

## PLANNING APPLICATION REPORT

**Case Officer:** Clare Stewart

**Parish:** Bere Ferrers **Ward:** Bere Ferrers

**Application No:** 1684/19/ARM

**Agent/Applicant:**

Rowan & Edwards  
21 Plymouth Road  
Tavistock  
Devon  
PL19 8AU

**Applicant:**

Mr J Sobey  
8 Drakes Park  
PL20 7DY

**Site Address:** 8 Drakes Park, Bere Alston, Devon, PL20 7DY

**Development:** Application for approval of reserved matters following outline approval 4043/17/OPA for erection of one dwelling

**Reason item is being put before Committee**

Referred by Ward Members due to tensions locally over parking availability and the impact this development would have.



**Recommendation:** Conditional approval

**Conditions**

1. Accord with plans
2. Drainage
3. Natural slate

4. Stone wall
5. Tamar EMS mitigation
6. Removal of permitted development rights for first floor windows and roof openings on rear elevation

**Key issues for consideration:**

Detailed design, visual impact, highways.

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**Site Description:**

The site is situated within the village of Bere Alston, on the eastern side Drakes Park and currently forms part of the garden area of No.8.

Bere Alston is not identified as a Sustainable Village within the JLP due to its location within the Tamar Valley AONB.

**The Proposal:**

Reserved Matters approval for access, appearance, landscaping, layout and scale following approval of outline application 4043/17/OPA. The submitted plans show one detached two storey dwelling with 3 bedrooms. Access would be taken from Drakes Park onto a parking area to the north of the proposed dwelling. The dwelling would have a slate roof with white rendered walls and grey upvc window units.

**Consultations:**

- County Highways Authority – *“The planning authority has specifically requested the highway authority to consider the highway aspects of this application as the access arrangements have varied significantly from the original proposals at outline, which were assessed by the planning authority's own officers using Standing Advice.*

*The access in this 'reserved matters' application is now proposed to be located onto the taper of an existing parking area contiguous with the highway which forms part of the publicly maintained highway. The proposed access will effectively 'mirror' a similar access to number 3, Drakes Park at the northern end of the parking area. That existing access has restricted visibility to the north (leading traffic direction) whereas the proposed access will have restricted access to the south (trailing traffic direction); other than that, they are identical. The proposed access is considered adequate having regard to the number and speed of vehicles using Drakes Park at this location.*

*The parking area between the two accesses will remain for approximately six vehicles, perpendicularly parked. The proposed development includes provision for two parking spaces on curtilage.*

*There are therefore no objections to the proposed development from a highway safety point of view.*

**Recommendation:**

**THE HEAD OF PLANNING, TRANSPORTATION AND ENVIRONMENT, ON BEHALF OF DEVON COUNTY COUNCIL, AS LOCAL HIGHWAY AUTHORITY, HAS NO OBJECTION TO THE PROPOSED DEVELOPMENT'**

- Natural England – specific measures will be required to prevent harmful effects on the Plymouth Sound and Estuaries SAC and the Tamar Estuaries Complex SPA. Appropriate Assessment may be required. Refer to NPPF para 172 regarding impact on Tamar Valley AONB.

- Drainage – “**Recommendations – no objection**

*Based on the information provided we would support the current proposal. Full drainage details have been provided to demonstrate that a workable drainage scheme can be accommodated on site therefore if permission is granted please include the following condition.*

**Suggested condition**

1. *The drainage scheme shall be installed in strict accordance with the approved plans (drainage Report Ref: J-904 dated 2<sup>nd</sup> May 2019), maintained and retained in accordance with the agreed details for the life of the development.*
2. *If any other drainage scheme than that approved as part of this permission is proposed then a mitigating drainage alternative shall be agreed with the Local Planning Authority.*

*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.”*

- Bere Ferrers Parish Council – No comments received

**Representations:**

3 letters of objection have been received with issues raised summarised as follows:

- Proposed design not in keeping with other houses on estate
- Highways safety – no clear vision until out in road
- Proposed parking imposes on existing parking spaces for 3-6 Drakes Park and crosses a footpath used daily by occupants of those properties
- Over dominance for nos 8, 9b and 29 Drakes Park
- Spoils other people’s views
- Drakes Park becoming too overcrowded
- Previous applications rejected

**Relevant Planning History**

- 4043/17/OPA READVERTISEMENT (Revised Plans Received) Outline planning application for the erection of one dwelling. 8 Drakes Park, Bere Alston. Conditional approval: 16 May 18

