

This newsletter is something of a departure from the norm and is thus offered to you by way of an experiment. To talk of an 'editorial policy' would be to indulge in a certain amount of whimsy. Nonetheless in the past we have tried to err on the side of brevity, offering you only the most essential of the facts. This was based on an assumption that the RYDA was not the only thing going on in your lives. So with a certain amount of trepidation we are now offering you eight, high quality, action packed pages covering just three topics. Please let us know whether you appreciate this new departure and the opportunity to be more fully informed or whether by about page 4 you had lost the will to live.

Our thanks go to a member who contributed one of the three articles.

The Yealm Hotel

Since it became public that the River Yealm Hotel Ltd had been placed into voluntary liquidation, the future of the Hotel building itself has become rather a hot topic. We are very conscious that the Hotel is in private ownership and so we must be wary about fostering speculation about such a sensitive matter. However, the subject has been raised with us and we thought it might be helpful if we investigated a bit further so that you had some of the facts.

But in doing so, we do ask that you don't read anything more into this article than there is, or interpret it as an oblique expression of the views of the RYDA or your Committee. It is neither.

We also apologise for the length of the article - far longer than we would normally want to include in a Newsletter - but there are some important points to explain fully.

In the last Newsletter (04/2015), we did invite you to let us have your views on the future of the Hotel site itself. Whilst we have not been overwhelmed by responses, those we have had range from 'must be preserved at all costs' to 'let it go, it's looking too rundown'. Underlying most of the responses is concern about what might replace the present building if it was demolished at some point in the future rather than an overwhelming desire to preserve and protect the present building. Because the site has such a prominent position on the River, we are confident that most of us would want to see a building that is appropriate to the setting. A definition of 'appropriate' is a debate to be had on another day!

To investigate what the options might be, your Chairman met last week with a Specialist in Development Management at South Hams District Council (the Conservation Officer in old speak). The discussion centred on what could be done either to protect the present building (because that is a view that some of you expressed) or what could be done to help ensure that a replacement building was 'appropriate'. The following represents a summary of the advice from the Specialist.

1. Could the Hotel be Listed? There was an unsuccessful attempt to have the Hotel listed in 2011. Apart from English Heritage changing its name to Historic England, nothing has changed in the last 4 years. Both the law and the strict criteria for awarding a listing designation are the same now as they were. Therefore, the professional opinion is that a fresh attempt to have it listed would almost certainly fail on the same grounds as in 2011. That said, the Advice Report from English Heritage did have a few encouraging words to say about the building, which might open up another avenue which is covered later. Conclusion: listing would not work.



2. Could a Temporary Building Preservation Notice be Served? The legislation for Listing is contained in the Planning (Listed Buildings and Conservation Areas) Act 1990. The Act includes provision for the emergency protection of an unlisted building if the local planning authority (ie SHDC in our case) considers that it is of special architectural or historic interest and is in danger of demolition. Only an LPA can apply for such a Notice. However, it is of no use in the case of the Yealm Hotel because the specific purpose of a Notice is to buy time by preventing the demolition whilst an application for listing is considered. If that application for listing is unsuccessful, the Notice is automatically lifted. Because we already know that a listing application will be unsuccessful, there is no reason for SHDC to apply for a Temporary Building Preservation Notice. Conclusion: a Temporary Building Preservation Notice would not work either.

3. Could the Newton Ferrers Conservation Area be Extended? This too would not succeed because it is generally accepted that a Conservation Area has to contain a homogenous group of buildings. Because of the broadly undistinguished buildings between the western end of the current Conservation Area (Baring House at Kiln Quay) and the Yealm Hotel, an extension of the Conservation Area to include the Yealm Hotel would not be acceptable. Also, it is not possible to designate a single building as a Conservation Area because it fails the 'group of buildings' test. Conclusion: an extension of the NF Conservation Area would not work.

4. Non-Designated Heritage Asset. A Non-Designated Heritage Asset (NDHA) is a specific designation that can be given to a building which falls short of the national listing criteria but does have a local 'degree of significance meriting consideration in planning decisions'. NDHAs are identified by a local planning authority and are often shown as 'locally listed'. It can give a measure of protection and, more importantly, has to be given some weight during the planning process. It cannot give total protection such as preventing demolition, but it will be an important factor when a planning application is being weighed up for a decision. It will also guide planning officers regarding the advice they may give a developer during any pre-application discussions. The way of triggering consideration for NDHA status is by a request from the Parish Council or one of the Ward Members to SHDC. The professional advice is that an application for the Yealm Hotel would stand a reasonable chance of being accepted, not least because of the encouraging words used by English Heritage; "... makes a striking contribution to the locality undoubtedly one of local interest as one of the first and most prominent buildings to have been erected in the immediate vicinity the building is of some interest as a relatively substantial hotel of the late C19 built in an isolated location". Conclusion: a Non-Designated Heritage Asset application might help.

