

**REPORT OF THE MEETING OF THE FULL COMMITTEE SITE INSPECTION
HELD ON WEDNESDAY, 7 JANUARY 2009**

**(59/2067/08/F) Resubmission of application 59/1691/08/F for the demolition of existing dwelling and outbuildings, replacement with new dwelling and carport renovation of existing boatstore and slipways –
Gerston Point, West Alvington, Kingsbridge TQ7 3BA**

Present: Cllr Brazil
Cllr Cane
Cllr Carter
Cllr Cooper
Cllr Coulson
Cllr Fielden (Chairman)
Cllr Hicks
Cllr Hitchins
Cllr May
Cllr O'Callaghan (local Member)
Cllr Squire
Cllr Steer
Cllr Ward
Cllr Westacott

Also in attendance and participating:

Mr M Elliott – Area Planning Officer
Cllr Wright – West Alvington Parish Council

Also in attendance but not participating:

Mrs Johns – Clerk to West Alvington Parish Council
Mr Chalmers and Mr Waterhouse – South Hams Society

The Chairman welcomed all attending parties and advised that prior to the Area Planning Officer (APO) commencing his presentation, the Group would walk the perimeter of the application site and view the site from the estuary foreshore.

In introducing the application, the Area Planning Officer (APO) made particular reference to:-

(A) the details of the proposal. With the aid of plans and visual aids, the APO advised that the application sought to demolish the existing dwelling and outbuildings, whilst retaining (but refurbishing) the two boat stores and slipway and install new Cedar doors. In presenting the plans and the proposed layout of the application, the APO acknowledged that the footprint of the dwelling would be larger, but it was at the judgement of Members as to whether the proposals were deemed to be visually acceptable. Furthermore, in reaching their conclusions on the application, Members were encouraged to focus upon the appropriateness of the design and scale of the proposals and how they would sit into the local setting;

(B) the sensitivity of the site. The Group was advised that the application site was located within an Area of Outstanding Natural Beauty (AONB), a Coastal Preservation Area and directly adjacent to a Site of Special Scientific Interest (SSSI);

(C) representations on the application. Since publication of the agenda report, the APO informed those present that he had received further correspondence. A letter had been received from the President of the South Hams Society which emphasised specific concerns in relation to the size of the proposals, the contemporary appearance in such a sensitive landscape area and the impact on the local nature reserve and wildlife.

The Group also noted that late representations had been received from the AONB Manager who wished to raise objections to the proposals. The APO proceeded to read the submission to the Group, which in summary made reference to an acceptance of a contemporary design on site but concerns in respect of the increase in footprint, roofline, height and massing, which would result in the proposals being more obtrusive. In light of the AONB Manager having not visited the site and his views being in contradiction to those of the Landscape and Recreation Manager and Planning Officer (who had visited the site), the APO urged caution in respect of the weighting applied to this representation. In response to a question, the APO confirmed that new landscaping was proposed on site, and subject to Members being minded to approve the application, was a recommended condition;

(D) the officer recommendation of conditional approval. In support of the recommendation, the APO considered that the proposals fitted in well and were not unduly prominent. Whilst the proposals were in stark contrast to the current on-site dwelling, officers did not consider the existing dwelling and outbuildings to carry any design merit. The Group was assured that to enable control over any proposed future extensions or add-ons, it was recommended that the normal permitted development rights be removed. In conclusion, officers felt that in such a unique site, the proposals would work well and were minded to recommend conditional approval of the application.

In outlining the objections of the Parish Council (PC), the representative in attendance reiterated that the site was unique, and due to its setting within an AONB and adjoining a SSSI, had a number of policy implications. The representative drew attention to the Salcombe / Kingsbridge Estuary Management Plan and highlighted the requirement for any development to be both appropriate and sustainable in such a location. In such a sensitive countryside setting, the PC was concerned with regard to the impact upon the wide range of bird varieties evident in the area. Further matters of concern to the PC were in relation to the levels of glazing, creating an unduly dominant appearance, and the contemporary design drawing attention to the development. The vast increase in size of dwelling was also felt to be ungainly and likely to cause significant harm to the character of the local setting. As a direct consequence of this increase in footprint, the PC also considered that vehicular movements would substantially escalate.

The local Ward Member in attendance echoed a number of comments raised by the PC representative. In addition, the Member made reference to the application being for a dwelling containing five en-suite bedrooms and the likelihood for great disturbance upon the nature reserve. The Member believed that the application would constitute over-development and felt that too much emphasis was being given to the design of the proposals, as opposed to the size and mass which she was led to believe, would lead to an increased footprint of between double and treble the size of the existing dwelling. Moreover, the Member highlighted that she considered the application was in policy conflict to PPS1, the Devon County Structure Plan, in respect of preserving an AONB and the Local Development Framework Core Strategy with regard to the requirement for good design. In conclusion, the Member advised that she could not support the application and felt that the Group should be cautious and recommend refusal of this proposal, until a more compatible and appropriate scheme for the site was forthcoming.

