

# South Hams Development Management Committee



<b>Title:</b>	<b>Agenda</b>										
<b>Date:</b>	<b>Wednesday, 17th July, 2019</b>										
<b>Time:</b>	<b>10.00 am and 2.00 pm</b>										
<b>Venue:</b>	<b>Council Chamber - Follaton House</b>										
<b>Full Members:</b>	<p style="text-align: center;"><b>Chairman</b> Cllr Brazil</p> <p style="text-align: center;"><b>Vice Chairman</b> Cllr Foss</p> <p><i>Members:</i></p> <table style="width: 100%; border: none;"> <tr> <td style="width: 33%;">Cllr Brown</td> <td style="width: 33%;">Cllr Kemp</td> </tr> <tr> <td>Cllr Hodgson</td> <td>Cllr Long</td> </tr> <tr> <td>Cllr Holway</td> <td>Cllr Pannell</td> </tr> <tr> <td>Cllr Rowe</td> <td>Cllr Pringle</td> </tr> <tr> <td>Cllr Abbott</td> <td>Cllr Taylor</td> </tr> </table>	Cllr Brown	Cllr Kemp	Cllr Hodgson	Cllr Long	Cllr Holway	Cllr Pannell	Cllr Rowe	Cllr Pringle	Cllr Abbott	Cllr Taylor
Cllr Brown	Cllr Kemp										
Cllr Hodgson	Cllr Long										
Cllr Holway	Cllr Pannell										
Cllr Rowe	Cllr Pringle										
Cllr Abbott	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>	Kathy Trant Specialist- Democratic Services 01803 861185										

**1. Minutes**

**1 - 6**

To approve as a correct record and authorise the Chairman to sign the minutes of the meeting of the Committee held on 19 June 2019;

**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**

Members are invited to declare any personal or disclosable pecuniary 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) 3193/18/ARM**

**7 - 20**

READVERTISEMENT (Further Revise Plans Received) Reserved Matters application for the development of 64no. dwellings (including market, affordable and retirement housing), landscaping and associated works following grant of Outline consent 0771/16/OPA  
Land to the rear of Green Park Way, Chillington

**(b) 3620/18/FUL**

**21 - 34**

Change of use to woodland to allow Tree Tents for the purpose of rural tourism.  
"Stokeley Barton Farm", Road From A379 To Stokeley Bar, Stokenham

- (c) 4061/18/FUL** **35 - 54**  
Erection of single storey building to provide employee welfare and catering facilities.  
Wash Barn, Buckfastleigh
- (d) 0573/19/PIP** **55 - 60**  
Application for permission in principle for one new dwelling "Wilma",  
Woodcourt Road, Harbertonford
- \*\*Upon the conclusion of the above agenda item, the meeting will be adjourned and reconvened at 2.00pm\*\***
- (e) 1505/19/FUL** **61 - 88**  
Erection of new industrial units and associated parking.  
"Development Site at SX740394", Gould Road, Salcombe
- (f) 1522/19/FUL** **89 - 114**  
New two storey Harbour Master Depot facility, including workshop, office, welfare and storage areas.  
"The Creek Car And Boat Parks", Gould Road, Salcombe
- (g) 1523/19/FUL** **115 - 136**  
Replacement of the existing Harbour Master facilities and extension to the existing Public Conveniences, including the provision of welfare facilities for marine users.  
"Salcombe Harbour, Dock And Harbour Undertaking", Fore Street, Salcombe
- (h) 0075/19/FUL** **137 - 150**  
READVERTISEMENT (Revised Plans Received) Proposed revisions to design of single dwelling (self build) following extant permission 0579/16/FUL  
"Site of former WI Hall", Ford Road, Yealmpton
- (i) 0750/19/FUL** **151 - 156**  
Demolition of existing outbuilding; Erection of detached building to provide 2 bed annexe unit and closure of existing vehicular access of provision of new vehicular access.  
"Tuckers Hay", Compton Pool Cross, Compton, Marlton