As part South Hams's work on their new Local Plan, they are considering delegating to Parish Councils and/or Neighbourhood Plan Groups, the responsibility to declare Non-Designated Heritage

Assets. All South Hams would do would be to lay down the criteria against which buildings should be judged to be NDHAs. It would then be up to the PC or NP Group to identify which buildings met the criteria and should be included in a Parish list

5. **Neighbourhood Plan.** Some reference to the importance and significance of the Hotel could be made in the Neighbourhood Plan (NP), such as in a list of all NDHAs. However, the NP is at least 18 months away and so offers no quick solution. In addition, the NP cannot prevent demolition or even redevelopment and so would have limited value in protecting the Hotel on its own. Conclusion: the NP probably would not help and, in any case, is not timely enough.

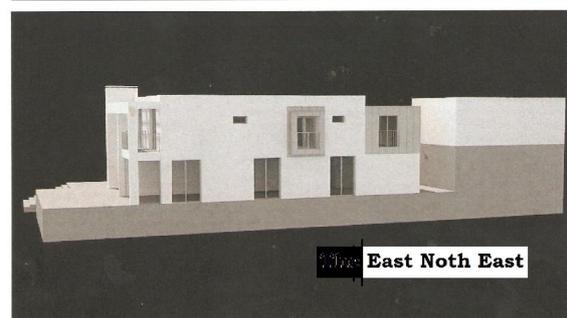
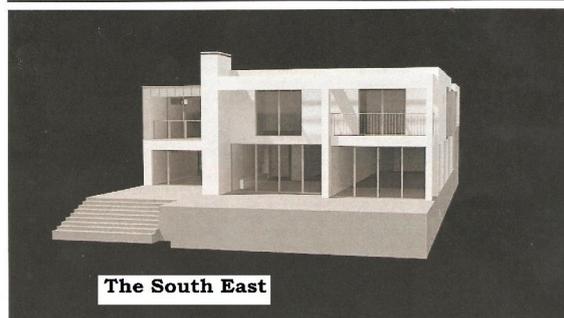
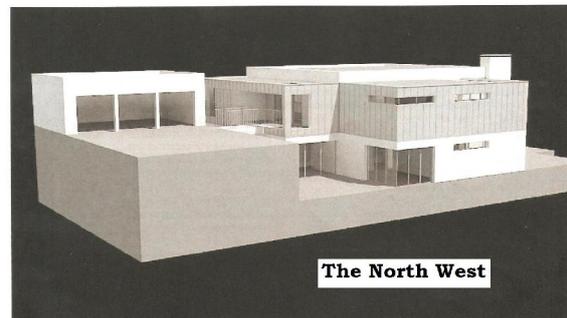
The overall conclusion that your Committee draws from this is that the only realistic way of providing some modest protection - if that was what the community wished to achieve - is to apply to South Hams for the Hotel to be a Non-Designated Heritage Asset. This can only be achieved via an application from the Parish Council or by one of the Ward Members. (Cllr Baldry has already indicated that he would not wish to take any action without a request to do so from the Parish Council.) Therefore, the ball is in the Parish Council's court to determine whether to go down this route or not. All of the information above has been given to the Parish Council, however they have not yet had an opportunity to discuss it because August is a fallow month for Council meetings. The most significant value of NDHA status is that it flags up to potential developers (or indeed owners) that any redevelopment of the site must acknowledge and be sensitive to a building that has local significance. That may lead to a higher and more acceptable standard of design if the present building was to be demolished.

We have now taken this issue as far as we can, but would still be grateful for any thoughts you may have. Once again, apologies for the length of this article which we hope you have found of interest.

