

Case Officer: M Elliott

Site: Phase 2, land adjoining The Mead, Mead Drive, Thurlestone, Kingsbridge

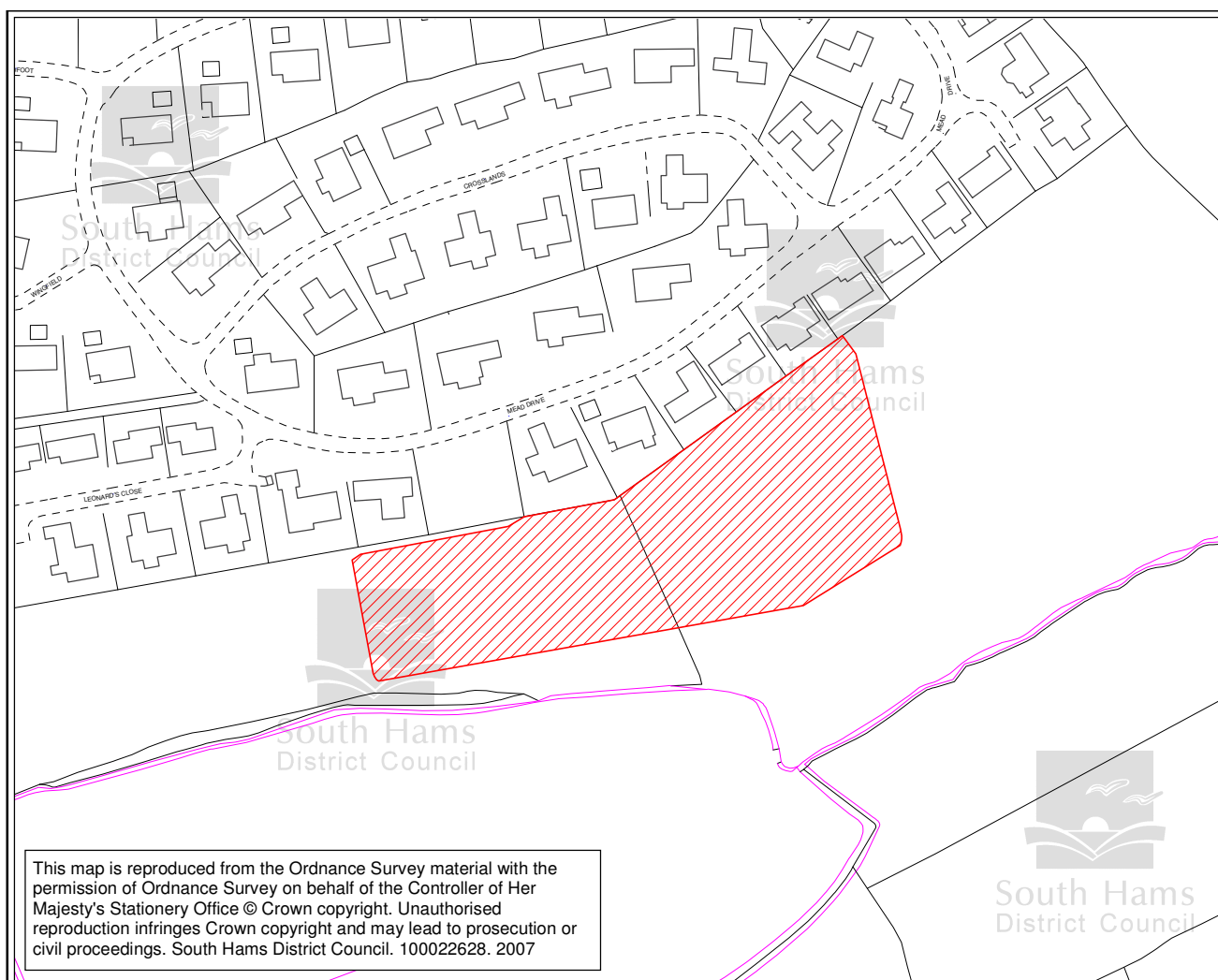
Application No: 55/0804/07/RM & 55/1044/07/RM

Date Received: 10th April 2007

Agent: Harrison Sutton Partnership Little Priory Court Fore Street Totnes Devon TQ9 5NJ