	<b>Page No</b>
<p><b>(j) 1214/19/ADV</b></p> <p>Application for consent to display advertisement sign under ramp of civic hall  "Totnes Tourist Information", Civic Hall, Market Square, Totnes</p>	<b>157 - 162</b>
<p><b>(k) 1383/19/FUL</b></p> <p>Associated operational development to allow for change of use of building to flexible use (C1), following 0565/18/PAU (resubmission of consent 0271/19/FUL)  "Redundant Barn", Gratton Farm, Loddiswell, Devon</p>	<b>163 - 170</b>
<p><b>(l) 0670/19/ARM</b></p> <p>Application for Approval of Reserved Matters following Outline Approval 2481/16/OPA  "Land Adjacent to Cofflete Lodge (South A379)", Brixton</p>	<b>171 - 182</b>
<p><b>(m) 3552/18/FUL</b></p> <p>READVERTISEMENT (Revised Plans) Construction of 4no. dwelling houses  To the rear of 129 Fore Street, Kingsbridge</p>	<b>183 - 198</b>
<p><b>7. Planning Appeals Update</b></p>	<b>199 - 202</b>

**MINUTES OF THE MEETING OF THE DEVELOPMENT MANAGEMENT COMMITTEE HELD AT FOLLATON HOUSE, TOTNES, ON WEDNESDAY, 19 JUNE 2019**

<b>Members in attendance</b>			
* Denotes attendance			
∅ Denotes apologies			
*	Cllr V Abbott	*	Cllr K Kemp
*	Cllr J Brazil (Chairman)	*	Cllr M Long
*	Cllr D Brown	*	Cllr G Pannell
*	Cllr R J Foss (Vice Chairman)	∅	Cllr K Pringle
*	Cllr J M Hodgson	*	Cllr R Rowe
*	Cllr T R Holway	*	Cllr B Taylor

**Other Members also in attendance:**  
Cllr Pearce

**Officers in attendance and participating:**

Item No:	Application No:	Officers:
All agenda items		HOP Development Management, Planning Specialists, Deputy Monitoring Officer, Specialist Democratic Services

DM.06/19     **MINUTES**  
The minutes of the meeting of the Committee held on 22 May 2019 were confirmed as a correct record and signed by the Chairman.

DM.07/19     **URGENT BUSINESS**  
The Chairman confirmed that the following application had been deferred from the published agenda to a subsequent meeting:

**3193/18/ARM:** Reserved matters application for the development of 64no. dwellings (including market, affordable and retirement housing), landscaping and associated works following grant of outline consent 0771/16/OPA – Land to the rear of Green Park Way, Chillington

DM.08/19     **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 Pannell declared a personal interest in application 4100/18/FUL: erection of polytunnel, greenhouse, 2no. barns, construction of new access track, hardstanding adjacent to barns and hardstanding adjacent to site entrance, construction of pond – Field at Gladsfield, Diptford, by virtue of knowing the applicant and he remained in the meeting and took part in the debate and vote thereon.

**DM.09/19 PUBLIC PARTICIPATION**

The Chairman announced that a list of members of the public and town and parish council representatives, who had registered their wish to speak at the meeting, had been circulated.

**DM.10/19 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:

**a) 3480/18/ARM Land North of Canes Orchard, Brixton**

**Parish: Brixton**

**Reserved Matters application for the approval of appearance, landscaping, scale and layout of 28 no. dwellings following grant of outline permission 1825/16/OPA**

Case Officer Update: A correction to the report in that the first para of the analysis included reference to policies CS7 and DP1 that should be removed along with 'emerging' in relation to the JLP; The application has been readvertised and the site notice expires today, and in addition, not all drawings submitted had been on the website for the requisite period of 14 days, so the officer recommendation is amended to take account of this; amendment to condition 9 to state in consultation with the parish council; parish council comments on the revised scheme were read out to the committee and six further letters had been received from local residents raising points including no updated engineering drawings received, overbearing impact on neighbours, plots 1 to 13 densely packed, higher density scheme than Phase 1, parking for plots 1-13 was tight, wall shown south of unit 28 on Barratt's land and not within control of applicant; provision of estate railing around play area would force people to walk on a road with no pavements; no energy saving proposals; foul services should connect into the A379 and not into the Orchard Road and Daisy Park sewer; consultation period expires 19 June after committee decision; overlooking to neighbours and possible loss of light to neighbours