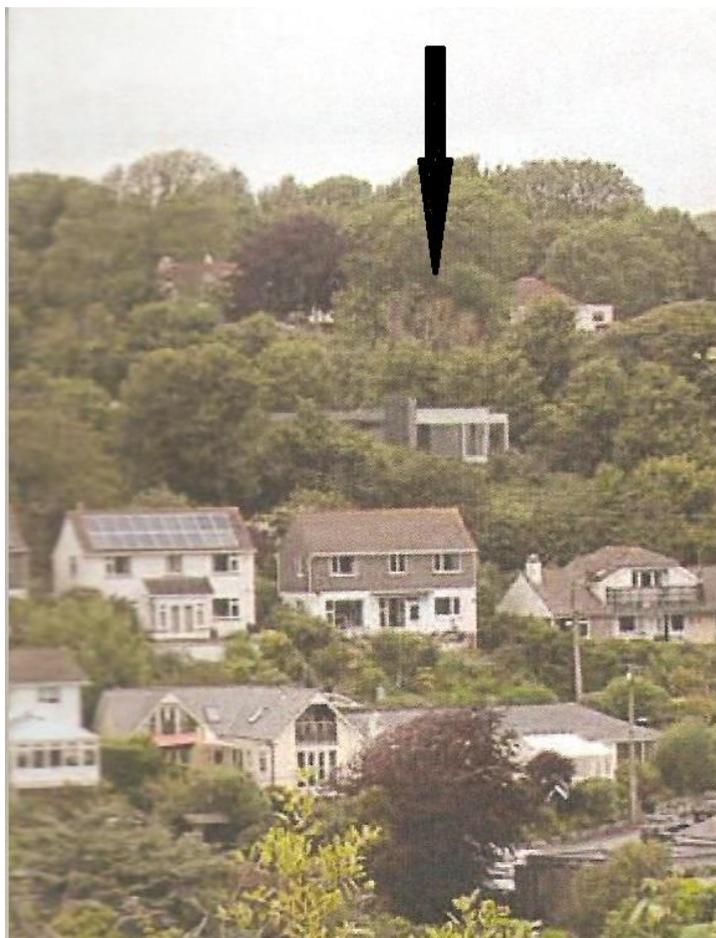
Barnicott

A full planning application has been submitted to build a 4 bedroom contemporary style house with detached garage and indoor swimming pool in the grounds of Barnicott. It is to be located on land running down the east side of Bridgend Hill lying just outside the village development boundary, within the South Hams Area of Outstanding Natural Beauty. It is proposed to provide access to the site by removing the existing Devon bank over a distance of just under 30 metres along the line of the road.

Views of the house from:-



The design (shown above) will not be to everyone's taste. However it is bland and largely unexceptional, unlike some of the more unpleasant buildings that have been erected in Newton and Noss recently.



The house will be partially screened from view from the opposite side of the river. However the screening is provided by poor quality, low value trees at present. There can therefore be no confidence that the house, already partly visible, will not be fully visible at some time in the future.

Some attempt has been made to reduce the visual signature from the opposite bank by setting the building into a well in the ground. However this has been only partly successful. There is a lack of detail in the submission concerning the view of the building from other properties lying to the west and northwest of the site. However our assessment is that, as from vantage points to the south across the river, any protection will be afforded only by poor quality expendable trees.

We believe that there are three serious objections to the building of this house.

1. Location It is undeniable that over the years the villages have created an unattractive scar on the landscape destroying much of the outstanding beauty that must have greeted the visitor on arrival at Newton Creek in former times. However we have always taken the view that this is no excuse for making things even worse through allowing uncontrolled development to further destroy the landscape. Members will be aware that we have made great efforts to try and protect what remains of the green spaces in the villages in order to try to soften the blow of the damage that has been done. This applicant himself admits to the fact that the site is currently a green enclave by pointing out that there is development to the north as well as the south and west of his property. He then proceeds to justify the build on the grounds that it is therefore all right to fill in this particular green space as well. We draw exactly the opposite conclusion from the fact that it is a green enclave. We consider it most important that it remains as such. The eastern extremity of the Newton's urbanisation ends at the road that is Bridgend Hill. The observer on the other side of the river sees nothing but green countryside to the east of here at the minute and that is how it should remain. That is why the village development boundary runs up and down Bridgend Hill and that boundary should be respected.

There is also the matter of the AONB. SHDC policy states that all development within an AONB must not damage and should, if possible, enhance the local scene. This development would do neither. As stated, it will be clearly visible from across the river and from a

number of other public vantage points. The applicant has been quick to point out that the National Planning Policy Framework states that development should be allowed unless there is a good reason for refusal. We would remind all that the same document dictates that AONB's should be afforded the 'highest level' of protection. This application seems to take no account at all of the fact that the site is not just within the AONB but in one of the most sensitive parts of the AONB ie within one of the incomparable South Hams estuary valleys.

2. Traffic Issues. Members will recall that this applicant illegally created an entrance to the site by destroying the Devon bank opposite Yealm View Road. This was halted by Devon Highways but only after the damage had been done. It is now his intention to make an entrance to the site 25 meters below the widened section of the lane at the point where it bends just slightly to the left. This will cause two unwanted effects on traffic in the lane. Primarily, as in the case of the previous attempt to create a drive, it will be a danger to traffic since it will be very difficult to see vehicles trying to exit the property.