In discussion, the following points were raised:-

- (a) Some Members expressed their disappointment that the representations from the AONB Manager had not been received in time to be reported at the Development Control Committee meeting on 10 December 2008;
- (b) It was confirmed that the on-site steps were the only access point to the foreshore of the estuary in the vicinity;
- (c) Whilst the PC and the local Member had highlighted wildlife concerns, some Members made reference to Natural England having raised no objections and an ecological survey having concluded that the proposals would lead to no impact upon protected species. In countering this point, another Member stressed that Natural England had not visited the site and questioned how much weight could be attributed to their conclusions;
- (d) A Member doubted the highways impact arising from the proposals and stated that the County Highways Authority had raised no objections to the application;
- (e) Some Members felt that the application would create a very sustainable dwelling, with the use of materials such as natural stone and copper not only being very durable but also likely to weather in to the setting. Furthermore, the proposals would also be sustainable, through the use of high levels of insulation and glazing and ultimately, a self-sufficient and low maintenance property would be created. Whilst major concerns had been raised regarding the effect upon the environment and landscape, a Member felt that the proposals were attempting to minimise the impact;

- (f) In expressing their concern with regard to the scale of development proposed, some Members felt that a smaller replacement dwelling would be more appropriate. The Members also felt that the proposed replacement dwelling was so significant that it would inevitably have an impact upon the environment and the potential was too great for disruption to the AONB and SSSI, which was a material planning consideration. In addition, the impact upon the environment would be further affected by the amount of glazing proposed (which would create plentiful levels of light pollution) and the proposals also including provision for a large decking area, which would lead to an increase in noise disturbance in the area;
- (g) Some Members also expressed concern over the increased height (1.3 metres above the existing lower ridge line at its highest point) and felt that this would also be visually intrusive;
- (h) Further concerns were expressed with regard to the highly visible and modern design, which some Members felt to be inappropriate in the local setting. In contrast, other Members welcomed the design and felt that it would blend in well with the area;
- (i) In support of the application, a Member highlighted the size of the plot of land and strongly disputed that the proposals could be classified as over-development. Other Members considered that they could see no valid planning reason why this application should be refused.

It was then, by virtue of a Chairman's casting vote (following a vote of 7 votes for and 7 votes against, with no abstentions):-

RECOMMENDED

That in respect of application 59/2067/08/F, the application be conditionally approved.

Conditions:

- 1 - TIM3 (Standard time limit 3 years)
- 2 - MAT15 (Walls Weatherboard Colour Finish)
- 3 - MAT17 (Stonework Sample Panel)
- 4 - RES22A (Exclusion Of G.D.O. - new october 2008)
- 5 - Non Standard
Tree Protection
- 6 - Non Standard
Tree/ Development Monitoring Measures
- 7 - Non Standard
Landscaping
- 8 - Non Standard
Land Contamination: contamination scheme
- 9 - Non Standard
Land Contamination: Verification Report
- 10 - Non Standard
Land Contamination: Unsuspected contamination

11 - Non Standard
Work Method Statement
12 - DRN2 (Drainage)

Reasons for Approval

- 1 This application has been determined in accordance with Section 38 of the Planning & Compulsory Purchase Act 2004 which states that planning applications must be determined in accordance with the Development Plan unless material considerations indicate otherwise. This application has been determined in accordance with approved Development Plan Policies; relevant Government planning policy guidance; and approved in the absence of any other overriding material considerations and having given due weight to all other matters raised in this application including technical and other representations received. The relevant Policies are Structure Plan CO3,CO5,CO6 and CO10, South Hams Local Plan SHDC3, SHDC13, SHDC15 and LDF Core Strategy CS7, CS9 and CS10.
- 2 All consultations and representations, and relevant planning history, have been given due consideration and balanced accordingly when formulating this recommendation and conditions.

Informatives

1. This recommendation refers to drawing nos. GCP 01A.02A.03A, Tree Protection Plan(02A)received on 29/10/2008
2. You should note that hedges and trees can be occupied by species subject to legal protection; for example, nesting birds or roosting bats. It is a criminal offence to wilfully or recklessly disturb these species at certain times. You are strongly advised to seek competent ecological advice, and as necessary any relevant licenses, prior to undertaking work to hedges or trees. Further details of species protected under the Wildlife and Countryside Act 1981 and the Habitats Regulation 1994 can be obtained from English Nature.
3. You should note that certain wildlife habitats and species are subject to statutory protection under the Wildlife and Countryside Act 1981 (as amended) and/or the Habitats Regulations 1994. It is a criminal offence to breach the provisions of these legal constraints and if your development impacts upon such sites or species you are advised to take advice from a competent ecologist who has experience in the habitats/species involved and, as necessary, any relevant licenses from English Nature.