall not be occupied until the boundary screening to the southern elevation has been installed in accordance with the approved details.

*Reason: In the interests of neighbour amenity.*

11. The roofs hereby approved shall be clad in natural slates, of British or European origin.

*Reason: To perpetuate the use of vernacular materials so as to retain the character of the locality.*

12. The garage hereby approved shall only be used for purposes incidental to the enjoyment of the main dwellinghouse. It shall not be used as ancillary accommodation, or used for any business or commercial use.

*Reason: In the interests of the amenities of the area.*

13. The proposed car port shall only be used for the accommodation of a private motor vehicle and not be used for any business purposes.

*Reason: In the interests of the residential amenities of the area.*

14. The drainage scheme shall be installed in strict accordance with the approved plans, maintained and retained in accordance with the agreed details for the life of the development.

*Reason: To ensure surface water runoff does not increase to the detriment of the public highway or other local properties as a result of the development.*

15. No surface water, mud, or other debris from the development hereby approved shall be discharged onto the highway, or any land outside of the curtilage of the dwelling hereby approved.

*Reason: In the interests of the amenities of the area.*

16. The development hereby approved shall be carried out in accordance with the DEV32 low carbon development checklist, received by the Local Planning Authority on 22nd November 2022.

*Reason: To ensure that the development contributes to the carbon reduction targets of the Joint Local Plan.*

17. The solar PV panels as shown on the approved plans shall be installed prior to the occupation of the dwelling hereby approved. These panels shall then be retained and maintained for the life of the development.

*Reason: To ensure that the development contributes to the carbon reduction aims of the Joint Local Plan.*

18. The electric vehicle charging point as shown on the approved plans shall be installed prior to the occupation of the dwelling hereby approved. It shall then be retained and maintained for the life of the development.

*Reason: To ensure that the development contributes to the carbon reduction aims of the Joint Local Plan*

*19. 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.*



## PLANNING APPLICATION REPORT

**Case Officer:** Rachel Head

**Parish:** South Huish **Ward:** Salcombe and Thurlestone

**Application No:** 4454/22/HHO

**Agent:**

Mr Douglas Gunn  
Douglas Gunn Design  
Trafalgar House  
19 Coronation Road  
Salcombe  
TQ8 8EA

**Applicant:**

Ms Emma Foster  
The Willows  
Bolberry Road  
Hope Cove  
TQ7 3HT

**Site Address:** The Willows, Bolberry Road, Hope Cove, TQ7 3HT



**Development:** Householder application for extension to approved car port, re-align steps, add window and enclose to form garage

**Reason item is being put before Committee:** Applicant is a member of staff at the Council.

**Recommendation:** Conditional approval

**Conditions:**

1. Time limit
2. Accord with plans
3. Materials to match existing
4. Garage to remain incidental
5. Surface water drainage

## Key issues for consideration:

Principle of development, design, impact on AONB, neighbour amenity

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## Site Description:

The property falls within the built form of Inner Hope, to the south of the village and is accessed off Bolberry Road. The site comprises a one and a half storey detached dwelling with painted render and Cedral clad walls, and slate roof.

The site has an existing driveway off the main road from the south. The rear garden extends north from the rear of the dwelling, and then north-east at a 90 degree angle to form an L-shaped amenity space which runs along the back of the property, 'Kittiwake'. The topography of the land slopes down from the front of the property, and so the garden level is at a lower level than the road to the front (south).

The site is within the South Devon Area of Outstanding Natural Beauty and it falls just outside of the Inner Hope Conservation Area.

## The Proposal:

The proposed development seeks to extend the overall footprint of the previously approved car port by approx. 6sqm and enclose to form a garage, the addition of a window to the internal facing north elevation of the garage and re-align the external steps between the driveway and the dwelling adjacent to the proposed garage.

The materials proposed would comprise rendered walls and natural slate roof tiles to match the existing dwelling.

## Consultations:

- County Highways Authority: No highways implications.
- South Huish Parish Council: Object

South Huish Parish Council have reviewed the application and have unanimously agreed to OBJECT to the proposals.

Councillors felt that the plans were misleading and request clarification of exactly where the photograph in the documentation was taken as they were unable to establish this.

This plot has already undergone significant development, with huge increases to overall floor space since 2020. These previous works have resulted in the removal of the original garage and replacement with a car port. The request is now for the car port to be extended and enclosed to form a garage.

This additional application is further overdevelopment of the plot.

Neighbourhood Plan Conditions to adhere to include:

1. SH ENV2
2. SH ENV6
3. SH ENV7
4. SH ENV8
5. SH HBE3

While the Parish Council strongly object to this application, should the planning officer see fit to approve the works it is requested that the decision be conditioned that the garage shall not at any time be converted to habitable space and not be used, let, leased or otherwise disposed of for any other purpose including as a separate unit of accommodation and form of holiday letting purposes.

We would also request that permitted development rights be restricted and/or removed where possible.

## **Representations:**

### **Representations from Residents**

None received.

### **Relevant Planning History**

- 46/1019/94/3 Erection of extension to provide lounge and ensuite bathroom – Conditional approval 30/08/94
- 2535/20/HHO Householder application for raising of roof to provide extra living accommodation, extension to living room, installation of bat box, balcony and guarding, two sets of bifold doors in lieu of windows to ground floor (part retrospective) – Withdrawn
- 3364/20/HHO Householder application for raising of roof to provide first floor bedrooms and bathrooms and retrospective consent for garden shed, games room infill cladding, summer house, cladding under balcony, porch and living room extension (resubmission of 2535/20/HHO) – Conditional approval 16/12/20
- 4713/21/HHO Householder application for ancillary annexe – Conditional approval 05/01/22

## **ANALYSIS**

### 1. Principle of Development/Background:

- 1.1. The site is located within the built area of Hope Cove and comprises an existing dwelling and residential curtilage. The principle of the proposed development is therefore acceptable, subject to all other material planning considerations.
- 1.2. This application follows a previous consent on site for the erection of an annexe extension to the rear of the property and for the erection of a car port off the existing garage building within the driveway to the front of the property. This application seeks to enclose the car port to create a garage extension, moving the walls away from the eastern boundary of the site. It also proposes to re-align the external steps from the drive to the main dwelling adjacent to the garage and for the addition of a window to the north internal facing elevation of the garage.

### 2. Design/Landscape:

- 2.1. The Parish Council have objected to the scheme on the grounds that they consider that; "This plot has already undergone significant development, with huge increases to overall floor space since 2020. These previous works have resulted in the removal of the original garage and replacement with a car port. The request is now for the car port to be extended and enclosed to form a garage. This additional application is further overdevelopment of the plot."
- 2.2. In response to the Parish Council's concerns, the proposed garage is to be moved away from the shared boundary which will reduce the impact on neighbour amenity. This proposal includes an increase in size of the garage building by approx. 6sqm than the previously consented footprint of the carport. Due to the scale and nature of the proposal Officers do not consider that the proposal would appear unduly visually prominent within the street scene, the built form does not increase any further than the existing building line of the adjacent properties, the ridgeline of the garage is lower than the main dwelling and so it reads as a subservient addition. Officers therefore do not consider the proposal to be an

overdevelopment of the plot and in this context, the proposal is considered to accord with the provisions of DEV20, DEV23 and HBE3.

2.3. The site falls within the South Devon AONB. Policy DEV25 requires that proposals “*conserve and enhance the natural beauty of the protected landscape with particular reference to their special qualities and distinctive characteristics or valued attributes*”. The proposal meets the first policy test, in that the design and palette of materials have a neutral impact on the AONB itself, as the proposal is located within the built form of Hope Cove and changes to character and appearance of the residential area will be localised only, thereby conserving the natural beauty of the AONB. While it does not offer enhancement, given the small scale of the proposal, including the presence of an existing residential dwelling, the proposal is considered acceptable with regard to the provisions of DEV25, Env2 and Env8.

### 3. Neighbour Amenity:

3.1. By altering the position of the proposed garage away from the eastern boundary of the site, the proposal is considered to have a lesser impact than the previous car port scheme on neighbouring amenity in terms of overbearing impact.

3.2. Due to the scale, nature and siting of the proposal it is not considered that the proposal would result in any significant change with respect to neighbour amenity relative to the extant consent. As such, the proposal is considered to accord with the provisions of DEV1.

3.3. No formal comments from the neighbouring properties have been received.

### 4. Highways/Access:

4.1. Due to the scale, nature and siting of the proposal it is not considered that the proposal would result in any significant change with respect to highways safety relative to the extant consent. As such, the proposal is considered to accord with the provisions of DEV29.

### 5. Drainage:

5.1. The site does not fall within Flood Zone 2 or 3 nor within a Critical Drainage Area. The proposal does not increase the impermeable area on site, the proposed surface water from the garage will connect to the existing rainwater system. Due to the minor nature of the development this is considered acceptable in this instance and accords with the provisions of DEV35 and Env7.

### 6. Climate Emergency:

6.1. The Council has declared a climate emergency and the JLP seeks to help in delivering a more sustainable future for the area, whilst at the same time supporting national and international efforts to respond to the challenge of climate change and build more resilient communities. Carbon reduction is also detailed in policy Env6 of the South Huish Neighbourhood Plan.

6.2. The application includes the installation of an electric vehicle charging point on the garage as detailed on the plans. The details of the proposed roof slates have been submitted which are Welsh blue/grey natural slates. These elements are considered to contribute positively to the provisions within the renewable energy policies.

### 7. Other Matters:

7.1. The Parish Council have stated that if application is permitted the garage should not be converted to habitable space including a separate unit of accommodation or holiday let.

Officers agree and consider that in this instance it is appropriate to impose a condition to ensure that the garage is used only for purposes incidental to the main dwelling house and not as a separate unit of accommodation, in order to safeguard the amenity and character of the surrounding area.

- 7.2. The Parish have also requested that if the application is approved the property's permitted development rights are removed/restricted. It is not procedurally possible to remove permitted development rights for an existing property under a subsequent householder planning application. Permitted development rights for future changes to the development for which consent is being sought can be removed, however Officers do not consider this to be reasonable or necessary in this case. It can be noted any further extensions to the dwelling under permitted development rights would be limited by the works to the original dwelling which have already taken place and the location of the property within the AONB (where permitted developments are already constrained under the terms of the GPDO). Any future development proposals requiring planning permission would be assessed on their own merits.
- 7.3. Finally, the Parish Council also stated that the submission is misleading and request clarification of exactly where the photograph in the documentation has been taken from. The applicant has confirm this is an error in the submission and the said photograph has not been taken on site.
- 7.4. With this detail confirmed Officers consider that the plans and information submitted are clear and valid with sufficient information provided to make an informed decision on the proposed development.

## 8. Conclusion:

- 8.1. On balance the proposal is considered acceptable in terms of design, neighbouring amenity and highways impact and it is recommended that the application is approved subject to the suggested conditions.

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

## **Planning Policy**

### Relevant policy framework

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. For the purposes of decision making, as of March 26th 2019, the Plymouth & South West Devon Joint Local Plan 2014 - 2034 is now part of the development plan for Plymouth City Council, South Hams District Council and West Devon Borough Council (other than parts of South Hams and West Devon within Dartmoor National Park).

The relevant development plan policies are set out below:

**The Plymouth & South West Devon Joint Local Plan was adopted by South Hams District Council on March 21st 2019 and West Devon Borough Council on March 26th 2019.**

- SPT1 Delivering sustainable development
- SPT2 Sustainable linked neighbourhoods and sustainable rural communities
- SPT11 Strategic approach to the Historic environment
- SPT12 Strategic approach to the natural environment

TTV1 Prioritising growth through a hierarchy of sustainable settlements  
TTV2 Delivering sustainable development in the Thriving Towns and Villages Policy Area  
DEV1 Protecting health and amenity  
DEV2 Air, water, soil, noise, land and light  
DEV10 Delivering high quality housing  
DEV20 Place shaping and the quality of the built environment  
DEV21 Development affecting the historic environment  
DEV22 Cornwall and West Devon Mining Landscape World Heritage Site  
DEV23 Landscape character  
DEV24 Undeveloped coast and Heritage Coast  
DEV25 Nationally protected landscapes  
DEV26 Protecting and enhancing biodiversity and geological conservation  
DEV28 Trees, woodlands and hedgerows  
DEV31 Waste management  
DEV32 Delivering low carbon development  
DEV35 Managing flood risk and Water Quality Impacts

### **South Huish Neighbourhood Plan**

Following a successful referendum, the South Huish Neighbourhood Plan was made at Annual Council on 20 May 2021. It now forms part of the Development Plan for South Hams District and is used when determining planning applications within the South Huish Neighbourhood Area. The proposed is considered to adhere to relevant policies:

SH Env 1, Settlement Boundaries and avoidance of coalescence  
SH Env2, Impact on the South Devon Area of Outstanding Natural Beauty (AONB)  
SH Env3, Safeguarding the biodiversity and Green Infrastructure throughout the Parish  
SH Env6, Encouraging renewable energy and low carbon development  
SH Env 7, Drainage Impact  
SH Env 8, Dark Skies and the avoidance of light pollution  
SH T1, Car Parking  
SH HBE 3, Design Quality within the Parish

Other material considerations include the policies of the National Planning Policy Framework (NPPF) and guidance in Planning Practice Guidance (PPG). Additionally, the following planning documents are also material considerations in the determination of the application:

### **South Devon AONB Management Plan (2019-2024)**

### **Plymouth and South West Devon Joint Local Plan Supplementary Planning Document 2020**

### **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.

### **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 approved shall in all respects accord strictly with drawing number '20.2.10a' received by the Local Planning Authority on 22 December 2022.

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. The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those of the existing building.

Reason: In the interests of visual amenity.

4. The proposed private motor garage shall only be used for the accommodation of a private motor vehicle, the said garage shall only be used for purposes incidental to the main dwelling and shall not be used, let, leased or otherwise disposed of for any other purpose including as a separate unit of accommodation.

Reason: In accordance with the application submission and in the interests of residential and local amenity.

5. No surface water from the roof of the garage building hereby approved shall be discharged onto the highway, or any land outside of the curtilage of The Willows, Bolberry Road, Hope Cove.