Secondly it will add to what is already a congested bottleneck. Members will be well aware that it is the only vehicle route between the two villages and all will have experienced many occasions when vehicles are obliged to reverse up or down the hill as there is nowhere to pass. Disruption and inconvenience to all can only increase if an entrance is made at this highly unsuitable place on the road.

3. Heritage Issues. Mention has already been made of the fact that it is proposed to destroy a considerable length of the Devon bank. In an attempt to make the entrance to the property less dangerous it is further proposed not only to remove the bank over the width of the entrance itself, but also to remove some 10 - 12 meters on either side of the entrance to try to improve visibility. This will of course destroy what is currently a very fine example of a sunken Devon lane that has existed to link the two communities ever since they were first populated. It seems to us that use of the word 'vandalism' would not be out of place here.

Finally it must be pointed out that Barnicott is a Grade II Listed building and, as such, consideration must be given to the setting of this building when considering whether planning permission should be granted. Two more disparate styles of architecture than these can hardly be imagined. It would not be possible to claim, in our view, that they are in any way likely to complement each other.

We would very much like to hear what you think about this planning application, for as ever we do wish to represent the views of our membership and not just the views of your

Committee. Having read this article, should you wish to see further details and make your own comment to SHDC you are advised to visit:

<http://apps.southhams.gov.uk/planningsearch/default.aspx?shortid=37/1831/15/F>

The deadline for comment is **16th September** and it is always helpful if you can remember to copy your letter or email to ourselves and the Parish Council.

Yealm Reach

In February 2015 South Hams District Council refused to grant planning permission for a new dwelling, Yealm Reach, on a plot which adjoins Lower Court Road on the lower end of the site of the former Sheilings, 97 Court Road. The proposed dwelling is located on the site of an old orchard which the developer cut down after he acquired the site.

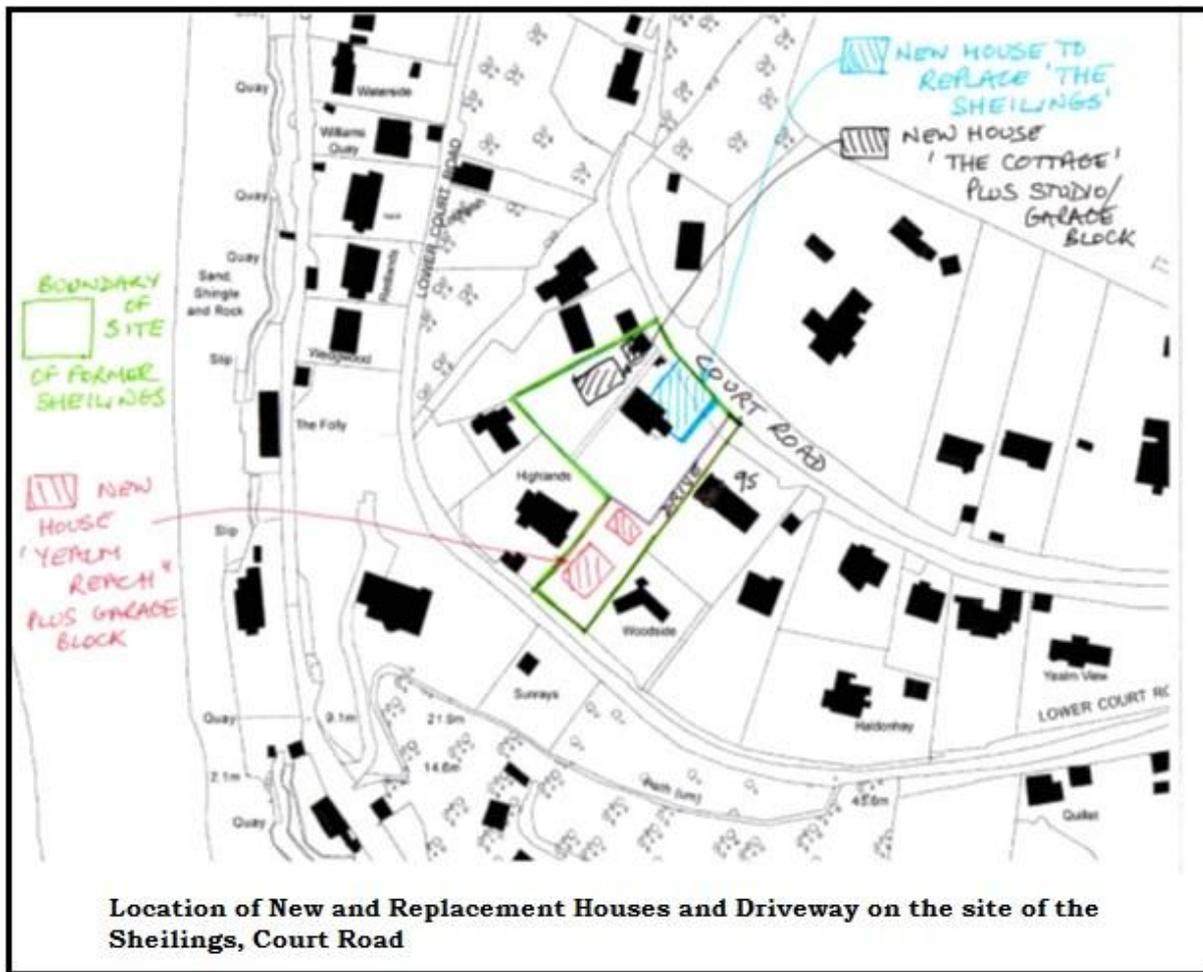
The developer has now appealed to the Secretary of State in respect of Yealm Reach. This will be determined on the basis of written representations. The procedure to be followed is set out in Part 2 of the Town and Country Planning (Appeals) (Written Representations Procedure) (England) Regulations 2009. Any comments that you may have made at the application stage will be forwarded to the Planning Inspectorate.