Applicant: Gerald Wood Homes Ltd

Development: **55/0804/07/RM** Reserved Matters application for the erection of 11 detached dwellings and access road **55/1044/07/RM** Reserved matters application to vary the siting of access road on application **55/0624/02/RM**



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## **Policies**

Within the Development Boundary  
Area of Outstanding Natural Beauty

## **Consultations**

Devon County Council – County Highways Authority  
No objections

South West Water  
No objections

Environment Agency  
No objections

Environmental Health Section  
No objections

## **Parish Councils**

Thurlestone Parish Council make the following observations:  
No objections see report (0804/07)  
No objections see report (1044/07)

Letters and supporting information are contained in Members' bundle

## **Case Officer Report**

### **Background Planning History**

Members approved a Reserved Matters application pursuant to an outline planning consent granted in 1960 (WX/1193) covering the whole of the Mead development on the 14 February 2005.

That application, ref 0624/02/RM approved the layout of roads, number and location of housing plots, access thereto, foul and surface water drainage and strategic landscaping for the final stage of the Mead development. The remaining land area comprises 3.62 ha (8.94) acres. A total of 26 plots have been approved (in 3 phases) which are the subject of a Section 106 Agreement which effectively phases the development of the whole site, and requires strategic landscaping to be carried out.

The site as a whole has a very sensitive landscape setting and directly adjoins the entire southern boundary of the Mead development. Single storey dwellings adjoin this boundary whilst the Mead development as a whole comprises a mix of single and two-storey properties. Open farmland and wetland adjoins the development plots to the south.

The whole area is open to view predominantly from the south and west lying within the Area of Outstanding Natural Beauty.

A number of planning applications have to date been submitted for plots 3-7 inclusive on phase 1, which comprises 8 No. building plots. All applications have been refused planning permission on this basis that the size and design of the 2 storey houses proposed was unacceptable and had an adverse impact on the landscape setting.

Planning Appeals have been lodged against refusals on plots 3, 6 & 7. A decision on plot 3 & 7 is awaited. The appeal in respect of plot 6 has been dismissed by decision letter dated 30 March 2007. This decision letter is copied in Members' bundle of letters.

The proposed house on plot 6 had a floor area of 290.5m<sup>2</sup> (3127 ft<sup>2</sup>) excluding the garage, 333.5m<sup>2</sup> including garage, and a ridge height of 8.5m.

### **The Proposals**

55/0804/07/RM : The first of the two applications reported here seeks the approval of reserved matters for the siting, design and revised access arrangement for the erection of 11 detached dwellings comprising the whole of phase 2. The proposal is subject to a revised Section 106 Agreement seeking the following variations to the original legal agreement associated with approval ref 55/0624/02/RM.

*"The development of Phase 2 may proceed in accordance with the New Layout Plan instead of that indicated in the Main Agreement.*

*The specification for the Landscaping Works on Phase 2 and the timing of their provision and completion shall be varied from that indicated in clause (3) (c) of the Main Agreement so that:*

- (i) No construction of the proposed dwellings shall take place on Phase 2 until full details of both hard and soft landscaping for Phase 2 have been submitted to and approved in writing by the Council (acting by its Planning Officer for the time being) and*
- (ii) The construction of dwellings may then be commenced prior to the completion of the Landscaping Works but provided that no dwelling on Phase 2 shall be occupied until the Landscaping Works have been laid out on Phase 2 in accordance with the details approved by the Council and to the reasonable satisfaction of the Council as confirmed in writing, and*
- (iii) All planting required within the Landscaping Works as approved by the Council shall be completed to the Council's satisfaction before the end of the first planting season following occupation of the first dwelling on Phase 2 and the Developer shall if required in writing by the Council replace any plants which die before the elapse of 5 years from the date the Council expresses its satisfaction under this sub-clause."*

Whilst this effectively delays the implementation of the strategic landscaping previously agreed, it does present a sustainable approach to the sites development, it will enable soil to be stockpiled rather than removed from site and returned at a later date.