Reason: To ensure a satisfactory means of surface water disposal.

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## PLANNING APPLICATION REPORT

**Case Officer:** Sarah Carroll  
Dart

**Parish:** Dartmouth **Ward:** Dartmouth and East

**Application No:** 2260/22/HHO

**Agent:**  
Mrs Nichola Burley - Heritage Vision Ltd  
Whitehaven  
Highcliffe  
Seaton  
EX12 2QA

**Applicant:**  
Mr & Mrs C & J Jelf  
Paradise Point  
Ravensbury Drive  
Warfleet  
Dartmouth  
TQ6 9BZ

**Site Address:** Paradise Point, Ravensbury Drive, Warfleet, Dartmouth, TQ6 9BZ



**Development:** Householder application for construction of two storey garden building with no internal link between floors, ground floor for use as a garden and water equipment store with changing facilities including shower & WC and first floor for use as home office with WC (Resubmission of 3983/21/HHO)

**Recommendation: Refusal**  
**Reasons for refusal**

1. The proposed development is not considered to represent a subservient, incidental outbuilding, due to its scale, detached relationship from the host dwelling, and domestic features such as the terrace, separate access, and two-storey design. The application is therefore contrary to policies DEV10.4 and DEV20 of the Plymouth & South West Devon Joint Local Plan (2014- 2034), paragraph 130 of the National Planning Policy Framework (2021), and paragraphs 4.128, 4.129, 4.130 and 4.131 of the Plymouth & South West Devon Joint Local Plan Supplementary Planning Document (2020).
2. The scale, form and prominent location of the proposed development is considered to result in harm to the setting of the Listed Building without convincing justification or any public benefit, to outweigh this harm. The development is therefore contrary to DEV21 of the Plymouth & South West Devon Joint Local Plan (2014- 2034), policy DNP TE3 of the emerging Dartmouth Neighbourhood Plan, and paragraphs 200 and 202 of the National Planning Policy Framework (2021).
3. The proposed development represents an inappropriate and incongruous intrusion into the South Devon Area of Outstanding Natural Beauty, and would have adverse effects on the historic local townscape, distinctive character and scenic beauty of the area. It fails to conserve or enhance the landscape and scenic beauty of the South Devon AONB and is contrary to policies DEV23, DEV24 and DEV25 of the Plymouth & South West Devon Joint Local Plan (2014- 2034), policies DNP GE1, DNP GE2, and DNP GE5 of the emerging Dartmouth Neighbourhood Plan, and paragraphs 176 and 178 of the National Planning Policy Framework (2021).
4. The proposed development would neither preserve nor enhance the character or appearance of the Conservation Area due to its location, scale and form. The development is therefore contrary to DEV21 of the Plymouth & South West Devon Joint Local Plan (2014- 2034), policy DNP TE3 of the emerging Dartmouth Neighbourhood Plan, and paragraph 206 of the National Planning Policy Framework (2021).

**Reason the application is being brought to Committee:** *‘Given the high amount of approved planning for intense construction close to and affecting the setting of the listed building this application should be considered in the same context.’* Cllr. Hilary Bastone

**Key issues for consideration:**

Principle of development, design, landscape impact, neighbour amenity, impact to trees, consequences of development in the Flood Zone 2 and 3 and biodiversity risks as the site is in a Bat Special Area of Conservation and heritage impacts as the site lies in the Dartmouth Conservation Area and the residential curtilage of a Grade II Listed Building.

## Site Description:

The site lies in a waterfront property accessed off Warfleet road, Dartmouth. The main dwelling is a Grade II Listed building with a large residential curtilage and has access to the harbour via a jetty. The Listed building is formerly known as Ravensbury and was built on the site of Paradise Fort, formally listed in 1972. *It occupies a prominent position and forms part of a group with other listed buildings around Warfleet Creek* (Historic England listing).

The amenity space for Paradise Point is located between the house and the River Dart where the land slopes down recurrently to the water's edge. There is a shared pathway from the Warfleet Road side through the site to provide access to a neighbouring property located on the far side of the application site. There is also a rail fence wrapped around what can be described as the properties garden area that separates the remaining curtilage where the waterfront building is proposed.

The site lies within the South Devon AONB, the Dartmouth Conservation Area, a Bat Special Area of Conservation and Plymouth & South West Devon Joint Local Plan (2014- 2034) Heritage Coast (to be precise the Heritage Coast map runs through the site but for the purposes of clarity, the Heritage Coast implications are being considered).

## The Proposal:

The proposal is for a two storey outbuilding for use as a boat/water activity storage at lower level and also as a home office on the upper floor with a terrace overlooking the water. The proposal also involves a rearrangement of garden steps that leads to the new building and a levelling of a section of the lower garden to allow access to the boat store level from the entrance to the jetty. The building has a footprint of 61m<sup>2</sup> = 9.7m x 6.2m including the upper floor terrace and is situated in the corner of the garden at the water's edge.

(According to Officers measurements the building measures 41m<sup>2</sup> = 7.1m x 5.8m, however it doesn't correlate to the markings on the submitted plans. Officers sought clarification from the agent and received the above calculations during the previous application 3983/21/HHO.)

The shape of the proposal is a curved building designed to slot into the side of the stepped garden. The materials for the building are stone clad facing material, dark bronze metal fenestration, timber or composite decking and a green roof. The new steps and railway are proposed in a bronze metal rail and a stone step.

## Consultations:

- **County Highways Authority:** No implications
- **Environmental Health Section:** No objection
- **Town/Parish Council:** Support
- **Trees:** No objection however, should the application be approved two conditions are recommended to ensure tree protection.

- **Drainage:** Object and requested further information regarding an FRA and surface water drainage details. **Objection removed** on receipt of both.
- **Landscape:** Objection- details in analysis
- **Harbour Authority:** No response
- **Marine Management Organisation:** Standing Advice
- **Heritage:** (Object) *There is little I can add to the comments I provided for the previous application ref: 3983/21/HHO and the clear advice given at pre-application. This is essentially the same proposal in terms of design and scale so I copy my previous comments below. From a quick measurement check it appears that the removal of internal stairs has reduced the internal office area by only 2m2 so it remains the size of a 2 person apartment. There is still little clarity with regard to elevational appearance, although a single clean elevation is provided for the north elevation. As the proposal will neither preserve nor enhance the setting of the listed building or the character or appearance of the conservation area and there is (less than substantial) harm identified without public benefit, it is contrary to DEV21 as well as NPPF 200, 202 and 206.*
- **Ecology:** (No objection)

Having looked at the application online, proposed vs existing design and the photos provided, I would agree with the submitted Wildlife Trigger Table that a PEA is not required for this application.

*Whilst the site does lie within the Sustainance Zone associated with South Hams SAC, I do not believe any suitable Great Horseshoe bat foraging habitat, pinch points or mitigation features would be impacted for this scheme and as long as no external lighting is permitted via a condition, I do not believe there to be any impacts on bats more widely.*

*The ecological considerations for this scheme would be nesting birds for any vegetation removal and then external lighting. But none of those would require a PEA to be completed and can be covered by the following conditions:*

*Condition: No external lighting shall be installed at any time at the application site without the written permission of the Local Planning Authority.*

*Condition: No vegetation clearance shall take place during the bird nesting season (01 March to 31 August, inclusive) unless the developer has been advised by a suitably qualified ecologist that the clearance will not disturb nesting birds and a record of this kept.*

*I assume the applicant has had their drainage strategy approved by the relevant bodies? I note that the proposed is to join the existing sewer network.*

## **Representations:**

Two letters of objection have been received in relation to the application with the following comments:

- adverse effect on an AONB,
- does not enhance the Conservation Area,
- loss of green space,
- unsympathetic design,
- intrusive aspect on the waterline,
- construction would detract rather than enhance the Conservation Area,
- contrary to DEV 21, DEV24, DEV25,
- due to scale, form and prominent location of the proposed development it would harm the setting of the Listed Building without convincing justification or any public benefit,
- inappropriate and incongruous intrusion into the South Devon Area of Outstanding Natural Beauty,
- adverse effects upon the historic local townscape, distinctive character and scenic beauty of the area,
- fails to conserve or enhance the landscape and scenic beauty of the AONB,
- Due to the location, scale and form of the proposed outbuilding, it is considered that it will neither preserve nor enhance the character or appearance of the Conservation Area.

### Relevant Planning History

3983/21/HHO - 07/03/2022 **Refusal** Householder application for construction of outbuilding for incidental use as home office and garden/water activity storage and associated landscaping.

1914/21/PR2 - 13/ 9/2021 **Partial Support** Pre Application Enquiry for - Proposed home office, boat and garden store for incidental use to Paradise Point.

15/2245/02/F	Conditional Approval	Retrospective application for construction of reinforced concrete ground beam covered by stone wall, to retain cliff
3971/16/HHO	Conditional Approval	Householder application for detached garage with associated landscaping
3972/16/LBC	Conditional Approval	Listed building consent for detached garage with associated landscaping
15/1824/15/TW	Refusal	T1. Oak. Fell
3063/17/HHO	Conditional Approval	Householder application for a new decorative cast iron porch with a single glazed roof to the north west entrance elevation.
3064/17/LBC	Conditional Approval	Listed building consent for a new decorative cast iron porch with a single toughened glazed roof to the North West entrance elevation.
1084/16/TPO	Tree Works Allowed	T1- Holm oak (Quercus ilex)- Dismantle and fell
15/2340/04/LB	Conditional Approval	Listed Building Consent for restoration and minor internal alterations

15/0513/07/F	Conditional Approval	Proposed replacement of existing access steps over rocks with a rigid landing stage
15/0108/07/F	Conditional Approval	Erection of two new masonry gate posts/pillars and associated works
15/1248/07/F	Conditional Approval	Amendment to approval 15/0108/07/F for two new masonry gate posts / pillars and associated works

## ANALYSIS

### 1.0. Principle of development

- 1.1. The site is an established residential property on the edge of Dartmouth town, and the principle of residential development is therefore acceptable.
- 1.2. The JLP Supplementary Planning Document (SPD, adopted July 2020) provides guidance on the acceptability of residential annexes and outbuildings, stating that they should be; *'accessed via the main dwelling or its garden and not by means of an independent access, be reliant on facilities and floor space provided by the main dwelling such that it cannot be occupied completely independently, and be an extension to the existing dwelling, or an outbuilding sited within its garden'* (amongst other things, full list in paragraph 4.130 of the SPD).
- 1.3. In order to help the Council determine the acceptability of an outbuilding of this type, the SPD gives guidance on the features and elements of the proposal to consider: (Although this guidance references annexes, and the proposed building would be an incidental outbuilding, the criteria is also considered relevant in the general assessment of the appropriateness of domestic outbuildings such as that proposed, and is therefore helpful this regard.)

*'The LPAs will normally expect an annex to':*

*Be an extension to the existing dwelling, or an outbuilding sited within its garden* - the positioning of the outbuilding is within the curtilage of the main dwelling of Paradise Point, but located within the extended residential curtilage in a completely separate area of the site. There is no justification provided for the building to be located in such detached, yet visually prominent position.

*Be functionally related to the main dwelling* – the use of the building as stated on the plans (as a home office and storage) would be related to the main dwelling, and the application states that there is no office within the existing dwelling, although for property of this magnitude it is unlikely there is no opportunity within the dwelling to cater for a home office. Officers are not convinced of the need for a home office to be located on the waterfront, so far away from the main dwelling.

*Be used only in conjunction with the main dwelling* – the building is proposed to be used as a home office, shower room, storage, etc, all of which are uses which would be incidental the main dwelling.

*Be in the same ownership as the main dwelling* - the whole site is owned by the applicant, however the access path would have a shared ownership or right of way.

*Be accessed via the main dwelling or its garden and not by means of an independent access* - the proposed building could benefit from its own access, separated from the main dwelling. There would be no need to access the main dwelling in order to use the additional building.

*Be reliant on facilities and floor space provided by the main dwelling such that it cannot be occupied completely independently*- the plans include a shower room, areas for storage, a terrace, a large office, and a large storage room. Once constructed, the building could potentially be severed from the main dwelling to form a separate unit due to its size and location with little adaptation, and internal works which would not require further planning permission in themselves. It is fair to say that the waterside location of the proposed building would increase its desirability as a unit of accommodation, increasing these risks.

*Share a garden or other outdoor amenity space with the main dwelling, with no boundary demarcation or sub division of the land between the main dwelling and the outbuilding*- the proposed building is a reasonable distance from the main dwelling, in an area of the garden that could be easily separated. There is also an iron fence separating the main house and garden to the stepped garden where the proposal building is located.

*Be designed in such a way as to easily allow the outbuilding to be used as an integral part of the main dwelling at a later date*- the proposed building is detached from the main dwelling by quite a considerable distance, and is sited in a separate area of garden. Officers do not therefore consider that the building can be used as an integral part of the host dwelling.

- 1.4. The size of the proposed building is also concerning, the internal floor space would exceed the minimum requirements of the Nationally Designated Space Standards for a new dwelling.
- 1.5. It is important to note that Officers acknowledge that the proposed is not for a new dwelling, but for an incidental outbuilding, and the use as such can be conditioned, should planning permission be granted for the proposed development. The proposal is not being assessed as a new dwelling, or an independent unit of accommodation. However, Officers are also mindful that the building is a substantial size, and internal alterations following construction would not necessarily require planning permission. The implications of this can be avoided by positioning residential outbuildings in close proximity to the main house, or ensuring a design and/or location with a functional spatial relationship with the host dwelling.
- 1.6. The cumulative impact of the size, the detached relationship with the main dwelling, and the potential for separation of the site leads Officers to conclude that the proposal does not meet the criteria for an annex/outbuilding as outlined in policy DEV10 of the JLP and associated SPD guidance, and does not result in a proposal which appears incidental to the main dwelling.

- 1.7. Officers consider the levelling of the land at the beginning of the jetty towards the new proposed building acceptable in principle, however a thorough landscaping plan, including hard and soft landscaping, would need to accompany any approval.
- 1.8. The rearrangement of the garden stair leading to the lower level garden area and proposed building is also considered acceptable in principle. A condition would be applied to any approval of the stairs to ensure the material used is appropriate and fitting in the context of the Grade II Listed Building.