Speakers included: Supporter – Mr Alex Graves: Parish Council – Cllr Liz Hitchins; Ward Member – Cllr Brown

**Recommendation:** Conditional Approval, subject to no new material planning considerations being raised during this extended period

**Committee Decision:** Conditional Approval, subject to no new material planning considerations being raised during this extended period

Conditions:

1. Time limit for reserved matters
2. Accords with plans
3. Materials to be agreed
4. Roofs to be finished with natural slates fixed using nails and not hooks
5. Hard landscaping materials to be agreed including road, pavement and parking areas
6. Details of POS landscaping, equipment and boundary treatment to be agreed and provided
7. Boundary treatments to be agreed
8. Details of FFL and external ground levels to be agreed, including levels of public open space areas

**b) 4100/18/FUL Field at Gladsfield, Diptford**

**Parish: Diptford**

**Erection of polytunnel, greenhouse, 2no. barns, construction of new access track, hardstanding adjacent to barns and hardstanding adjacent to site entrance, construction of pond**

**Case Officer Update:** The description refers to barns but this should be corrected to 'barn' and the location plan was incorrect, a new plan was shown

**Speakers included:** Supporter – Mr James Shorten: Ward Member – Cllr Pannell

**Recommendation:** Conditional Approval

**Committee Decision:** Conditional Approval

Conditions:

1. Time limit for commencement
2. Accord with plans
3. Agricultural use
4. Remove following cessation of use
5. Surface water drainage
6. Hedgerow
7. No flood lighting

**c) 3954/18/FUL Lower Cottage, 2 Priddhamsleigh Cottages,  
Ashburton**

**Parish: Staverton**

**Change of use of stables/barns/residential outbuildings to  
business/wellness**

**Case Officer Update:** A further letter of support had been received

**Speakers included:** Objector – Mr John Caunter: Supporter – Ms  
Jackie Lake:

**Recommendation:** Conditional Approval

**Committee Decision:** Conditional Approval

Conditions:

1. Time limit
2. Accord with plans
3. Surface water
4. Foul drainage
5. Use as a wellness centre only
6. Hours limitation (9am – 6pm)
7. Maximum of 12 visitors per day
8. No outside audio
9. No overnight stays
10. Hard and soft landscaping scheme
11. Provide visibility splay

**DM.11/19 PLANNING APPEALS UPDATE**

Members noted the list of appeals as outlined in the presented agenda report. The HOP Development Management provided further detail on specific decisions.

(Meeting commenced at 2.00pm and concluded at 3.40pm)

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Chairman



## Voting Analysis for Planning Applications – DM Committee 19 June 2019

<b>Application No:</b>	<b>Site Address</b>	<b>Vote</b>	<b>Councillors who Voted Yes</b>	<b>Councillors who Voted No</b>	<b>Councillors who Voted Abstain</b>	<b>Absent</b>
3480/18/ARM	Land North of Canes Orchard, Brixton	Conditional Approval	Cllrs Abbott, Brazil, Foss, Holway, Taylor, Pannell, Rowe (7)	Cllrs Hodgson, Kemp, Long, Brown (4)	(0)	Cllr Pringle (1)
4100/18/FUL	Field at Gladsfield, Diptford	Conditional Approval	Cllrs Abbott, Brazil, Brown, Foss, Hodgson, Holway, Kemp, Long, Pannell, Taylor, Rowe (11)	(0)	(0)	Cllr Pringle (1)
3954/18/FUL	Lower Cottage, 2 Pridhamsleigh Cottages, Ashburton	Conditional Approval	Cllrs Abbott, Brazil, Brown, Foss, Hodgson, Holway, Kemp, Long, Pannell, Taylor, Rowe (11)	(0)	(0)	Cllr Pringle (1)

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## PLANNING APPLICATION REPORT