If fully developed as proposed, the site will contain, in addition to Yealm Reach (which includes a detached double garage and workshop):

- a new house with over twice the footprint of the Sheilings, the existing building
- a new three bedroomed house called The Cottage,
- and a studio building with double garage to replace the existing garage.

Planning permission has already been granted for the new Sheilings, without going to Committee (since the Parish Council did not object). There were objections to the Cottage but it was approved at Committee.



The refusal of planning permission for Yealm Reach was based on the fact that the development would be harmful to the character of the area and the appearance of the landscape which is designated an Area of Outstanding Natural Beauty (AONB). The new house and double garage were deemed to be over development by reason of the size, limited area of outdoor amenity and contrived access arrangement. The Council also objected to the drive of the house, which would run along the length of the boundary with 95 Court Road, with an overall gradient of about one-in-four, on the grounds of loss of amenity to the residents of 95 Court Road and increased safety risks on Court Road.

For the majority of residents, not only those living in the west end of Court road, there are fundamental issues at stake if the developer wins his case. Unlike the central parts of Newton Ferrers the west end of Court Road is characterised by a much less dense level of development, which has been consistent with the aims and requirements of the AONB, although threatened in recent years by progressive infill and larger replacement houses. The developer has sought to use precedent to justify infilling a substantial proportion of the Sheilings site. If this argument is accepted as reasonable, the AONB and the remaining green areas visible from the National Trust land on the far side of the Pool and Warren Point will progressively be “gobbled up” by developers infilling green space and justifying their developments on the basis of previous buildings and developments approved. It will be too late to protect the AONB if residents wait for a Neighbourhood Plan to be agreed and voted on.

It will be important to remind the Planning Inspector of the obligations that AONB status brings. The NPPF states in relation to AONB protection that:

115. Great weight should be given to conserving landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to landscape and scenic beauty.

The other major issue is the impact of the proposed drive, which the developer also seeks to justify on the basis of precedent. Apart from the significant adverse impact it will have on 95 Court Road due to its closeness to the boundary and the inadequacy of the proposed screening, it will also increase the safety risks on Court Road. The developer has completely ignored the fact that the west end of Court Road is a dead-end and vehicles need to, but often try not to, reverse for a hundred yards back to Lower Court Road to enable them to turn around. The proposed one-in-four gradient drive with virtually blind 90 degree access on to Court Road will create a much more dangerous environment for pedestrians, children playing and other vehicles. The three houses on the Sheilings site, each with their own double garage, will also increase the traffic volume significantly. An alternative entrance from Lower Court Road is not an option that would be likely to have succeeded since refusals have been given in the past on the grounds that this road is unsuited to further traffic.

If you believe that the AONB is an asset we should protect for our children and grandchildren, it is important that as an interested party you highlight to the Planning Inspector that the use of precedent in cases such as this will lead to the eventual destruction of the AONB and to the creation of unacceptable safety and environmental hazards for anyone who lives in or uses the west end of Court Road. You do not have to be a neighbour or have made a previous submission to make one now.

Should you decide to make representations, or modify/withdraw your previous representation, you can do so on the Planning Portal at www.planningportal.gov.uk/ or by emailing teamp2@pins.gsi.gov.uk. **All representations must be received by the Planning Inspectorate before 22 September 2015.**