## 2.0. Design

- 2.1. Officers have no in-principle objection to the design of the building, or the proposed materials palette- the main dwelling is a Grade II Listed Building with a large garden, and an iron railing that wraps around the garden area.
- 2.2. Policy DNP TE2 of the neighbourhood plan supports locally distinctive design and use of local materials. Policy DEV20 of the JLP requires development to have regard to the local pattern of development in terms of materials (amongst other things).
- 2.3. The outbuilding is proposed in the walled garden area in a stone clad with a bronze metal fenestration. Officers note the material choices and the shape of the building were intended to benefit the building, and the steps, and sit comfortably within its setting.
- 2.4. Whilst the materials are considered to be acceptable, the scale of the building and domestic features proposed, are inappropriate for a building which is proposed as an incidental addition to the site. These features include the two-storey design, the glass balustrading, the first-floor terrace overlooking the river, the extensive glazing, and the updated access steps from the main house level to the proposed building and levelling down towards the jetty entrance gives the building the appearance of a self-contained separate unit rather than an incidental outbuilding.
- 2.5. The site is in a prominent location of the waterfront, and would be visible from the river, from the embankment and public spaces within Dartmouth, and from Kingswear. Despite the fact that the proposal is for an incidental outbuilding, the size and form of the building would create the appearance of a separate unit, or another dwelling from these views, particularly given the detached relationship with the host dwelling and the aforementioned domestic features included.
- 2.6. The design of the development, in terms of its use of materials, is considered acceptable, although the scale of the building and particular features raise concerns, as discussed in the remainder of the report.



### 3.0. Landscape Impact

- 3.1. The site is within a sensitive landscape position, located in the South Devon Area of Outstanding Natural Beauty, the Dartmouth Conservation Area, and the Heritage Coast policy area.
- 3.2. Policy DNP GE1 of the Dartmouth neighbourhood plan requires development to consider the impact on the AONB and the Heritage Coast (and Undeveloped Coast where appropriate). Policies DEV24 and DEV25 of the JLP seeks to preserve the Heritage Coast and AONB respectively, and paragraph 176 of the NPPF gives great weight to the preservation of these protected landscapes.
- 3.3. The proposal has been reviewed by the Council's Landscape Officer, who provided the following response:

*'This response is based upon an examination of the planning file and submitted plans. In addition reference has been made to GIS maps and aerial photographs, and a site visit to the locality on 02 February 2022.*

*In considering this application and assessing potential impacts of the development proposal against nationally protected landscapes, in addition to the Development Plan, the following legislation, policies and guidance have been considered:*

- *Section 85 of the Countryside and Rights of Way (CRoW) Act;*
- *Sections 12 and 15 of the NPPF in particular paragraphs; 130, and 174, 176 & 177;*
- *The National Planning Practice Guidance (NPPG) particularly Section 8-036 to 8-043 on Landscape; and*
- *The South Devon AONB Management Plan and its Annexes.*

*In respect of the principle policy tests in the NPPF, this application is not considered to constitute "major development" in the context of paragraph 177, due to the small-scale nature of the proposals. As set out below, there are considered to be detrimental effects on the landscape and environment of the AONB that should be given great weight in this planning balance.*

*This is a resubmission of 3983/21/HHO, with minor, internal modifications to the proposed building. The landscape consultation response is unchanged and an objection is raised.*

*Reference has been made to the following:*

- *Design and Access Statement, Geoff Sellick Architectural + Interior Design*
- *Site Photographs, 17-224-PL-01*
- *Site Location Plan + Block Plan, 17-224-PL-02*
- *Existing Site Plan, 17-224-PL-03*
- *Proposed Site Plan, 17-224-PL-04*
- *Proposed Plan – Lower Level, 17-224-PL-05 A*
- *Proposed Plan – Upper Level, 17-224-PL-06 B*
- *Proposed Plan – Roof, 17-224-PL-07*
- *Proposed North and East Elevations, 17-224-PL-08*
- *Proposed East Elevation, (contextual), 17-224-PL-09*
- *Proposed North Elevation (contextual), 17-224-PL-10*
- *Contextual East Elevation (waterfront), 17-224-PL-11*
- *Existing + Proposed Garden Steps, 17-224-PL-12*
- *Landscape and Visual Appraisal, Greenerth Landscape*

*The site is located within the settlement boundary of Dartmouth town; within the Dartmouth Conservation Area, and within the South Hams Area of Outstanding Natural Beauty (AONB). Paradise Point is partially within the South Devon Heritage Coast, and the boundary of the JLP Undeveloped Coast follows the Mean High Water line at this location. Dartmouth's residential riverside is characterised by large, detached dwellings set within well vegetated gardens, on sloping land rising above River Dart. The small, prominent headland at Paradise Point was the location of Paradise Fort, which was part of the town's defences along the river, and the main house that occupies the headland, now known as Paradise Point, is one of the most notable private dwellings in Dartmouth.*

*The plot holds a key waterside location, being clearly visible from the water, from Kingswear and from the meandering riverside routes around Warfleet Creek, with highly sensitive recreational users being the principle viewers. The property of Paradise Point is accessed by a private road, Ravensbury Drive, which adjoins Warfleet Road. The application boundary appears to cover the whole plot of Paradise Point, which has an extensive and well vegetated, sloping garden with mature trees, and with direct access to a private jetty and to the river on the northern boundary. The whole garden area is covered by Tree Preservation Orders, and the SHDC Tree Officer's comments are noted.*

*The lower Dart estuary and its landscape features and scenic quality make a significant contribution to the nationally protected landscape of the South Devon Area of Outstanding Natural Beauty.*

*Along Warfleet Road, the overall density of built form reduces southwards towards Warfleet Creek. The historic and townscape importance of this area is significant, and the appearance of the river frontage in the area around Paradise Point is an important feature of the AONB and Heritage Coast. The green gaps, formed by the gardens of substantial houses, are notable features between blocks of built form along the estuary shoreline. There is significant pressure for further built development along this stretch of the river, and recent development and larger replacement dwellings have reduced the green spaces*

*and garden areas visible along the river frontage, all of which has cumulative effects on landscape character and appearance.*

*The proposals are for the construction of a new, two storey building, organic in shape, with a green roof, natural stone elevations and recessive materials and colours for window frames, doors and balustrading. The building is designed for the dual purpose of proving a home office on the upper level, and a garden store and storage for boating equipment on the lower level. The proposals also include improvements to the stepped access between different levels of the garden. The amendment to the previously submitted proposal, which was refused, is the removal of the internal staircase from the garden building so that the ground floor store and shower are separate from the upper floor office, so removing the potential for the building to be used as a dwelling (one of the reasons for refusal).*

#### *Landscape and Visual Appraisal:*

*The application is accompanied by an LVA, and the report is based on the principles of the Guidelines for Landscape and Visual Impact Assessment, third edition (GLVIA3), by the Landscape Institute and the Institute of Environmental Management and Assessment, 2013, which is the accepted guidance for Landscape and Visual Assessment work.*

*The LVA acknowledges the high sensitivity of the AONB and I concur with the judgement that the site and immediate landscape are of High Landscape Value. The baseline studies in the LVA are broadly appropriate, and acknowledge that further development in waterfront locations such as this may have adverse effects on landscape character and visual amenity. There is no disagreement with the conclusion in 6.1 that ‘...the site would generally be considered of high susceptibility to change given its scenic qualities and largely unspoilt character.’ However, my opinion differs where report takes the view that the development proposals are ‘...congruent with and appropriate to the setting of similar shoreline development to be found in the vicinity of the site’.*

*The land-based viewpoints selected are broadly appropriate, but water-based users of the estuary are key visual receptors and no viewpoints from the river have been considered, so the LVA fails to assess the effects of the development proposals from water level. However, viewpoints from the Kingswear side of the estuary emphasise that this is a highly visible site for a large number of receptors.*

*The LVA recognises that this proposal for a small development in an undeveloped, open garden location would represent an additional cumulative effect, but assesses the overall effects to be Negligible Adverse on completion and Neutral, at post 15 years.*

*I do not agree with all of the findings of the report, and find that the LVA has underplayed the level of effects that the development will have on landscape character and visual amenity. This proposal is for more than a simple boat house sitting just above high water level. Although much thought has clearly gone into the design and detailing of the building and surrounding garden features, the proposal seeks to introduce a substantial, two storey structure into*

*well vegetated, established garden, which will adversely affect the low density character of development in this part of the settlement.*

*I concur with the comments of my Heritage colleague in relation to the previous application: that without considerable planting this will be a development that causes visual harm. However, the provision of screening is not good reason to allow harmful development. Screening mitigates adverse effects – it does not remove them or provide enhancement.*

*Summary:*

*There is no convincing need for development on the scale proposed. Smaller scale storage for boating equipment might be acceptable, and the improvements proposed to the steps and access to the jetty could be appropriately assimilated into the garden without long term adverse effects. However, the upper storey home office space does not require a waterside location, and might reasonably be sited elsewhere on the property in a less sensitive location. The proposed mitigation is not sufficient to avoid or minimise the harm that the proposals would cause to the character and appearance of the headland.*

*The proposed development represents an inappropriate and incongruous intrusion into the South Devon Area of Outstanding Natural Beauty, and will have adverse effects upon the historic local townscape, distinctive character and scenic beauty of the area. It fails to conserve or enhance the landscape and scenic beauty of the South Devon AONB and is contrary to policies DEV23 (Landscape Character), DEV24 Undeveloped Coast and Heritage Coast and DEV25 (Nationally protected landscapes).*

*Recommendation: Objection*

*For the reasons outlined above, Landscape Officers do not consider the proposals to meet the tests of adopted Development Plan policies nor the SD AONB Management Plan, and annexes, and are therefore unable to support the application on landscape grounds. For the reasons outlined above, Landscape Officers do not consider the proposals to meet the tests of adopted Development Plan policies nor the SD AONB Management Plan, and annexes, and are therefore unable to support the application on landscape grounds.*

- 3.4. The garden acts as a podium for the striking tone of the heritage building above. The introduction of a large two-storey building, and first-floor amenity area such as the terrace proposed on the waterfront would change the character of the organic nature of the garden and interrupt the natural flora and fauna with engineered, man-made features like unnatural lights, noise and furniture.
- 3.5. The proposed building is considered to be excessive in terms of scale and proportions given the proposed use, and would fail to preserve the landscape character of the site, or the protected landscapes of the AONB and Heritage Coast.

#### 4.0. Heritage

- 4.1. The host dwelling, Paradise Point, is a grade II listed building, and the site is within the Conservation Area. Policy DNP TE3 of the neighbourhood plan, policy DEV21 of the JLP, and paragraphs 199- 202 of the NPPF require development to identify the impact of proposals on designated heritage assets, and seeks to conserve and enhance the setting of the historic environment.
- 4.2. The Councils Heritage Officer has previously considered the proposed development as part of two previous pre-applications (2337/20/PR2 and 1914/21/PR2). The advice given during both pre-applications was to remove the upper floor, scale the boat store back in size and Officer Support could be provided. This advice has not been reflected in the current proposal, although there were several elements of the proposal discussed and altered, resulting in 'partial support' for both pre-applications.
- 4.3. The comments for the Pre-application 1914/21/PR2 are as follows;

##### *Proposed uses*

*As per previous comments we can appreciate the wish to have a well-designed 'boat house' of an appropriate size and that could be supported. Clearly the height of the site above mean high water level is significant and unlike other such structures on the waterfront of the Dart where a boat would be launched and recovered via a slipway. You acknowledged that the storage of a RIB would not be possible without a derrick or hoist. The revised plan shows a pair of kayaks instead, which would also be tricky to get from the water to the store, but this is not an over-riding concern as the wish to store paraphernalia related to various watercraft activities is recognised.*

*The location of a home office in this location remains unjustified. The desire to have ancillary accommodation is understandable but the site location means a two storey structure is difficult to justify. The stated use could be accommodated elsewhere quite comfortably. As we discussed the second iteration showed a large conference table for 10 persons and two generous workstations which made us question whether the intention was to provide for business premises which would, of course, need a full planning application.*

##### *Scale*

*The size of the proposal is significant. By my calculation (using the Adobe tool) the areas based on external measurement are as follows:-*

*As proposed in pre-app ref: 2337/20/PR2 – Boat store – 94m<sup>2</sup> – FF (office) 88m<sup>2</sup> – Balconies - #1 (south) 10m<sup>2</sup>, #2 (east) 16m<sup>2</sup>*

*Initial revised scheme – Boat store 88m<sup>2</sup> – FF (office) 88m<sup>2</sup> – Balcony 10m<sup>2</sup>*

*Latest revised scheme – Boat store 55m<sup>2</sup> – FF (office) 55m<sup>2</sup> – Balcony 8m<sup>2</sup>*

*To contextualise this it is worth comparing to the Nationally Described Space Standards for housing which says, for example, a 1 storey 2 person dwelling should have 50m<sup>2</sup> plus storage. So the proposed home office alone is effectively the size of a small apartment / flat.*

*You will understand that during the pandemic a great many people have been working from home effectively from dining room tables, spare bedrooms or adapted garden sheds etc. With that in mind and considering the prominence and sensitivity of this site, the scale of development is considered excessive for the stated use. It is suggested that the store may also be used for garden purposes, but there is no justification for that use in this part of the gardens at Paradise Point – it can be accommodated much more discreetly elsewhere.*

### *Design*

*If the proposal were simply for a single storey 'boat store' with WC and shower of c50m<sup>2</sup> that could be supported by officers. The contemporary design shows promise and would, I am sure, be well executed in quality materials. A smaller structure clearly identifiable as serving purposes related to water based activity could add an incidental and wholly legible new feature to the setting of the listed building. The additional thought that has been given to integration within the well-designed and beautifully maintained gardens is welcomed.*

*I would suggest that if an application is made the elevation drawings should be presented 'clean' without the shading as this confuses the eye. Artist impressions and context sketches are welcome in adding richness to any planning proposal, but not for the main scale drawings. The considerations of DEV32 with regard to low carbon construction and use should be considered at the design stage and as stated previously an indicative Construction Management Plan should be provided.*