**Case Officer:** Wendy Ormsby

**Parish:** Stokenham **Ward:** Stokenham

**Application No:** 3193/18/ARM

**Agent/Applicant:**

Miss Robyn Nicholl - Barton Willmore  
101 Victoria Street  
Bristol  
BS1 6PU

**Applicant:**

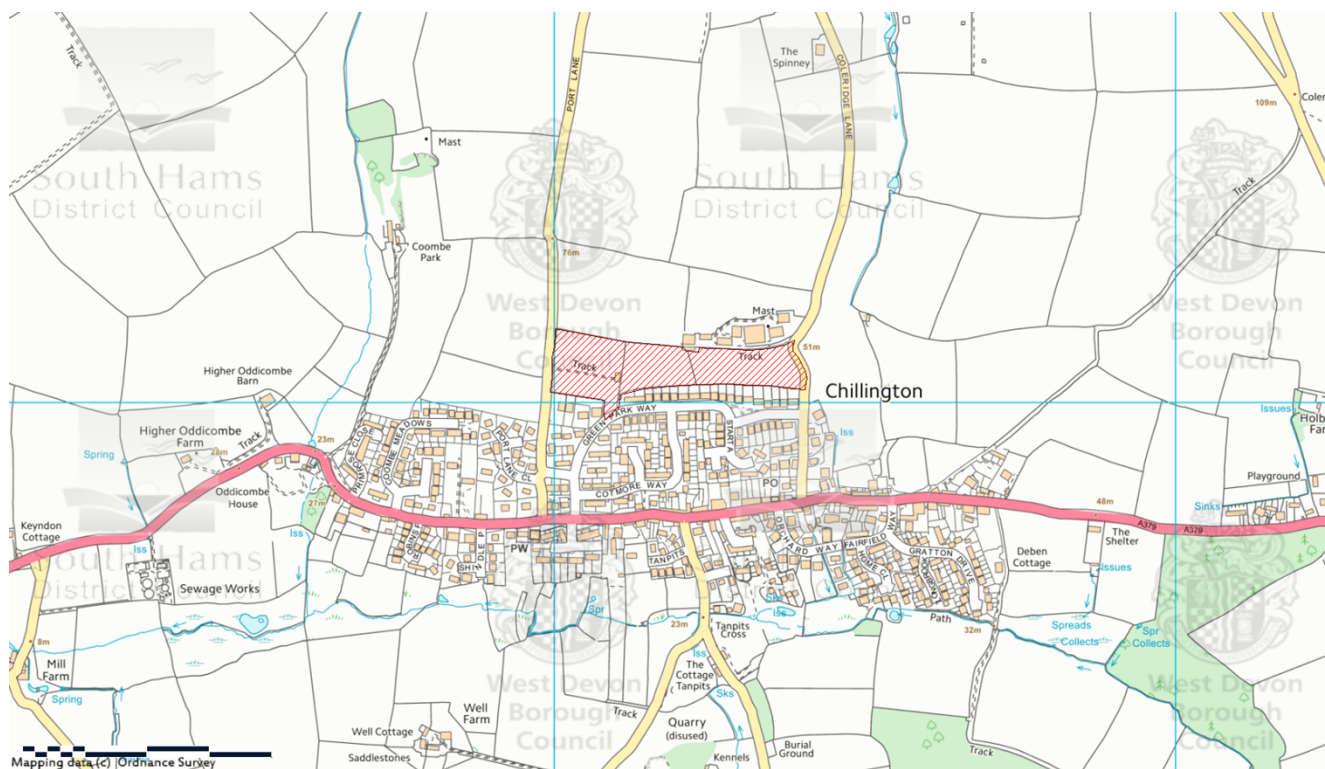
Acorn Property Group  
C/O Agent

**Site Address:** Land to the rear of Green Park Way, Chillington, TQ7 2HY

**Development:** Reserved Matters application for the development of 63 no. dwellings (including market, affordable and retirement housing), landscaping and associated works following grant of Outline consent 0771/16/OPA