In addition, the developer has agreed that the development be subject to additional control by the removal of permitted development rights which would otherwise apply. The following is proposed:

*"The Developer agrees that (without prejudice to that permitted pursuant to the Application) notwithstanding the provisions of Article 3 of the Town & Country Planning (General Permitted Development) Order 1995 (and any Order revoking and re-enacting that Order) no further development of the dwellings of Phase 2 within the four*

*classes of Schedule 2 of the Order listed below will be undertaken without the express written consent of the Council:*

- (a) *Schedule 2 Part 1 Class A (Extensions & Alterations);*
- (b) *Schedule 2 Part 1 Class E (Swimming Pools and Buildings incidental to the enjoyment of the dwelling house);*
- (c) *Schedule 2 Part 1 Class G (Oil Containers);*
- (d) *Schedule 2 Part 2 Class A (Means of Enclosure).*

A planning statement submitted by the applicant and letter commenting on the planning history and sites' setting are copied in Members' bundle of letters. It details the planning history and policies, sets out the design principles that have been followed and pre-application consultations carried out by the applicant.

The proposed houses all comprise 2-storey and single storey elements as described in the supporting planning statement. The layout and design has been considered in much detail and has been subject of the 'design and conservation panels' examination. A copy of the panels' letter dated 2 February 2007 is copied in Members' bundle. Officers consider that the submitted proposals have taken on board the comments.

The individual house design follows a consistent style and there is a common use of materials comprising natural slate, render, timber cladding and natural stonework. The floor area ranges between 250m<sup>2</sup> and 300m<sup>2</sup> including garages. Ridge heights lie between 7.3 to 7.9m above FFL for 2-storey elements. Site levels are to be reduced by an average of 2.6m to reduce the impact of the 2-storey buildings where they adjoin existing bungalows. Revised plans have been submitted reducing the finished floor level of buildings by a further 0.5m thus reducing the overall height also. The above figures include the revisions made.

The layout of the 11 units has been set around three separate courtyards each accessed from the common access road.

A photo montage of the development when viewed from the south is copied in Members' bundle.

55/1044/07/RM : This second application seeks a minor variation to the alignment of the access road linking Phase 2 to Mead Drive. The road moves in part approximately 3m to the east.

## **Representations**

**804/07** : Thurlestone Parish Council raise no objection, but wished to see a further height reduction if this was achievable.

In common with the planning applications submitted on Phase 1 this application has generated a lot of local concern. A total of 64 letters of objection have been received. All letters are copied in Members' bundle. The objections raised are summarised below:

- Two-storey house out of keeping/overdevelopment;
- Detrimental to attractive landscape setting in AONB;
- Size and design of house unacceptable;
- Will detract from setting of adjoining wetland;
- Two-storey development has been refused elsewhere in the Mead Estate;

- Unacceptable neighbour impact;
- Whole of phase should be single storey;
- Loss of view and privacy;
- Loss of value of existing properties;
- Precedent will be set for more two-storey houses on adjoining plots.
- Reference made to the Planning Inspectors' decision on plot 6;
- Threat of flooding;
- Proximity of houses to adjoining bungalow;
- Contrary to established planning policies;
- More second homes;
- Effect on habitat;
- Overlooking;
- Amount of protection to site boundaries.

**1044/07** : Thurlestone Parish Council raise no objection. No letters of representation have been received.

## **Planning Policies**

### Central Government Advice

PPS1 : Delivery Sustainable Development : Paras 33-35 consider the issue of design and state:

#### “Design:

- 33 *Good design ensures attractive usable, durable and adaptable places and is a key element in achieving sustainable development. Good design is indivisible from good planning.*
- 34 *Planning authorities should plan positively for the achievement of high quality and inclusive design for all development, including individual buildings public and private spaces and wider area development schemes. Good design should contribute positively to making places better for people. Design which is inappropriate in its context, or which fails to take the opportunities available for improving the character and quality of an area and the way it functions, should not be accepted.*
- 35 *High Quality and inclusive design should be the aim of all those involved in the development process. High quality and inclusive design should create well-mixed and integrated developments which avoid segregation and have well-planned public spaces that bring people together and provide opportunities for physical activity and recreation. It means ensuring a place will function well and add to the overall character and quality of the area, not just for the short term but over the lifetime of the development. This requires carefully planned, high quality buildings and spaces that support the efficient use of resources. Although visual appearance and the architecture of individual buildings are clearly factors in achieving these objectives, securing high quality and inclusive design goes far beyond aesthetic considerations. Good design should:*
- *Address the connections between people and places by considering the needs of people to access jobs and key services;*
  - *Be integrated into the existing urban form and the natural and built environments;*