### *Conclusion*

*The LVA is a thorough piece of work which must be praised. It does, however, conclude with the statement that the design approach, '...would minimise impacts on landscape and visual receptors. It is assessed that despite adverse landscape and visual effects for the construction phase of the proposed boathouse, sympathetic design and choice of materials would considerably reduce any unacceptable long-term landscape and visual effects, at completion and post 15 years.' (My emphasis).*

*That implicit acknowledgment of harm cannot be disregarded with regard to the designated landscape and must carry amplified weight in regard to the setting of the listed building.*

*Our officer advice remains, therefore, that a two storey development in this sensitive location within the AONB and within the curtilage of a fine listed building cannot be supported. The conclusion of 'partial support' remains.*

*As ever I must say that this is officer opinion which is offered without prejudice of any decision which may be reached in future.*

- 4.4. The comments for the Pre-application 2337/20/PR2 are as follows;

*Paradise Point is a fantastic listed building in a unique location. Any development within its setting or curtilage will have an effect, as is evidenced by the newer buildings adjacent to it. The garden setting of the listed building*

*remains intact though and the site of the proposed development is very much within that. It was notable how the site of the proposed building was very prominent in views of Paradise Point from Bayards Cove, Kingswear and the water. Any building will become a notable addition so the potential for harm is considerable.*

*Having said that it is also clear that boathouses are a notable feature of the waterfront and many of them are structures that add to the architectural interest and richness of Dartmouth. In the absence of such a facility it is understandable why your clients would want a boat store building adjacent to their jetty/ landing stage. The larger and more evident the building the greater the potential harm. For this reason I would discourage a two storey structure. As I understand it the need for your clients is to have a building in which to keep boating paraphernalia and it is not envisaged that actual boats or tenders would be stored there. I suggest the scale be limited to that which is proven to meet those needs.*

*Whilst a home office may be desirable there is no need for such provision in this location – the house is substantial in itself. As well as the implications of an additional floor, such a use would need to be fully serviced and as habitable space would take on a different appearance to a simple boat store, by day and potentially after dark.*

*In terms of design there is no simple right or wrong, it is a matter of quality not of style. That said a more conventional slate roofed building may present less of a challenge in the eyes of the local community, so the more unusual the design the more detail is needed to make a convincing case. I see no reason to object in principle to a modern structure of a curvaceous form constructed in stone. We looked at the garage block built by your clients as evidence of the intended appearance and discussed the possible use of a living roof. The small sized local stone finish is appropriate, although the recessed and ragged pointing could be seen as somewhat esoteric. There could be benefits to a flat roof in that bulk and mass is reduced and a living roof would sit well when looked down upon from the gardens.*

*We discussed positioning of the building and the proposed site makes sense. We agreed it would be sensible to do some investigation of ground conditions, both to establish structural options and to see if the building could be lowered to be closer to the level of the landing stage steps – this would be beneficial visually and in use.*

#### *Summary*

*I see no reason to object in principle to a boat store building from a heritage perspective but have concerns over the possibility of a two storey structure. The primary Joint Local Plan policy considerations are the setting of the listed building (DEV21) and the AONB (DEV25). The need to 'conserve and enhance' the AONB must be borne in mind.*

*Any Householder Planning application should provide all the information required in our Validation Checklist (<https://southhams.gov.uk/article/4045/Planning-Validation-Checklists-Local-List->). In addition you should undertake a site appraisal that incorporates the*

*needs of a Heritage Impact Assessment (for the LB setting) and also a Landscape Visual Impact Assessment to demonstrate effect in terms of the AONB. An indicative landscape design would be useful – your clients have clearly lavished great attention to the gardens already so demonstration of how a building will be integrated into the site ought not be difficult.*

*You may wish to prepare a Construction Management Plan as part of any submission and maybe contact the Environment Agency with a draft to establish what concerns (if any) they have.*

- 4.5. NPPF Paragraph 195 says, ‘Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise.’  
The Councils Heritage Officer has made an assessment on this application that the proposed building in its form, scale and position would impact the Grade II Listed Building and the character of the Conservation Area and would neither conserve nor enhance the heritage qualities of the site.
- 4.6. The development plan policies relevant to the heritage aspects of this proposal are JLP Policy DEV21 ‘Development affecting the Historic environment’ and Policy TE3 of the Dartmouth Neighbourhood Plan. Both policies seek to ensure that development proposals conserve or enhance the historic environment and contribute to local distinctiveness. Together the policies act as a reminder that heritage assets and their settings are irreplaceable and contribute significantly to the local character and distinctiveness of an area.
- 4.7. This is reflected in the Council’s general duties under sections 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990. These require the Council when determining planning applications to pay special attention to the desirability of:
- preserving a listed building or its setting or any features of special architectural or historic interest which it possesses affected by development (section 66(1)) or
  - preserving or enhancing the character or appearance of a conservation area affected by the development of buildings or other land in that area (section 72(1)).
- 4.8. The courts have held that if harm is found to a listed building or to a conservation area, the decision-maker is required to treat that finding as a consideration to which it must give "considerable importance and weight" when carrying out the balancing exercise. It is not open to the decision-maker merely to give the harm such weight as he or she thinks fit, in the exercise of their planning judgment. The correct approach to be adopted can also be found in the Chapter 16 of the National Planning Policy Framework (“NPPF”). Therefore, if a decision-maker works through the relevant paragraphs of the NPPF, he or she will comply with their general duties under the Planning (Listed Buildings and Conservation Areas) Act 1990. The relevant paragraphs are Paragraphs 194-208.



- 4.9. Paradise Point is a grade II listed building and the site is within the Dartmouth Conservation Area. Both are 'designated heritage assets'. Effect on the setting of Paradise Point:-

In considering the effect of the proposed development on Paradise Point officers have applied Historic England guidance in 'The Setting of Heritage Assets Historic Environment - Good Practice Advice in Planning Note 3 (Second Edition)'. The first 4 of the 5 steps in the guidance have been followed and can be summarised as follows:

Step 1 – 'Identify which heritage assets and their settings are affected':

Although a number of more distant heritage assets could be seen as slightly affected by the development proposal the heritage asset most evidently affected is Paradise Point. (The site is within the Conservation Area so 'setting' does not apply to that designation).

Step 2 – 'Assess the degree to which these settings and views make a contribution to the significance of the heritage asset(s) or allow significance to be appreciated':

Although modern development has encroached somewhat upon the historic setting of Paradise Point it is apparent that the survival of the gardens is integral to the special interest and character of the grade II listed building as part of its original design. It is a substantial 19th century dwelling within designed gardens that are 'of a piece' so the garden setting is of very high significance. The views of greatest significance are from the north in particular but also from the northwest and east. The proposed development would be a distinct and eye-catching feature for all of the many 1000's of users of the Dart all the way from the Lower Ferry to Dartmouth and Kingswear Castles. It would also be a very evident development when viewed from the successive vantage points along Beacon Road and Castle Road on the Kingswear side.

Step 3 – 'Assess the effects of the proposed development, whether beneficial or harmful, on the significance or on the ability to appreciate it':

Officers have held the consistent view that a substantial modern 2 storey development in an elevated location well above high water mark would intrude into the setting of Paradise Point to an unacceptable degree. It would not read as a subservient incidental 'boathouse' but as an overtly domestic outbuilding of a scale akin to a small dwelling that competes with and detracts from the designated heritage asset. Application of the NPPF and Planning Policy Guidance leads officers to conclude that the harm to the significance of the listed building by the proposed development within the setting is 'less than substantial', but that there is definite harm through the visual intrusion of an unusually large building within the garden. The fact that the design is overtly different and contemporary would not be an overriding concern were it not a 2 storey structure. As it is 2 storey the flat roof results in a very bulky appearance compared to a pitched roof over a single storey building of an equivalent footprint.

Step 4 – 'Explore ways to maximise enhancement and avoid or minimise harm':

The Historic England guidance says, 'Early assessment of setting may provide a basis for agreeing the scope and form of development, reducing the potential for disagreement and challenge later in the process.' This was provided in the

clearest possible terms. At pre-application stage officers acknowledged that the historic access point for the property to the waterfront on the Warfleet Creek side had been lost and in the later 20th century replaced by the jetty structure on the northern side. That being the case it was accepted that a sympathetically designed store for water activity equipment was justified. The option of a contemporary design was not ruled out. What was unsupportable was the addition of an office level to the structure as that could be readily accommodated in a much less harmful location. It is apparent that harm could be minimised by removal of the unnecessary upper floor.

4.10. Effect on Dartmouth Conservation Area:-

The Dartmouth Conservation Area is also 'a designated heritage asset' which has been designated because of its 'special architectural or historic interest, the character or appearance of which it is desirable to preserve or enhance.' Policy TE3 of the Neighbourhood Plan requires that in determining planning applications it is necessary to have regard to the Dartmouth Conservation Area Appraisal (DCAA) January 2013 including the four extensions to the area. The Policy states that proposals must, 'Respect and enhance the Dartmouth Conservation Area and make a positive contribution to the heritage assets and their setting.'

The application site sits within the Conservation Area extension number 4 to Character Area 6 for the purposes of the Policy. This area is characterised by high status houses, their gardens and retaining walls. Paradise Point is identified as of particular significance, (The best known is Paradise Point, formerly Ravensbury, built in 1855 and home of engineer and child prodigy George Parker Bidder). Paradise Point and its gardens mark the SE limit of the Conservation Area as extended. The modern property that replaced the glasshouses shown on the first edition OS map and the development on the water's edge are excluded from the Conservation Area. The DCAA states, 'The appearance of the river frontage from Bayards Cove to Paradise Point is an important feature of the AONB and Heritage Coast, and must be preserved or enhanced wherever possible with special attention given to new developments.' In the simplest terms any development proposal in this location is very unlikely to be able to preserve character or appearance. It follows that 'enhancement' is even more challenging. The form and scale of the proposed development makes it too much of a statement building when what is possibly acceptable would be a subtle, neatly designed and beautifully built ancillary structure. As proposed the development is unduly excessive in size such that it would be seen as a distraction to the house and garden that forms the heritage asset that is Paradise Point. As such it would fail to 'preserve or enhance the character or appearance' of the Conservation Area.

4.11. Officers therefore conclude that the proposal therefore conflicts with policy DNP TE3 of the neighbourhood plan, policy DEV21 of the JLP, and paragraph 202 of the NPPF.

## 5.0. Neighbour Amenity

5.1. The siting of the proposed building does not raise any concerns with regard to neighbour amenity, subject to the use of the building in the manner proposed, rather than for any residential purposes, and no objections have been received.

## 6.0. Highways/Access

6.1. The proposal would not impact upon the existing highways arrangements provided the building is used as proposed.

## 7.0. Flood Zone

7.1. Officers consulted the Councils Drainage Department and the Environment Agency in regards the proposal. The Drainage Officer requested a copy of the Flood Risk Assessment (FRA) mentioned in the Drainage Plan and the Design and Access Statement.

7.2. Drainage Officers also requested further information regarding the surface water drainage plans and were satisfied the site could accommodate a sufficient soakaway as a result. The Drainage Officer has since removed their objection.

## 8.0. Biodiversity

8.1. The proposal is not thought to have a significant impact on protected species.

## 9.0. Tree Protection

9.1. The Councils Tree Officer is satisfied there are no impacts to the trees on site as a result of the development.

## 10.0. Other Matters

10.1. In relation to other developments in the immediate area, Officers have reviewed the history for the surrounding properties and consider it does not impact the proposal directly. There are different circumstances relating to the decisions made regarding the surrounding dwellings and, more importantly, there is a significant difference in that the proposal site is a Grade II Listed Building and sited in the Conservation Area on the waterfront in a highly visually and historically sensitive location. Each application must be considered on its own merits, bearing in mind its own specific site context, and little weight is therefore given to other developments nearby.

10.2. Officers requested clear plans of the proposal on more than one occasion and received drawing number 17-224-PL-10A on 07/02/2022 as part of the previous application 3983/21/HHO. This was not improved upon during the current application.

10.3. Although the harm to Paradise Point and the Conservation Area is considered to be less than substantial, harm would nevertheless be caused. As a result, in

carrying out the balancing exercise, considerable importance and weight has to be given to the finding of harm.

## 11.0. Summary

- 11.1. The proposed office and storage building is not of an appropriate size, position or design for an incidental outbuilding. It would have a negative impact on the local landscape character, including the AONB setting and the Heritage Coast
- 11.2. The proposed building would also fail to preserve or enhance the setting of the Grade II Listed Building and the character of the Conservation Area.
- 11.3. Whilst the principle of a small-scale incidental outbuilding within the curtilage of the main dwelling is likely to be acceptable, the scale and design of the building currently proposed is such that it would have the appearance of a separate unit of accommodation, rather than a subservient building, particularly due to the separation and detached relationship between the building and the main dwelling.
- 11.4. The proposal is considered to conflict with policy DEV10 in relation to annexes/outbuildings, as well as local and national policies relating to heritage and protected landscapes. The application is therefore recommended for refusal.

***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**

### Relevant policy framework

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. For the purposes of decision making, as of March 26th 2019, the Plymouth & South West Devon Joint Local Plan 2014 - 2034 is now part of the development plan for Plymouth City Council, South Hams District Council and West Devon Borough Council (other than parts of South Hams and West Devon within Dartmoor National Park).

On 26 March 2019 of the Plymouth & South West Devon Joint Local Plan was adopted by all three of the component authorities. Following adoption, the three authorities jointly notified the Ministry of Housing, Communities and Local Government (MHCLG)\* of their choice to monitor the Housing Requirement at the whole plan level. This is for the purposes of the Housing Delivery Test (HDT) and the 5 Year Housing Land Supply assessment. A letter from MHCLG to the Authorities was received on 13 May 2019 confirming the change.

On 13<sup>th</sup> January 2021 MHCLG published the HDT 2020 measurement. This confirmed the Plymouth, South Hams and West Devon's joint HDT measurement as 144% and the consequences are "None".