- OA/3/29/1339/1990/: Erection of a dwelling in garden. 8 Drakes Park Bere Alston  
Refusal: 28 Aug 90

Also of interest on a nearby site:

- 01994/2011: Erection of 2 dwellings and associated works. 9 Drakes Park Bere Alston  
Yelverton Devon PL20 7DY. Conditional Consent: 04 Jan 13

## **ANALYSIS**

Principle of Development/Sustainability:

The principle of development has been established by the recent Outline consent. This application submits details for Reserved Matters approval within a reduced red line site area (as not all of the Outline red line site area is within the ownership of the current Applicant), the impact of which is considered in more detail below. Bere Alston is identified as a Key Village within the JLP where new residential development can be supported in principle.

Design/Street Scene/Landscape:

Whilst the principle of development is considered acceptable, due regard must still be had to the detailed design.

Officers consider there is no issue with the proposal for a three bedroom detached home in this location with regards to housing mix. Policy DEV10 requires developers to meet Nationally Described Space Standards and provide sufficient external amenity space. The master bedroom (marked as bed 1 on the submitted floor plans) has a floor area in excess of the required 11.5 square metre minimum. The two smaller bedrooms meet the required standard (7.5 square metres) for single bedrooms. The dwelling therefore needs to provide 84 square metres of gross internal floor space and 2.5 square metres of built-in storage in order to comply with the technical standards. Based on the submitted plans the proposal exceeds the required minimum standards.

Whilst concerns have been raised by third parties regarding the appearance of the dwelling, Officers consider the design is similar to that previously approved at nos. 9a and 9b Drakes Park (LPA ref. 01994/2011) and the general character of the street scene, which already includes dormer features, would be conserved. The location of the parking area to the north of the dwelling rather than in front is not considered to be a significant issue in general design terms.

Policy DEV25 requires new development to conserve and enhance the natural beauty of AONBs. This is a reserved matters application and the principle of development has already been accepted. The proposed design respects the character of the surrounding street scene, and the use of high quality materials (specifically a natural slate roof and stone wall detailing for the access) can be controlled by condition. On this basis the proposed development would conserve the character of the AONB. It would not provide clear enhancement, but would be seen as a quality new dwelling sitting comfortably in the surrounding street scene within a village environment.

#### Neighbour Amenity:

The proposed development would not in the view of Officers be overly dominant in relation to existing neighbouring properties having regard to the standards of amenity generally enjoyed in this locality (noting the relationships between 9 and 9a/9b Drakes Park). This view is based on the plans as submitted. The future introduction of additional openings on the rear (east) elevation facing 8 Drakes Park could create an unneighbourly relationship including the perception of overlooking. It is therefore considered appropriate to remove permitted development rights in respect of such additional openings.

#### Highways/Access:

The reduced red line site area from the original consent has reduced the frontage of the site directly into the highway, resulting in more limited space for access to be achieved. The access is proposed in the north west corner of the site where it curves around the highway. Devon County Highways have reviewed the application in detail and raised no objection.

The proposed driveway access adjoins directly with the public highway at Drakes Park where there is currently no pavement. It is not clear why the proposed access is considered by objectors to impose on the existing parking for 3-6 Drakes Park – there is an informal parking area to the north of the site adjacent to the green space in front of the Drakes Park properties but the proposed access opens onto the highway. The proposed access would not directly cross the pedestrian footpath that runs around the front of the Drakes Park properties.

#### Other Matters:

Loss of private views is not a material planning consideration.

The site is now within the Zone of Influence for new residents have a recreational impact on the Tamar European Marine Site (comprising the Plymouth Sound and Estuaries SAC and Tamar Estuaries Complex SPA). This Zone of Influence has recently been updated as part of the evidence base gathering and Duty to Cooperate relating to the Joint Local Plan. This presents a material change in policy since the original outline application was considered. A scheme to secure mitigation of the additional recreational pressures upon the Tamar European Marine Site can be appropriately secured by condition, and this approach has been agreed by Natural England.

#### The Planning Balance:

The principle of development has been established by virtue of the existing outline consent. The proposed detailed design would conserve the character of the surrounding street scene and the AONB within a village location. Concerns raised by third parties are not considered to provide material grounds for refusal in this case. The application is recommended for approval subject to conditions as detailed above.