- *Be an integral part of the processes for ensuring successful, safe and inclusive villages, towns and cities;*
- *Create an environment where everyone can access and benefit from the full range of opportunities available to members of society; and,*
- *Consider the direct and indirect impacts on the natural environment.”*

### Local Development Framework Core Strategy

Policy CS7 : Design, promotes good design that respects local distinctiveness, respects the character of the site and its surroundings in order to protect and enhance the built and natural environments.

Policy CS9 : Landscape and Historic Environment states that quality, character, diversity and local distinctiveness of the natural and historic environment will be conserved and enhanced.

### Devon County Structure Plan

Policy C03 : Areas of Outstanding Natural Beauty. In these areas the conservation and enhancement of their natural beauty will be given priority over other considerations and development should only be permitted where it would support the conservation and enhancement of the area.

Policy C06 : Quality of New Development, states that the identity, distinctive character and features of existing settlements, urban and rural areas should be conserved and enhanced. The Local Planning Authority should maintain and improve the quality of Devon’s environment by requiring attention to good design and layout that respects the character of the site and its surroundings.

### South Hams Local Plan 1989-2001

SHDC1 : Development Boundaries makes provision for development where this is compatible with the character of the site and its surroundings, and where there would be no significant adverse effects in relation to, amongst other considerations, the landscape or local amenity.

The planning principles contained within the Local Plan always apply. Policy SHDC1 states that design, local character and landscape setting area particularly important considerations in Landscape Protection Areas.

Policy SHDC15 : Design seeks to ensure that new development displays good design practice and achieves the highest possible standard of design.

### South Hams Local Plan Review

Policies DS3, DEV2, DEV23, DEV25 & DEV26 reiterates the thrust of the above policies.

### **Analysis**

There is no doubt that the final phase of the Mead’s development will be most sensitive. The land has a very attractive landscape setting and is open to public views, primarily from the south and west. From these vantage points the predominant character of development in the

Mead is single-storey, particularly to the south. The character changes to the west of the Mead where two-storey buildings feature more prominently in the wider landscape setting.

The Council's approach to the development of this remaining area has been to control the phasing of development and secure the early implementation of strategic planting. Compared with Government guidelines, the 26 plots approved is very low density. This was considered to be fully justified by the important landscape considerations.

The outline planning consent granted in 1960 does not preclude two-storey development. The officer report to Members in March 2002 (0624/02/RM) stated that it was anticipated that a proportion of the housing will be single-storey and appropriate two-storey housing may be appropriate.

Officers have given careful consideration to the development of Phase 1 and Phase 2 and it is considered that two-storey development is acceptable subject to appropriate scale, design and neighbour relationship. Good quality development would make a positive contribution to the general landscape setting. It is not considered that an extension of wholly single-storey development would result in the conservation and enhancement of the area. Such an approach would conflict with policy objectives.

The consideration of the various applications submitted to date on Phase 1 has proven to be a difficult exercise in planning control of new development. The site as a whole is difficult given its lack of contextual setting. The applications submitted on Phase 1 have been made on an individual plot basis, which in general has not assisted a comprehensive consideration of the sites' development. The appeal decision on plot 6 is a material consideration to be taken into account when making a decision on the current planning application.

Third parties have quite understandably made reference to this appeal decision. The Inspector comments on the very open and sensitive landscape setting lying on the edge of an area of estate housing, which comprises mainly bungalows of a modest size and scale. In the inspector's view this raised the transition between the built area and adjacent countryside....."Thereby preserving a soft edge at the periphery of the settlement."

The size, scale and bulk of the proposed house on plot 6 was considered unacceptable and failed to preserve a suitably soft edge to the settlement and its wider landscape setting. Furthermore, the Inspector was concerned that the proposed dwelling would appear incongruous and rather overbearing in relation to the modest size and scale of existing development.