Therefore a 5% buffer is applied for the purposes of calculating a 5 year land supply at a whole plan level. When applying the 5% buffer, the combined authorities can demonstrate a 5-year land supply of 5.8 years at end March 2021 (the 2021 Monitoring Point). This is set out in the Plymouth, South Hams & West Devon Local Planning Authorities' Housing Position Statement 2021 (published 12th November 2021).

[\*now known as Department for Levelling Up, Housing and Communities]

The relevant development plan policies are set out below:

**The Plymouth & South West Devon Joint Local Plan was adopted by South Hams District Council on March 21st 2019 and West Devon Borough Council on March 26th 2019.**

DEV1 Protecting health and amenity

DEV2 Air, water, soil, noise, land and light

DEV10 Delivering high quality housing

DEV20 Place shaping and the quality of the built environment

DEV21 Development affecting the historic environment

DEV23 Landscape character

DEV24 Undeveloped coast and Heritage Coast

DEV25 Nationally protected landscapes

DEV26 Protecting and enhancing biodiversity and geological conservation

DEV27 Green and play spaces

DEV28 Trees, woodlands and hedgerows

DEV32 Delivering low carbon development

DEV33 Renewable and low carbon energy (including heat)

DEV35 Managing flood risk and Water Quality Impacts

DEV36 Coastal Change Management Areas

### **Dartmouth Neighbourhood Plan**

This plan has been through a successful referendum on 24<sup>th</sup> November, and is therefore given very significant weight in the decision-making process. As such, the proposal has been considered against the relevant neighbourhood plan policies:

Policy DNP GE1 Impact on the South Devon Area of Outstanding Natural Beauty (AONB)

Undeveloped Coast and Heritage Coast

Policy DNP GE2 Safeguarding the biodiversity and Green Infrastructure throughout the Parish

Policy DNP GE5 Maintaining the character and the environmental quality of the river

Policy DNP GE10 Prevention of light pollution

Policy DNP TE2 Design Quality throughout the Parish

Policy DNP TE3 Safeguarding Designated and Non-Designated heritage assets and the conservation area of Dartmouth

Other material considerations include the policies of the National Planning Policy Framework (NPPF) and guidance in Planning Practice Guidance (PPG). Additionally, the following planning documents are also material considerations in the determination of the application:

**South Devon Area of Outstanding Natural Beauty Management Plan 2019-2024**  
**Dartmouth Conservation Area Appraisal 2013**  
**Plymouth and South West Devon Joint Local Plan 2014-2034 – Supplementary Planning Document**

**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 – Householder Developments

**Case Officer:** Bryony Hanlon

**Parish:** Newton and Noss

**Application No:** 3504/21/VAR

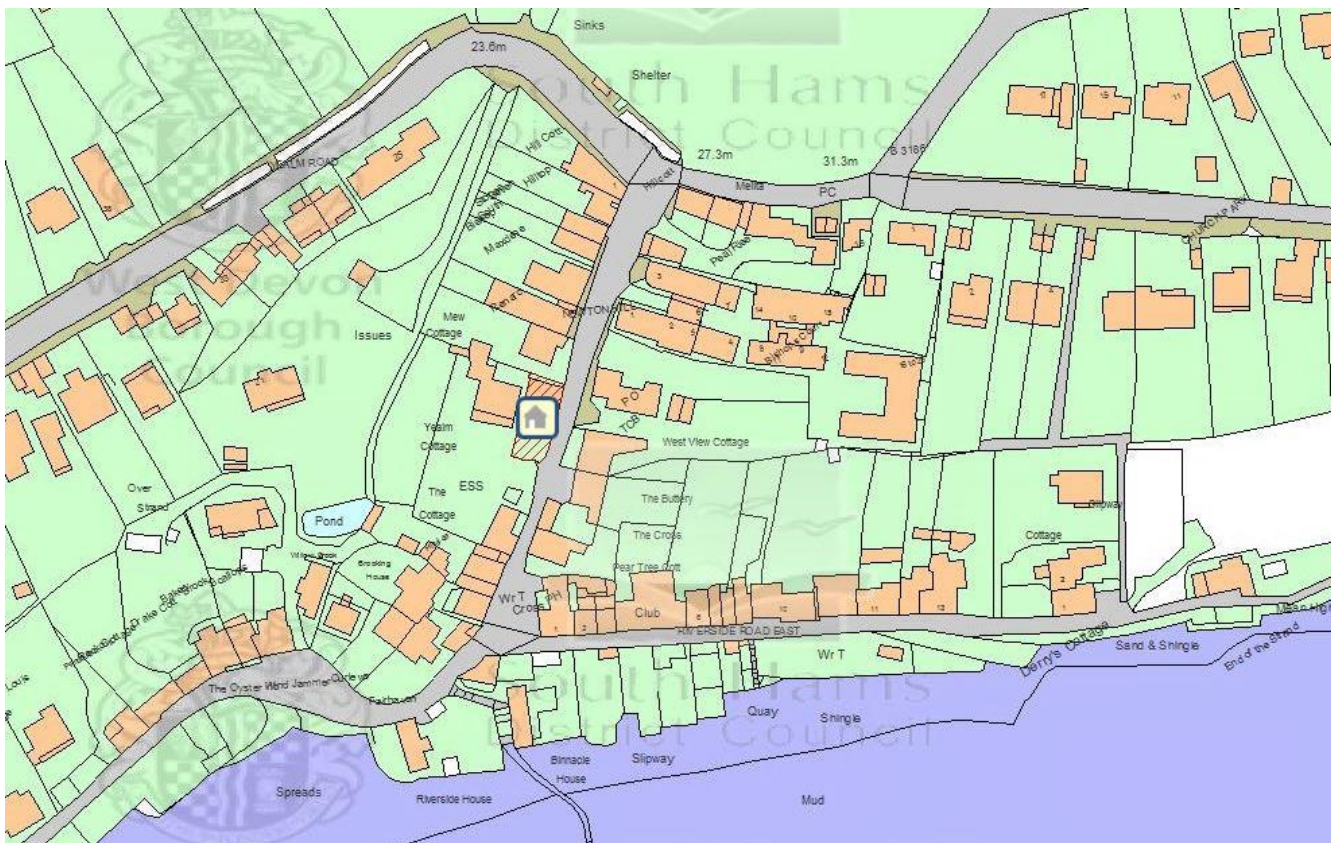
**Agent:**

Mr Justin Sluce  
JSD Ltd  
48 Yealm Road  
Newton Ferrers  
PL8 1BQ

**Applicant:**

Mr B Sherriff  
The Mooring, Newton Hill  
Newton Ferrers  
PL8 1BG

**Site Address:** The Mooring, Newton Hill, Newton Ferrers, PL8 1BG



**Development:** (Revised plans) Application for variation of conditions 1 (approved plans) and 6 (stone faced boundary wall) of planning consent 0068/20/VAR

**Recommendation:** Conditional approval

**Reason for call in:** Both Councillors have called the application in due to the strong local objection to the scheme.

**Conditions:**

1. Standard time limit
2. Adherence to plans
3. CMP
4. Privacy screening (fences)
5. Privacy screens (opaque glazed screens)
6. North west wall finish and coping stones





(Drg SD05H N/W Elevation)

Because of the approved development, the privacy of our garden and particularly our patio area has been adversely affected. The proposed reduction in height of wall will significantly increase our loss of privacy, for the sake of less than 3.0m<sup>2</sup> of wall.

The drawing does not represent what is currently in place i.e. to show part of the original stonewall that has been retained. One of the features the Yealm Cottage garden is that it is the boundary walls are of stone. This wall was originally a stone boundary wall that was demolished as part of the works. I understand it was due to SHDC's conservation officers' insistence, on approved 0068/20/VAR that this wall's replacement was shown as stone faced.

#### 2. Southern Boundary wall

No elevation has ever been shown of this wall which was originally of stone and it is very visible from the conservation area. It is detailed on current approved drawing SD06C. This shows a stone wall about 900mm above adjacent garden level with a 900mm high fence above, providing 1.8m privacy protection. Currently this is only a 450mm high block work wall above The Mooring's paved garden, which is a convenient height for sitting on a looking into our garden.

The applicant's planting schedule approved 31 July 2018 has not been amended and so is assumed to still be current. This shows a fence and hedge on this boundary.

#### 3. Revised drawing SD01D

This drawing shows on plan a length of fence with dense green planting. The length of fencing shown is shorter than that shown on the elevation. The drawing does not:

Show the 500mm wide planter for the planting specified in approved planting schedule, Make reference to, and is in conflict with, the approved planting schedule and associated drawing. This drawing also needs to be revised and resubmitted.

Show the omission of the marginal greening along the road edge as shown on the planting schedule. This now cannot be reinstated as the new construction now covers most of the strip between the tarmac and the line of the original wall.

Show the changed shape and extension towards the highway of the rebuilt buttress wall to the north of The Moorings.

Show revised positions of roof drainage down pipes and the new connection drainage of the patio area connecting to the foul drain, increasing incidence of foul sewer storm overflows.

Show heat exchanger unit that has not been installed in accordance with requirements for planning exemption and can now be clearly seen from our garden and from the adjacent conservation area.

#### 4. Revised drawing SD05H

This drawing shows 4 elevations and I comment on each as follows:

South west elevation.

This shows the rise in level of paved patio by about 450mm so the privacy measures to our garden immediately to the south should be raised accordingly.

No information is given of detail of south elevation boundary wall, which is shown on the original approved drawing as the original stone wall being retained and which has now been demolished.

The detail on the highway side does not show the planter, hedge or fence.

Note also comments item 1 above.

South east elevation.

The detail shows 1800mm high timber trellis with plants. The approved planting schedule refers to a hedge with growth higher than the fence.

The approved planting schedule details a 500mm wide planter. To sustain a hedge, this would need to be about 500mm deep and either be on the inside of the fence, or with a possibly reduced height fence above. As this aspect is very visible from the adjacent conservation area, the details need to be developed and shown.

The door to the undercroft is now shown as a full width garage type door. The elevation does not show the change from a pedestrian door or make reference to the application now being for possible vehicular access onto the highway. It is only by comparing previous approved drawings, that the implications of the change become obvious. This may explain why the highway authority did not comment.

A completely blind vehicular access at this point, on the single width steep hill without pavements, is particularly dangerous and should not be approved.

North east elevation.

The profile of the rebuilt buttress wall is not shown, as referred to in item 3 above.

Revised roof drainage down pipe and elevated gully pot have not been shown.

North West elevation

The proposed reduction in wall height and resultant increase in loss of our privacy and omission of stone facing was commented on in item 1 above.

The elevation does not show the very prominent black external heating pipes and associated wiring. These twin pipes with their insulation are each about 75mm dia. They are very obtrusive, as seen from our patio area. They need to be boxed in a colour to match the wall.

The balcony support column is now fully exposed and conspicuous. The addition of these columns was the subject of the variation application 0068/20/VAR. To justify the variation, the architect stresses that the columns would mainly be obscured. The column adjacent to our patio is now fully exposed.

Conclusions

If the application for the garage, columns and spiral staircase, with the ensuing loss of privacy, had been properly shown on the original application, instead of by gradual change, there could have been much stronger opposition to the original application.

The application should be either refused or withdrawn and resubmitted with current privacy measures reinstated and other issues as above addressed. There are aspects where I would not object to changes from the current approval and I would be pleased to discuss these as part of an overall agreement.

Planning permission for re-modelling of The Moorings has been granted however it would appear there have been a catalogue of deviations from the originally approved plans. This is wholly unacceptable as the stringent planning permission/conditions were put in place as the property is very close to the conservation area and in an AONB. It also appears from walking past the property that the underground store is intended to be used as a garage. Due to the trajectory of a vehicle leaving the garage it will only be able to drive down the road and cause traffic issues in an already bottle neck area. Planning permission is difficult to come by because of the beautiful location and if the owner wanted to deviate from the original plans this should have been actioned through the appropriate planning permissions prior to carrying out the works. Building work should have adhered to the original planning permission which afforded the adjoining cottage an element of privacy. Conditions imposed by SHDC were imposed for a reason and therefore I feel these deviations, particularly the reduced height of the adjoining wall of Yealm Cottage and also the possible use of the undercroft store as a garage would not have been approved originally and therefore not appropriate to attempt to grant planning permission by stealth. The works to re-instate the privacy breaches should be carried out in a timely fashion.

Gateway Wall abutting N elevation of The Moorings

On 28th January 1955 a planning application made by the former owners of Yealm Cottage for the construction of garages planning ref WB/484/698/54. This was approved. The planning application plan is attached as below which shows two curved gateway walls onto the highway. These walls formed the splayed access point to the former village water tank. On 18th October 1960 another application was made by the former owners of Yealm Cottage: "to remove end walls of disused water tank and facing wall". It appears that a drawing was not attached to this application. In the event, at that stage, the N splay entrance wall was removed but not the S wall. My question now is whether this remaining south section of then entrance wall wall could be removed or reduced in thickness, without the need for another planning application? No details of any changes to this wall were proposed in the initial or subsequent variation applications for the recent rebuilding of The Moorings. As part of our agreement with Mr [REDACTED] to allow him to enter our land to carry out his rebuilding works, this wall was to be removed and rebuilt not more than 300mm thicker, order to improve our highway access. Mr [REDACTED] removed this remaining section but rebuilt the wall, about 700mm thick and some 400mm further to the N of the line we that we had agreed and also further towards the highway than the original wall. As a result, our exit on to the highway from our drive is now considerably more dangerous and difficult than it was before. This is because we now have reduced visibility when exiting onto the narrow steep hill.

If variation application was submitted we would strongly resist any application that deviates from the line we agreed with Mr [REDACTED] and any plans showing wall closer to the highway than it was before. We want to restore our visibility on to the narrow steep hill.

External heating pipes.

Two pipes, as part on the heat exchanger system, have been installed on the west wall of The Moorings. The pipes have be insulated so the finished external diameter is about 700mm. They are very intrusive and have never been shown in any planning application. A variation application is required, we would

not resist this application if the proposal would show that pipes would be boxed in. This boxing should be the same colour as the wall. This would also improve the energy efficiency of the heating system. Southern Boundary wall.