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

## Planning Policy

Section 70 of the 1990 Town and Country Planning Act requires that regard be had to the development plan, any local finance and any other material considerations. Section 38(6) of the 2004 Planning and Compensation Act requires that applications are to be determined in accordance with the development plan unless material considerations indicate otherwise. For the purposes of decision making, as of March 26th 2019, the development plan for Plymouth City Council, South Hams District Council and West Devon Borough Council (other than parts South Hams and West Devon within Dartmoor National Park) comprises the Plymouth & South West Devon Joint Local Plan 2014 - 2034.

Following adoption of the Plymouth & South West Devon Joint Local Plan by all three of the component authorities, monitoring will be undertaken at a whole plan level. At the whole plan level, the combined authorities have a Housing Delivery Test percentage of 166%. This requires a 5% buffer to be 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 6.5 years at the point of adoption.

Adopted policy names and numbers may have changed since the publication of the Main Modifications version of the JLP.

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  
SPT14 European Protected Sites – mitigation of recreational impacts from development  
TTV1 Prioritising growth through a hierarchy of sustainable settlements  
TTV2 Delivering sustainable development in the Thriving Towns and Villages Policy Area  
TTV25 Development in the Sustainable Villages  
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  
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

Other material considerations include the policies of the National Planning Policy Framework (NPPF) including but not limited to paragraphs 8 and 11 and guidance in Planning Practice Guidance (PPG). Additionally, the following planning documents are also material considerations in the determination of the application:

## **A Neighbourhood Plan Bere Peninsular to 2034**

Policy E1: Protecting the Local Environment

Policy E2: Supporting Biodiversity

Policy E3: Progressing towards a Low Carbon Environment

Policy H4. Unallocated Development

Policy H6. Housing Density and Design

Policy T1. Sustainable Transport

### **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 in full:**

1. The development hereby approved shall in all respects accord strictly with drawing numbers Sobey LocPL APR19, Sobey BLPL APR19, Sobey PL APR19, Sobey EL APR19, Sobey SEC NS APR19 received by the Local Planning Authority on 7th May 2019.

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.

2. 1. The drainage scheme shall be installed in strict accordance with the approved plans (drainage Report Ref: J-904 dated 2nd May 2019), maintained and retained in accordance with the agreed details for the life of the development.

2. If any other drainage scheme than that approved as part of this permission is proposed then a mitigating drainage alternative shall be agreed with the Local Planning Authority.

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.

3. The roofs hereby approved shall be clad in natural slates, a sample of which shall have been submitted to and approved in writing by the Local Planning Authority prior to installation. The development shall thereafter be carried out in accordance with the approved details and thereafter so retained.

Reason: In the interests of visual amenity and high quality design within the Tamar Valley AONB.

4. All alterations and repairs to the existing walls shall be carried out to match the existing stonework with any repairs in lime mortar to match the colour and texture of the existing. New stone walls shall be constructed to match the existing stone walling of the development.

Reason: To ensure that the finishes and colours are appropriate to the locality.

5. Prior to first occupation of any residential unit, a scheme to secure mitigation of the additional recreational pressures upon the Tamar European Marine Site, shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in full prior to first occupation.

Informative: This condition can be satisfactorily addressed by means of a pre-occupation contribution towards improved management within the Tamar European Marine Site (informed by the SAMMS list) calculated in accordance with the following table (or any subsequent SPD approved at the time the contribution is triggered). At that time the Applicant should contact the Council's Development Management team to arrange payment of the contribution.

#### Dwelling size Contribution per dwelling

1 bedroom £17.16

1 bedroom flat £23.99

2 bedroom house £31.60

3 bedrooms £33.93

4 bedroom house £36.76

5 bedroom house £40.38

Reason: The development lies in the Zone Of Influence of the Tamar European Marine Site (comprising the Plymouth Sound and Estuaries SAC and Tamar Estuaries Complex SPA) where it is considered there would be a likely significant effect from this development, when taken in combination with other plans and projects, upon these European designated sites. To ensure that the proposal may proceed as sustainable development, there is a duty upon the Local Planning Authority to provide sufficient mitigation for any recreational impacts which might arise upon the European designated sites. In coming to this decision, the Council has had regard to Regulation 63 of the Conservation of Habitats and Species Regulations 2017 and the requirements of policies SPT12, SPT14 and DEV26 of the Plymouth and South West Devon Joint Local Plan.

6. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re enacting this Order) no openings other than those authorised by this permission shall at any time be inserted in the first floor or roof space of the rear (east) elevation of the development hereby permitted, without the prior permission, in writing of the Local Planning Authority.

Reason: To protect the amenity of neighbours.