Officers remain firmly of the view that a quality development should form the finished edge to this part of the village. The very sensitive landscape setting is deserved of such an approach. To this end a well conceived development including two-storey elements should not be precluded. Indeed, the Inspector does not go this far in his appeal decision. An acceptable and well defined 'soft edge' to the village does need to be found. Officers consider it would be wrong to follow the local consensus that this implies single-storey buildings only.

The submitted scheme has given much consideration to the sites setting and the relationship with neighbouring properties. The overall scale and design is considered appropriate and will create genuine interest and quality to the village edge. Whilst two-storey elements are evident they do not predominate. Parts of two-storey buildings will indeed be perceived as

single-storey in the wider landscape setting. There is variety and yet consistency in design form and the single-storey parts of the development articulate a contemporary form.

The reduced site levels as proposed are central and essential to the success of this proposal. The revised level reduction of 0.5m is insignificant and demonstrates that the applicant has gone some way to meeting the Parish Council's requests. It is fully acknowledged that this further level reduction will not address the substantial third party objectives.

### **Neighbour Impact**

Careful consideration has also been given to the relationship of the proposed dwellings, particularly plots 1-4 inclusive and 11 with adjacent bungalows. The back to back distances vary between 17m – 24m. It is also on the garden boundaries that the reduced levels have the greatest effect. The ridge line of the two-storey house element is at eaves line or below of the bungalow facing the garden boundary for each respective plot. As such, at the garden level of the bungalows the adjacent proposed house will appear single-storey as a result of the reduced levels. The combination of distances, levels and orientation provides for an acceptable and neighbourly development.

The proposal demonstrates good design practise and has been subject of vigorous examination during its involvement. It is inevitable that the strong local objections will not be overcome but a decision will have to be made on the development of this final part of the Mead, be it on Phases 1, 2, or 3. The promotion of wholly single-storey would be wrong and whilst this would be less objectionable because it safeguards to a greater extent views over the site from existing properties, the architectural/design consequence and its visual impact would be a high and unacceptable impact. This would not result in the conservation of the landscape setting. It is inevitable that views and outlook will be affected but this in itself is not good reason to resist a development proposal that demonstrates a well considered design approach.

### **Human Rights Act**

The concerns of local people as expressed through representations are fully recognised and it is acceptable that residents will be affected by the proposals. Their rights have been carefully assessed against Article 8 of the Human Rights Act. In arriving at a recommendation on this application, officers have balanced those rights against the rights of the applicant, under Article 1, Protocol 1 and the wider planning aims of achieving a beneficial use of land and the wider community as expressed through planning policies for the area.

### **Recommendation (0804/07)**

Conditional Approval

### **Conditions**

- 1 - TIM2 (Outline - Reserved matters time limit 3 and 2 years)
- 2 - MIS6 (Reiteration)
- 3 - MAT8 (Roofing Natural Slate)
- 4 - MAT11 (Eaves Verges Hips and flues details)
- 5 - MAT14 (Walls Render Details)
- 6 - MAT23 (Timber Doors And Windows Reserve Details Vents)

- 7 - MAT17 (Stonework Sample Panel)
- 8 - Non Standard (Non Standard Condition)
- 9 - RES30 (Windows)
- 10 - MAT15 (Walls Weatherboard Colour Finish)

### **Informatives**

- 1 Section 106 Obligation
  
- 2 This decision refers to revised drawings received on 6 June 2007 no.1104/02A, 03A, 04B, 05A, 06A, 07A, 08A, 09A, 10A, 11A, 12A, 13A, 14A, 15A, 16B, 1104/100, 101 and location plan.

### **Recommendation (1044/07)**

Approval

### **Conditions**

- 1 – TIM2 (Outline, Reserved matters time limit 3 and 2 years)

### **Reasons for Approval** (both applications)

- 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 (which are contained in the Devon County Structure Plan and the South Hams Local Plan); 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 C03 & C06; South Hams Local Plan SHDC1 & SHDC15.
  
- 2 Special regard has been given to the representations about the visual impact of the proposed development on the landscape setting, relationship with adjoining dwellings and other detailed matters but these were not considered to be overriding because the detailed designs, size and neighbour relationship of the proposed house is considered to be acceptable and would not cause material harm to the landscape setting.