The original application showed 900 mm stone wall above the patio/garden level with 900mm fence on top of the wall, (drawing 17009/SD06C). A hedge behind the fence with a wide 500mm planter was detailed on the approved landscaping proposals. This gave us some privacy protection. It appears that this drawing is still current but it could be interpreted to conflict with details shown on Variation application 0068/20/VAR. In the even, the stone wall has been mostly demolished and replaced with a block work wall, height only about 450mm above the patio /garden level. We feel it is important that our privacy is protected and also that the wall is stone faced to replace the old stone wall and so that it is in keeping with the rest of our garden. This will also restore the view from conservation area and complying with the details as shown on the approved drawing.

Surface water discharge

My other concern is that none of the surface drainage details comply with the approved drawings. There was also a lack of detail on the disposal of surface water. All the surface water, including the whole of the patio/garden area, has been connected to the foul sewer. Previously this area drained into the ground. This increases the foul sewer storm overflow discharges into the Creek, causing increased pollution. There is a surface water sewer in the road and unless a connection to this has been refused, at least the surface water from the patio/garden area should be disconnected from the foul sewer.

One letter of objection was received in response to the revised plans as readvertised and includes the following points:

Main concern is the southern boundary. Approved SD06C, not being resubmitted or superseded, shows a stone wall, 900mm above garden level, and 900mm fence above. This gives me:

Adequate privacy,

Is in keeping with all the other boundary walls in our garden,

Reduces the impact and dominance of a white modern building as seen not only from out garden but also from the adjacent conservation area and from windows in three adjacent properties in the conservation area.

I strongly object to the implication of details shown on new Drawing SD09 which conflict with the approved drawing.

1. Application form.

Section 4

Increase height of fencing to W. boundary. No fence exists or has ever been shown.

Section 6

Condition 1 - resubmitted drawings do not match as-built.

Condition 6 relates to W boundary wall, Drg. No. SD05 H still shows stone facing to garden wall

Condition 7 relates to wall adjacent to highway where stone wall has already been constructed.

2. Planting Schedule.

Item 1&2 planter specified as 300mm wide, is this external or internal dimension? Depth of planter not specified. Height of hedge specified as 1.1m, is this height from top of planter or ground level? For hedge to survive there needs be a significant volume of soil. Item 2 If wall and fence were constructed to combined height as shown on current approved plan and not being varied Drg. No SD06C (1800mm above garden level). There does not seem to any need for planter behind this section of the boundary.

3. Drg. SD09

Spiral staircase is not shown. Height of fencing is not shown.

No details given to proposed finish/rebuilding/re-profiling of crumbling wall that is bulging into Yealm Cottage curtilage.

4. Drg. SD02E

As built west ASHP pipes wall are not straight.

Fencing adjacent to Newton Hill is shown as 1800mm above level of terrace, conflicts with drawing SD05H. Height should be given as 1800mm min above level of terrace, as terrace is not level.

Wall adjacent to drive entrance to Yealm Cottage has been rebuilt further into the highway reducing the visibility and safety of exiting from Yealm Cottage.

5. DRG. SD05H

Inconsistency in notes on treatment of steel columns: (rear SW elevation)

Elevation of rebuilt wall adjacent to Mew Cottage not shown as constructed.

North west elevation still shows stone facing to garden wall Presumably a mistake.

No reference made to change of undercroft to garage. Revision only says notes added.

6. Application formalities.

Part of the route length of the ASHP pipework is in the curtilage of Yealm Cottage. We have not received a notice

### Relevant Planning History

Planning Application Reference	Proposal	Site Address	Decision
37/1417/83/3: FUL	Greenhouse	The Mooring Newton Hill Newton Ferrers.	Conditional approval: 06 Dec 83
37/1750/02/CU: COU	Change of use of shop and dwelling to dwelling	1/3 Newton Hill Newton Ferrers Plymouth Devon PL8 1BG	Conditional approval: 22 Oct 02
1543/18/HHO	Householder application for replacement roof, alterations to fenestration and re- modelling of south elevation. Creation of underground store beneath garden.	The Mooring Newton Hill Newton Ferrers.	Conditional approval: 31 Jul 18
0647/19/ARC	Application for approval of details reserved by conditions 3 and 5 of planning consent 1543/18/HHO	The Mooring Newton Hill Newton Ferrers.	Discharge of condition approved: 15 Mar 19
0068/20/VAR	Variation of conditions 2 (approved plans) of householder consent 1543/18/HHO	The Mooring Newton Hill Newton Ferrers.	Conditional approval: 01 Jun 20

### Analysis

#### 1.0 Principle of Development/Sustainability

1.1 The site is located within the built form of Newton Ferrers and hosts a single residential dwelling with an extant consent for extension and alterations. The principle of further alterations within this context is therefore established, subject to compliance with the other protective designations in this highly sensitive location.

1.2 During the consultation period for the plans as first submitted with the application, Officers noted that some components of the proposal as built were not included on the plans and that further revisions were required in order to make the development acceptable. As such, a set of revised plans were readvertised and subject to public consultation.

1.3 It is noted that concerns were raised during the first consultation period regarding the installation of heating pipes on the western boundary of the dwelling. They were included in the revised plans and Officers are satisfied that they have been subject to the proper public consultation. Officers have been made aware of a land ownership dispute relating to the siting of the heating pipes but the applicant has advised that they own the land within the red line site application boundary and on this basis, Officers consider that the application has been duly made and can proceed to determination.

## 2.0 Design and Heritage

2.1 The changes proposed centre around the finishes to the scheme, privacy screening and the landscaping scheme. The substantive issues have been considered as part of the previous consents and under the application to discharge conditions, however, Officers consider that the requirement to face the boundary wall to the north west in stone can be lifted, while the requirement for the stone on the public facing wall on the south east elevation remains. While the painted render finish may not be to everyone's taste, the light colour helps to alleviate the sense of enclosure for neighbouring occupants such that it does not appear overbearing or oppressive. Officers have also noted concerns regarding the current state of the boundary wall on the western elevation, as it is possible to walk along the top of it to the detriment of the privacy and amenity of the neighbours. After discussions with the applicant, stone coping set at a 45 degree angle will be installed along the boundary wall to prevent access.

2.2 Officers have also reviewed the minor amendments proposed by the applicant to the landscaping scheme. Officers note the objections to the changes (a 20cm reduction in the width of planters and a change in some plant species) but in the context of a domestic garden, Officers are satisfied that the proposed changes will not impact the efficacy of the landscaping in terms of its contribution to visual amenity. On balance, the proposal is considered to accord with the provisions of DEV1, DEV20, DEV21, DEV23, DEV25, in the JLP N3P-1, N3P-3, N3P-4 and N3P-8 in the Newton and Noss Neighbourhood Plan.

## 3.0 Neighbour Amenity

3.1 Objections were received on the basis that the proposal gave rise to opportunities for overlooking of the neighbouring property to the west. Officers conducted a site visit and agreed that additional privacy screening was required on the top of the existing boundary wall; this was agreed by the applicant and revised plans were provided. It is considered that this screening will alleviate some of the concerns that the steel supports associated with the balcony were not faced with stone as originally anticipated, as much of this structure will be concealed from public view. In a similar vein, fencing and landscaping required by condition under the previous consents has not yet been provided. As such, Officers have imposed conditions requiring that this be provided by specific dates, rather than upon completion of development. Officers are satisfied that on this basis, the proposal will be accompanied by adequate screening to safeguard the residential privacy and amenity of adjoining occupiers and the proposal accords with the provisions of DEV1.

3.2 The applicant has included the provision of an air source heat pump within the proposal, in order to deliver on-site low carbon energy systems, in order to comply with the provisions of DEV32. This element is acceptable, with full details of the ASHP secured by condition in order to safeguard the interests of residential amenity and the natural environment. On this basis, the proposal is considered to accord with the provisions of DEV1, DEV2, DEV26, DEV28 and DEV32 in the JLP.

## 4.0 Highways/Access

4.1 The scheme does not include any alterations to the existing access or parking arrangements and the Devon County Council Highways Engineer has confirmed that there are no highways implications associated with the proposal. It is noted that there are concerns regarding the lack of visibility should the undercroft be used for the parking of vehicles, unfortunately, Officers are unable to substantiate a refusal without the matter being raised by the Highways Team. Officers have considered a condition restricting the use of the undercroft to prevent it being used for the parking or storage of vehicles, however, the condition would be impractical to monitor and enforce. Furthermore, Officers are mindful of the low speeds of passing traffic and that the road in this area is straight, giving drivers a clear view ahead. Officers have also had regard to the other access arrangements in the surrounding area and on balance, it is not considered that the proposal will result in an increased risk to highway safety and the proposal accords with the provisions of DEV29.

## 5.0 South Devon AONB

5.1 Policy DEV25 requires that proposals "conserve and enhance the natural beauty of the protected landscape with particular reference to their special qualities and distinctive characteristics or valued attributes". The proposal meets the first policy test, in that the design and palette of materials have a

neutral impact on the AONB itself, as the proposal is located well within the built form of Newton Ferrers and changes to character and appearance of the residential area will be localised only, thereby conserving the natural beauty of the AONB. While it does not offer enhancement, given the small scale of the proposal and having regard to the current condition of the site, including the presence of an existing residential dwelling, the proposal is considered acceptable with regard to the provisions of DEV25 in the JLP and N3P-9 in the Neighbourhood Plan.

#### 6.0 Other Matters

6.1 Objectors have raised concerns about the condition of an existing wall on the southern boundary; the maintenance and repair of this wall is considered beyond the scope of this application.

6.2 Concerns have also been raised that the surface water drainage has been connected to the foul sewer; this is a matter for South West Water as they are responsible for the foul sewer in the area. As such, this matter is considered beyond the scope of this application.

#### 7.0 Conclusion

7.1 Officers are mindful of the strength of local opposition to the development and recognise that whilst it is not yet completed, some of the changes represent a compromise in comparison to the original consent. However, on balance, the proposal is considered to be in accordance with the Development Plan and there are no material considerations which outweigh the policies. It is therefore recommended that the application be granted conditional approval.

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

### **Planning Policy**

#### Relevant policy framework

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. For the purposes of decision making, as of 26 March 2019, the Plymouth & South West Devon Joint Local Plan 2014 - 2034 is now part of the development plan for Plymouth City Council, South Hams District Council and West Devon Borough Council (other than parts of South Hams and West Devon within Dartmoor National Park).

The relevant development plan policies are set out below:

**The Plymouth & South West Devon Joint Local Plan was adopted by South Hams District Council on 21 March 2019 and West Devon Borough Council on 26 March 2019.**

SPT1 Delivering sustainable development  
SPT2 Sustainable linked neighbourhoods and sustainable rural communities  
SPT9 Strategic principles for transport planning and strategy  
SPT10 Balanced transport strategy for growth and healthy and sustainable communities  
SPT11 Strategic approach to the Historic environment  
SPT12 Strategic approach to the natural environment  
TTV1 Prioritising growth through a hierarchy of sustainable settlements  
TTV2 Delivering sustainable development in the Thriving Towns and Villages Policy Area  
DEV1 Protecting health and amenity  
DEV2 Air, water, soil, noise, land and light  
DEV20 Place shaping and the quality of the built environment  
DEV21 Development affecting the historic environment  
DEV23 Landscape character  
DEV24 Undeveloped coast and Heritage Coast  
DEV25 Nationally protected landscapes

DEV26 Protecting and enhancing biodiversity and geological conservation  
DEV28 Trees, woodlands and hedgerows  
DEV29 Specific provisions relating to transport  
DEV31 Waste management  
DEV32 Delivering low carbon development  
DEV35 Managing flood risk and Water Quality Impacts

### **Neighbourhood Plan**

Following a successful referendum, the Newton & Noss Neighbourhood Plan was made at Executive Committee on 19 July 2018. It now forms part of the Development Plan for South Hams District and is used when determining planning applications within the Newton & Noss Neighbourhood Area.

It is considered that the proposal accords with the policies below;

N3P - 1: The Village Settlement Boundaries  
N3P - 2: Protecting the Waterfront  
N3P - 3: Development Policy Areas  
N3P - 4: Development and Construction  
N3P - 5: Movement and Parking  
N3P - 6: Drainage and Flooding  
N3P - 8: Heritage and Conservation  
N3P - 9: Protecting the Landscape

Other material considerations include the policies of the National Planning Policy Framework (NPPF) and guidance within the Planning Practice Guidance (PPG). Additionally, the following planning documents are also material considerations in the determination of the application: South Devon AONB Management Plan (2019-2024), Plymouth and South West Devon Joint Local Plan Supplementary Planning Document 2020.

### **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.

Conditions:

1. The development to which this permission relates must be begun not later than (insert date), which is the date of expiration of planning permission (insert original permission ref), which this application varies.

Reason: To comply with Section 73 of the Town and Country Planning Act, 1990 as amended.

2. The development hereby approved shall in all respects accord strictly with drawing numbers;

Site Location Plan 17009/EX01A

Proposed Site Plan 17009/SD01D

Received by the Local Planning Authority on 30 September 2021

First Floor Plan 17009/SD03C

Received by the Local Planning Authority on 04 October 2021

Proposed Elevations 17009/SD05H

South West Elevation 17009/SD09

Proposed Ground Floor Plan 17009/SD02E

Received by the Local Planning Authority on 16 November 2022

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. Notwithstanding the information submitted, the development shall be carried out in accordance with the Construction Management Plan and additional information agreed by the Local Planning Authority under application reference 0647/19/ARC.

Reason: To ensure minimal impact on the users of the highway and the neighbouring properties.

4. Within three months of the date of this decision, privacy screening as shown on 17009/SD05H on the north west elevation of the boundary wall and on the south east elevation of the boundary wall shall be provided and retained and maintained in perpetuity. In addition, boundary fencing on the south west elevation, as shown on drawing 17009/SD09 shall be provided and retained and maintained in perpetuity.

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

5. Prior to any use of the balcony, the obscure glass side privacy screens will be erected as approved in plans 17009/SD05G and 17009/SD03B and 17009/SD06C and shall be retained and maintained in perpetuity.

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

6. The landscaping scheme shall be carried out in accordance with the details received by the Local Planning Authority dated 26 October 2022 by 31 March 2024.

Any trees or plants which within a period of five years from the date of completion of the development dies, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species unless the Local Planning Authority gives written consent to any variation.

Reason: In order to protect the visual amenities of the locality and to assimilate the development into its surroundings.

7. Notwithstanding the information submitted, the boundary wall on the north west elevation as shown on drawing number 17009/SD05H shall be finished in painted render and subsequently retained and maintained in perpetuity. Within three months of the date of this decision, the stone coping set at 45 degrees shall be installed to prevent pedestrian access along the top of the wall. The stone coping shall be retained and maintained in perpetuity.

Reason: In the interests of residential privacy and amenity.

8. Within three months of the date of this decision, full details of the Air Source Heat Pump hereby approved shall be submitted to and approved in writing by the LPA. The details shall include the operational noise limits of the pump and details of any acoustic screening. The equipment shall then be installed, maintained and retained in accordance with those details for the lifetime of the development, unless otherwise agreed in writing by the LPA. The Air Source Heat Pump must be removed as soon as reasonably practicable when no longer required.

Reason: In order to safeguard the interests of residential amenity and the natural environment.

9. Notwithstanding the information shown on the approved drawings, the stone boundary wall on the south eastern boundary (identified as Newton Hill/front/south east elevation on drawing number 17009/SD056) shall be clad in natural stone reclaimed from the site or of a natural stone which matches the colour and texture of that occurring locally, a sample of which shall be submitted to and approved in writing prior to construction. The new stonework shall be laid on its natural bed and pointed in a lime mortar recessed from the outer face of the stone. Machine cut or sawn faces shall not be used in the wall or for quoin stones.



Reason: To ensure that the development displays good design practice in respect of the age and character of the development.

10. The door to the underground storage area shall be constructed and fitted in timber and retained and maintained in timber in perpetuity.

Reason: To use a material which will blend well with the stone of the wall and enhance the street scene.

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**South Hams District Council** **Agenda Item 7**  
**DEVELOPMENT MANAGEMENT COMMITTEE 15-Feb-23**  
**Appeals Update from 4-Jan-23 to 3-Feb-23**

**Ward Dartmouth and East Dart**

APPLICATION NUMBER: **1093/22/FUL** APP/K1128/D/22/3303149  
APPELLANT NAME: Mr David Heaton  
PROPOSAL: Conversion of garage to self-contained unit for holiday let during the summer months  
(Retrospective) (resubmission of 4134/21/FUL)  
LOCATION: 10 Crossparks Dartmouth TQ6 9HP **Officer delegated**  
APPEAL STATUS: Appeal decided  
APPEAL START DATE: 02-November-2022  
APPEAL DECISION: Upheld  
APPEAL DECISION DATE: 16-January-2023

APPLICATION NUMBER: **1275/22/HHO** APP/K1128/D/22/3310310  
APPELLANT NAME: Mr & Mrs Keith Thompson  
PROPOSAL: Householder application for addition of balcony to east elevation  
LOCATION: 61 Sandquay Road Dartmouth TQ6 9PH **Officer member delegated**  
APPEAL STATUS: Appeal Lodged  
APPEAL START DATE: 25-January-2023  
APPEAL DECISION:  
APPEAL DECISION DATE:

**Ward Ivybridge East**

APPLICATION NUMBER: **3855/20/FUL** APP/K1128/W/22/3294930  
APPELLANT NAME: Mr Adam Steward  
PROPOSAL: Proposed Dwelling, off road parking and new vehicle access  
LOCATION: Development Site At Sx 637 567 off Cole Lane Ivybridge **Officer delegated**  
APPEAL STATUS: Appeal decided  
APPEAL START DATE: 12-July-2022  
APPEAL DECISION: Dismissed (Refusal)  
APPEAL DECISION DATE: 12-January-2023

**Ward Kingsbridge**

APPLICATION NUMBER: **1901/22/HHO** APP/K1128/D/22/3311289  
APPELLANT NAME: Mr & Mrs P Robinson  
PROPOSAL: Householder application for demolition of outbuilding & extension to existing dwelling  
LOCATION: Thyme Cottage 30a Fore Street Kingsbridge TQ7 **Officer member delegated**  
APPEAL STATUS: 1NY Appeal Lodged  
APPEAL START DATE: 05-January-2023  
APPEAL DECISION:  
APPEAL DECISION DATE:

**Ward Marldon and Littlehempston**

APPLICATION NUMBER: **4740/21/PAA** APP/K1128/W/22/3298982  
APPELLANT NAME: Mr Andrew Reid  
PROPOSAL: Prior Approval application for proposed agricultural storage building (following application 1831/21/AGR)  
LOCATION: Land at Sx 815 623 Newton Road Littlehempston **Officer delegated**  
APPEAL STATUS: Appeal decided  
APPEAL START DATE: 11-October-2022  
APPEAL DECISION: Dismissed (Refusal)  
APPEAL DECISION DATE: 31-January-2023

**Ward Salcombe and Thurlestone**

APPLICATION NUMBER: **0865/21/VAR** APP/K1128/W/22/3304731  
APPELLANT NAME: Mr & Mrs S Coleman  
PROPOSAL: READVERTISEMENT (revised plans received) Application for variation of condition 2 (drawings) of planning consent 1079/20/FUL  
LOCATION: Little Shear Hope Cove TQ7 3PH **Committee**  
APPEAL STATUS: Appeal Lodged  
APPEAL START DATE: 16-January-2023

APPEAL DECISION:

APPEAL DECISION DATE:

APPLICATION NUMBER: **2345/22/HHO** APP/K1128/D/22/3310504  
APPELLANT NAME: Mr Simon Chadwick  
PROPOSAL: Householder application for installation of balcony & juliet balcony  
LOCATION: Sundowners Herbert Road Salcombe TQ8 8HN  
APPEAL STATUS: Appeal Lodged  
APPEAL START DATE: 24-January-2023  
APPEAL DECISION:  
APPEAL DECISION DATE:

**Officer delegated**

**Ward Stokenham**

APPLICATION NUMBER: **0043/22/VAR** APP/K1128/W/22/3309553  
APPELLANT NAME: Mr Mikael Armstrong  
PROPOSAL: Application for variation of condition 2 (approved plans) of planning consent 53/3160/11/F (resubmission of 1411/21/VAR)  
LOCATION: The Cove Guest House Torcross TQ7 2TH  
APPEAL STATUS: Appeal Lodged  
APPEAL START DATE: 16-January-2023

**Officer delegated**

APPEAL DECISION:  
APPEAL DECISION DATE:  
APPLICATION NUMBER: **2110/22/VAR** APP/K1128/W/22/3309554  
APPELLANT NAME: Mr Mikael Armstrong  
PROPOSAL: Application for variation of condition 1 (approved plans) of planning consent 1411/21/VAR  
LOCATION: The Cove Guest House Torcross TQ7 2TH  
APPEAL STATUS: Appeal Lodged  
APPEAL START DATE: 16-January-2023  
APPEAL DECISION:  
APPEAL DECISION DATE:

**Officer delegated**

**Ward Wembury and Brixton**

APPLICATION NUMBER: **1340/21/FUL** APP/K1128/W/22/3304489  
APPELLANT NAME:  
PROPOSAL: Change of use of field to dog exercising, training, and agility training. Facilities for portable take-away coffee and snack kiosk with picnic benches  
LOCATION: Plot 5 Staddon Heights Staddon Lane Wembury  
APPEAL STATUS:  
APPEAL START DATE:  
APPEAL DECISION: Declined to determine  
APPEAL DECISION DATE: 11-January-2023

**Officer member delegated**

### Undetermined Major applications as at 27-Jan-23

	Valid Date	Target Date	EoT Date
<b>0612/16/OPA</b> Patrick Whymer	8-Aug-16	7-Nov-16	
Brimhay Bungalows Road Past Forder Lane House Dartington Devon TQ9 6HQ		Outline planning application with all matters reserved for redevelopment of Brimhay Bungalows. Demolition of 18 Bungalows to construct 12 Apartments, 8 units of specialist housing for Robert Owens Community Clients and up to 10 open market homes.	

Comment: This Application was approved by Committee subject to a Section 106 Agreement. The Section 106 Agreement has not progressed

	Valid Date	Target Date	EoT Date
<b>3704/16/FUL</b> Charlotte Howrihane	22-Nov-16	21-Feb-17	<b>30-Jan-23</b>
Creek Close Frogmore Kingsbridge TQ7 2FG		Retrospective application to alter boundary and new site layout (following planning approval 43/2855/14/F)	

Comments: S106 with applicants for signing- they want to agree their highways works first so have agreed a rolling EOT- Anticipate 106 signing by end of Jan 2023

	Valid Date	Target Date	EoT Date
<b>3749/16/VAR</b> Charlotte Howrihane	23-Nov-16	22-Feb-17	<b>30-Jan-23</b>
Development Site Of Sx 7752 4240 Creek Close Frogmore Kingsbridge TQ7 2FG		Variation of condition 2 (revised site layout plan) following grant of planning permission 43/2855/14/F	

Comments: S106 with applicants for signing- they want to agree their highways works first so have agreed a rolling EOT- this application will be withdrawn once 3704/16/FUL has been issued

	Valid Date	Target Date	EoT Date
<b>4181/19/OPA</b> Ian Lloyd	9-Jan-20	9-Apr-20	<b>31-Mar-23</b>
Land off Towerfield Drive Woolwell Part of the Land at Woolwell JLP Allocation (Policy PLY44)		Outline application for up to 360 dwellings and associated landscaping, new access points from Towerfield Drive and Pick Pie Drive and site infrastructure. All matters reserved except for access.	

Comment: Along with 4185/19/OPA a year-long PPA initially agreed until end of December 2020 was extended to December 2022. Both parties agree more time is still required to resolve transport/delivery/other matters and for a period of re-consultation and a revised extension of time has been agreed until the end of March 2023

	Valid Date	Target Date	EoT Date
<b>4185/19/OPA</b> Ian Lloyd	9-Jan-20	9-Apr-20	<b>31-Mar-23</b>
Land at Woolwell Part of the Land at Woolwell JLP Allocation (Policy PLY44)		Outline application for provision of up to 1,640 new dwellings; up to 1,200 sqm of commercial, retail and community floorspace (A1-A5, D1 and D2 uses); a new primary school; areas of public open space including a community park; new sport and playing facilities; new access points and vehicular, cycle and pedestrian links; strategic landscaping and attenuation basins; a primary substation and other associated site infrastructure. All matters reserved accept for access.	

Comment: Along with 4181/19/OPA] a year-long PPA initially agreed until end of December 2020 was extended to December 2022. Both parties agree more time is still required to resolve transport/delivery/other matters and for a period of re-consultation and a revised extension of time has been agreed until the end of March 2023

	Valid Date	Target Date	EoT Date
<b>4158/19/FUL</b> Patrick Whymer	17-Jan-20	17-Apr-20	<b>6-Feb-21</b>
Development Site At Sx 734 439, Land to Northwest of junction between Ropewalk and Kingsway Park Ropewalk Kingsbridge Devon		READVERTISEMENT (Revised Plans Received) Residential development comprising of 15 modular built dwellings with associated access car parking and landscaping.	

Comment: Applicant is reviewing the proposal.

	Valid Date	Target Date	EoT Date
<b>0995/20/VAR</b> Charlotte Howrihane	1-Apr-20	1-Jul-20	<b>19-Feb-21</b>
Hartford Mews Phase 2 Cornwood Road Iybridge		Variation of conditions 4 (LEMP) and 13 (Tree Protective Fencing) of planning consent 3954/17/FUL	

Comments: Proposed amendments are fine, but Deed of Variation required to amend S106- with legal

	Valid Date	Target Date	EoT Date
<b>3623/19/FUL</b> Steven Stroud	14-Apr-20	14-Jul-20	<b>1-Jan-23</b>
Land off Godwell Lane Iybridge		READVERTISEMENT (Revised plans received) Full planning application for the development of 104 residential dwellings with associated access, parking, landscaping, locally equipped play area and infrastructure	

Comment: Amended plans received and re-consultation carried out. Report partially written. Had an update meeting with applicants and received additional information on Biodiversity net gain, which has been sent to DCC ecologist. Further ecological information awaited (TW have in hand) and confirmation from LLFA that no objection is raised (TW also working on this).

	Valid Date	Target Date	EoT Date
<b>0868/20/ARM</b> Jacqueline Houslander	29-Apr-20	29-Jul-20	<b>20-Jan-23</b>
Development Site at SX 612 502 North Of Church Hill Holbeton		Application for approval of reserved matters following outline approval 25/1720/15/O for the construction of 14 no. dwellings, provision of community car park, allotment gardens, access and associated works including access, layout, scale, appearance and landscaping (Resubmission of 0127/19/ARM) and the discharge of outline conditions (12/1720/15/O) 1, 2, 3, 5, 6, 7, 8, 9, 10, 11, 12, 19, 20, 21, 22, 23 and 24.	

Comment: Agreed under delegation, awaiting signature on unilateral undertaking

	Valid Date	Target Date	EoT Date
<b>4254/20/FUL</b> Lucy Hall	23-Dec-20	24-Mar-21	<b>25-Aug-22</b>
Springfield Filham PL21 ODN		READVERTISEMENT (revised plans) The proposed development of a redundant commercial nursery to provide 33 new low carbon and energy efficient dwellings for affordable rent. Landscaping works will provide communal areas and a playground as well as ecological features. Access will be provided from the main road with a main spine route running through the site. Springfield Cottage is to remain as current use but be a separate property entity with access from within the site.	

Comment – Amended plans received. Still further information outstanding and awaited.

	Valid Date	Target Date	EoT Date
<b>0544/21/FUL</b> Jacqueline Houslander	15-Feb-21	17-May-21	<b>3-Dec-21</b>
Land at Stowford Mills Station Road Iybridge PL21 0AW		Construction of 16 dwellings with associated access and Landscaping	

Comment – Currently in discussion with applicant over a Deed of Variation to the original Section 106 agreement. Deed of Variation is awaiting applicants signature.

	Valid Date	Target Date	EoT Date
<b>1490/21/ARM</b> Tom French	20-Apr-21	20-Jul-21	<b>31-Mar-23</b>
<p>Sherford New Community Commercial Area North of Main Street Elburton Plymouth containing B1, B2, B8, D2 leisure, Application for approval of reserved matters for commercial area Sui generis uses as well as 2 drive through restaurants and a hotel, including strategic drainage, highways and landscaping as part of the Sherford New Community pursuant to Outline approval 0825/18/VAR (which was an EIA development and an Environmental Statement was submitted)</p>			

Comment – Under consideration by Officer, ext of time agreed

	Valid Date	Target Date	EoT Date
<b>1491/21/ARM</b> Tom French	20-Apr-21	20-Jul-21	<b>31-Mar-23</b>
<p>Sherford New Community Green Infrastructure Areas 6 North of Main Street Elburton Plymouth PL8 2DP. Application for approval of reserved matters for Green and 18 Infrastructure areas 6 and 18 including details of surface water drainage infrastructure, all planting and landscaping as part of the Sherford New Community pursuant to Outline approval 0825/18/VAR (which was EIA development and an Environmental Statement was submitted)</p>			

Comment – Under consideration by Officer, ext of time agreed

	Valid Date	Target Date	EoT Date
<b>2817/21/ARM</b> Helen Grant	29-Jul-21	28-Oct-21	<b>24-Mar-22</b>
<p>Noss Marina Bridge Road Kingswear TQ6 0EA Details of Reserved Matters and discharge of conditions, relating to layout, appearance, landscaping and scale, in respect to South Bay Phase (Residential Southern) comprising the erection of 27 New residential units (Use Class C3). Also provision of 58 car parking spaces, cycle parking, creation of private and communal amenity areas and associated public realm and landscaping works pursuant to conditions 51, 52, 54 and 63 attached to planning permission 0504/20/VAR</p>			

Comment – In the process of being written up for recommendation for approval

	Valid Date	Target Date	EoT Date
<b>3053/21/ARM</b> Helen Grant	5-Aug-21	4-Nov-21	<b>24-Mar-22</b>
<p>Noss Marina Bridge Road Kingswear TQ6 0EA Application for approval of reserved matters relating to layout, appearance, landscaping and scale, in respect to Phase 16 – Dart View (Residential Northern) of the redevelopment of Noss Marina comprising the erection of 40 new homes (Use Class C3), provision of 60 car parking spaces, cycle parking, creation of private and communal amenity areas and associated public realm and landscaping works pursuant to conditions 51, 52, 54 and 63 attached to S.73 planning permission ref. 0504/20/VAR dated 10/02/2021 (Outline Planning Permission ref. 2161/17/OPA, dated 10/08/2018) (Access matters approved and layout, scale, appearance and landscaping matters</p>			

Comment – architect working on revisions and redesign

	Valid Date	Target Date	EoT Date
<b>3054/21/ARM</b> Helen Grant	5-Aug-21	4-Nov-21	<b>24-Mar-22</b>
<p>Noss Marina Bridge Road Kingswear TQ6 0EA Application for approval of reserved matters relating to layout, appearance, landscaping and scale, in respect to Phase 17 - Hillside (Residential Hillside) of the redevelopment of Noss Marina comprising the erection of 8 new homes (Use Class C3), provision of 21 car parking spaces, cycle parking, creation of private and communal amenity areas and associated public realm and landscaping works pursuant to conditions 51, 52,54 and 63 attached to S.73 planning permission ref. 0504/20/VAR dated 10/02/2021 (Outline Planning Permission ref. 2161/17/OPA, dated 10/08/2018) (Access matters approved and layout, scale, appearance and landscaping matters</p>			

Comment –In the process of being written up for recommendation for approval

	Valid Date	Target Date	EoT Date
<b>2982/21/FUL</b> Graham Smith	13-Oct-21	12-Jan-22	<b>18-Jan-22</b>
Land Opposite Butts Park Parsonage Road Newton Ferrers PL8 1HY		READVERTISEMENT (Revised plans) The erection of 20 residential units (17 social rent and 3 open market) with associated car parking and landscaping	

Comment – Discussions over viability ongoing between housing and land owner FEB COMMITTEE?

	Valid Date	Target Date	EoT Date
<b>3335/21/FUL</b> Clare Stewart	14-Oct-21	13-Jan-22	<b>17-Feb-22</b>
Proposed Development Site At Sx 566 494 Land West of Collaton Park Newton Ferrers		Construction of 125 homes, commercial business units, landscaped parkland, community boat storage/parking, allotments, improvements to existing permissive pathway and public footway, enhancement of vehicular access and associated infrastructure and landscaping.	

Comment – Approved by Members, subject to S106 agreement which is progressing aim to issue by end of Feb 2023

	Valid Date	Target Date	EoT Date
<b>4175/21/VAR</b> Tom French	8-Nov-21	7-Feb-22	<b>17-Feb-23</b>
Sherford Housing Development Site East Sherford Cross To Wollaton Cross Zc4 Brixton Devon		READVERTISEMENT (Additional EIA Information Received) Application to amend conditions 48 & 50 of 0825/18/VAR, to vary conditions relating to employment floorspace in respect of the Sherford New Community.	

Comment – Approved by Members, subject to S106 agreement which is progressing

	Valid Date	Target Date	EoT Date
<b>4021/21/VAR</b> Helen Grant	24-Nov-21	23-Feb-22	
Development site at SX 809597 Steamer Quay Road Totnes		Application for variation of condition 2 (approved drawings) of planning consent 4165/17/FUL	

Comment – Under consideration by officer

	Valid Date	Target Date	EoT Date
<b>4317/21/OPA</b> Steven Stroud	5-Jan-22	6-Apr-22	<b>6-May-22</b>
Land at SX 5515 5220 adjacent to Venn Farm Daisy Park Brixton		Outline application with all matters reserved for residential development of up to 17 dwellings (including affordable housing)	

Comment – With applicant to advise how they wish to proceed. Only LHA/LLFA objections remain in relation to surface water run off.

	Valid Date	Target Date	EoT Date
<b>4774/21/FUL</b> Jacqueline Houslander	7-Feb-22	9-May-22	
Burgh Island Hotel Burgh Island Bigbury On Sea TQ7 4BG		READVERTISEMENT (Revised plans) Extension and refurbishment to Hotel and associated buildings together with the development of new staff accommodation, extension to Pilchard Inn, extension to Bay View Café and site wide landscape and biodiversity enhancements	

Comment: Approved by Committee subject to S106 Agreement that is progressing

	Valid Date	Target Date	EoT Date
<b>0303/22/OPA</b> Steven Stroud	4-Mar-22	3-Jun-22	<b>31-Jan-23</b>
Land off Moorview Westerland Marldon TQ3 1RR		READVERTISEMENT (Updated Site Address) Outline application (all matters reserved) for erection of 30 homes of two, three and Four bedroom sizes with associated roads, paths, landscaping and Drainage 30% of which would be affordable housing	

Comment – Applicant working on revised drainage strategy to overcome objections of LLFA. Once received, will be subject to reconsultation and decision.



	Valid Date	Target Date	EoT Date
<b>0934/22/FUL</b> Lucy Hall	14-Mar-22	13-Jun-22	
Land At Sx 499 632 Tamerton Road Roborough		READVERTISEMENT (revised plans) Construction of a new crematorium facility with associated access drives, car parking, ancillary accommodation & service yard	
<b>Comment: Under consideration by officer.</b>			
	Valid Date	Target Date	EoT Date
<b>1178/22/ARM</b> Bryn Kitching	11-May-22	10-Aug-22	
Land Off Townstal Road Townstal Road Dartmouth		Application for approval of reserved matters following outline approval 15_51/1710/14/O (Appeal APP/K1128/W/15/3039104) as varied by application reference 2609/19/VAR and 0479/21/VAR relating to access, appearance, landscaping, layout and scale for the construction of 46No.apartment extra care/assisted living scheme (Class C2) with provision of parking, gardens, access and associated works	
<b>Comments: Following a request for further information regarding outdoor lighting and slight amendments to landscaping plan, applicants have submitted an appeal against non-determination. No lighting or landscaping details have been submitted with that appeal. See application 4160/22/ARM below which has been submitted as an alternative scheme. Expectation that this application/appeal would be withdrawn should the alternative scheme gain consent</b>			
	Valid Date	Target Date	EoT Date
<b>1629/22/ARM</b> Helen Grant	20-Jun-22	19-Sep-22	<b>20-Jan-23</b>
Dennings Wallingford Road Kingsbridge TQ7 1NF		Application for approval of reserved matters following outline approval 2574/16/OPA (Outline application with all matters reserved for 14 new dwellings)relating to access, appearance, landscaping, layout and scale and discharge of outline planning conditions	
<b>Comment: Awaiting revised plans/documentation</b>			
	Valid Date	Target Date	EoT Date
<b>1523/22/FUL</b> Steven Stroud	20-Jun-22	19-Sep-22	<b>31-Jan-23</b>
Proposed Development Site West Dartington Lane Dartington		READVERTISEMENT (revised plans) Construction of 39No. two-storey dwellings with associated landscaping.	
<b>Comment: Reviewing application with consultees; liaising with applicant.</b>			
	Valid Date	Target Date	EoT Date
<b>2412/22/OPA</b> Clare Stewart	25-Jul-22	24-Oct-22	<b>28-Apr-23</b>
Land South of Dartmouth Road at SX 771 485 East Allington		Outline application with some matters reserved for the development of up to 35 dwellings & associated access, infrastructure, open space, landscaping & biodiversity net gain infrastructure	
<b>Comment: Awaiting additional information to address consultee comments.</b>			
	Valid Date	Target Date	EoT Date
<b>3182/22/VAR</b> Helen Grant	9-Sep-22	9-Dec-22	
Land to rear of Green Park Way Green Park Way Chillington TQ7 2HY		Application for variation of a conditions 6 (use of roofs), 14 (pedestrian access), 19 (biodiversity net gain) and 20 (JLP Policy DEV32) following grant of planning consent 0265/20/ARM	
<b>Comment: Requested info from Agent 14/12</b>			

	Valid Date	Target Date	EoT Date
<b>2804/22/FUL</b> Charlotte Howrihane	14-Sep-22	14-Dec-22	<b>31-Jan-23</b>
Homefield Farm Sherford TQ7 2AT			Change of use of commercial buildings and dwelling house to 3 no. holiday lets, demolition of existing retail unit, replacement of commercial building with 1 no. self-build dwelling house, associated works to include comprehensive landscape & ecology enhancement works (Resubmission of 4751/21/FUL)

Comments: No significant changes to previously refused app 4751/21/FUL.previous app currently awaiting appeal hearing (8<sup>th</sup>/9<sup>th</sup> Nov). Agent has been informed current app is also recommended for refusal, has asked for EOT to await appeal decision on previous application

	Valid Date	Target Date	EoT Date
<b>2643/22/VAR</b> Helen Grant	13-Oct-22	12-Jan-23	<b>31-Jan-23</b>
Thurlestone Hotel Thurlestone TQ7 3NN			Application for variation of conditions 2 (approved plans) & 8 (tree protection) of planning consent 1720/19/FUL

Comment: Additional information and clarifications requested

	Valid Date	Target Date	EoT Date
<b>1098/22/OPA</b> Clare Stewart	18-Oct-22	17-Jan-23	
Haxter Lodge Tamerton Road Roborough PL6 7BT			Outline application with some matters reserved for erection of a School

Comment:

	Valid Date	Target Date	EoT Date
<b>3949/22/VAR</b> Bryn Kitching	11-Nov-22	10-Feb-23	
Land South of Junction between Townstal Rd and Nelson Rd Dartmouth TQ6 0LB			Application for variation of conditions 1 (approved plans), 2 (samples) & 4 (landscaping) of planning consent 1867/21/ARM – erection of a 69-bed care home (use class C2)

Comment: slight variation to approved scheme to allow alternative materials, solar panels and material minor amendments to roof design. Expect delegated approval prior to target date.

	Valid Date	Target Date	EoT Date
<b>4072/22/FUL</b> Tom French	21-Nov-22	20-Feb-23	
Land At Sx 499 626 Tamerton Road Roborough			Installation & operation of solar farm & associated works, equipment & necessary infrastructure for a temporary period of 40 years

Comment:

	Valid Date	Target Date	EoT Date
<b>2927/22/FUL</b> Bryony Hanlon	25-Nov-22	24-Feb-23	
Halwell Business Park Halwell TQ9 7LQ			Provision of a new industrial warehouse building

Comment: Application is progressing and currently on target.

	Valid Date	Target Date	EoT Date
<b>4160/22/ARM</b> Bryn Kitching	28-Nov-22	27-Feb-23	
Land Off Townstal Road Sx 858 508 Townstal Road Dartmouth			Application for approval of reserved matters following outline approval 15_51/1710/14/O (Appeal APP/K1128/W/15/3039104) as varied by application reference 2609/19/VAR and 0479/21/VAR for layout, scale, appearance and landscaping for the construction of a 61No Apartment Extra Care/Assisted Living Scheme (use class C2) provision for car parking, gardens, access & associated works (Re-submission of 1178/22/ARM)

Comment: Alternative application to 1178/22/ARM which is subject to an appeal. Up to 4 stories fronting on to new roundabout. Forms part of the employment/commercial element of the larger development. Currently resolving minor issues that have come out of the consultation and expect delegation decision prior to target date.

	<b>Valid Date</b>	<b>Target Date</b>	<b>EoT Date</b>
<b>4167/22/ARM</b> Bryn Kitching Land At Sx 856 508 Dartmouth	14-Dec-22	15-Mar-23	Application for approval of reserved matters seeking approval for layout, scale, appearance and landscaping for 9 residential dwellings and associated open space and infrastructure following outline approval 3475/17/OPA as varied by application reference 3078/21/VAR (Revised layout for 9 dwellings to replace previously approved layout for 7 dwellings (plots 138-144) under 3118/21/ARM).

Comment: Alternative layout to small section of larger development. No substantial issues and expect delegated decision prior to target date.

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