**Reason item is being put before Committee:** At the request of the Ward Member for the follows reasons:

- Pedestrian access
- Drainage and drainage maintenance
- Overlooking from Plots 47 and 48



**Recommendation:** Conditional Approval

**Conditions**

1. RM time for commencement
2. Accords with plans
3. Secure delivery and maintenance of planting

4. Details of thresholds where steps to dwellings are proposed to be agreed
5. Details of electricity sub-station to be agreed and landscaping around sub-station to be agreed
6. Plots 2 and 3 no door access onto rear flat roof projection and flat roof not be used as a balcony/terrace/amenity area
7. Colours of materials to be used in external hardsurfaces to be agreed
8. Details of boundary treatments and retaining walls to be agreed and implemented
9. External levels, including levels of gardens and public open space to be agreed
10. No raised decks or terraces to be provided/construction unless otherwise agreed by LPA
11. Details of hedge and tree planting along the southern site boundary to be agreed in writing by LPA and provided and maintained
12. Materials to be agreed
13. Roof to be clad in natural slates nailed and not hooked.

**Key issues for consideration:**

Whether the details of external appearance, scale, landscaping and layout provide a high quality design and layout that sits comfortably in the wider landscape as well as within the general character of the area; impact on the amenity of existing neighbours, quality of the environment for future residents.

**Financial Implications (Potential New Homes Bonus for major applications):**

The Government have advised that the New Homes Bonus scheme will end after the 2019-2020 financial year and this year is the last year's allocation (which was based on dwellings built out by October 2018). A statement about a replacement scheme is expected in September 2019.

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**Site Description:**

Chillington is located approximately 7km east of Kingsbridge, 2km east of Frogmore, 1.5km west of Stokenham, and 3km west of the coast and Torcross. The Kingsbridge Estuary is also nearby.

Chillington is centred on the A379 which is the main route from the coast at Torcross to Kingsbridge. The historic centre of the village sits either side of the road and more modern development has spread north and south of the main road. The road is the boundary of the South Devon Area of Outstanding Natural Beauty, which lies to the south of the road.

Chillington has a small village shop and post office, a doctor's surgery, a village hall and a pub. A primary school is located in nearby Stokenham. The village is on the No. 3 bus route from Dartmouth to Kingsbridge.

The application site is situated on the northern edge of Chillington. To the north, east and west of the site lie open fields, to the south are the residential dwellings of the village, with the dwellings of Green Park Way adjoining the southern site boundary.

The 3 hectare site consists of three agricultural fields which sit behind the houses on Green Park Way, and are currently used for keeping horses. The site's boundaries are formed by a mix of trees and hedgerows, fences and stone walls. There are also trees and hedges of varying quality along the field boundaries within the site, some of these trees are covered by a TPO.

The site is sloping, rising from south to north. To the north east of the site is a group of commercial buildings. There is one existing building within the site which will be demolished.

## **The Proposal:**

Outline planning has been granted on this site for up to 65 dwellings with details of vehicular access agreed. The site is allocated for up to 65 dwellings in the Plymouth and South west Devon Joint Local Plan (JLP).

The application seeks to agree the reserved matters of layout, scale, external appearance and landscaping of this outline consent. 35% affordable housing and 10 age restricted retirement homes are included as agreed at the outline stage.

The proposed layout is linear in nature and this is led by the elongated shape of the site and the contours of the land. A single vehicular access from Green Park Way leads northwards into the site and then heads east and west. The main road through the site will be built to adoptable standard with a footpath on one side of the road, shared surface access roads serve smaller segments of the cul de sac.

A pedestrian link from the north east corner of the site is proposed onto Coleridge Lane.

The layout retains most of the existing field hedgerow boundaries and retains protected trees that are within the site. Supplementary landscaping is proposed to soften the site boundaries, to provide screening to the south and to create a green, pleasant environment within the site. Informal areas of public open space are provided within the site,

The scheme includes a mixture of detached, semi-detached and terraced homes and includes two x small, 2 storey apartment buildings. 1.5 storey buildings are included within the north and western part of the site and within the south east corner, although these SW units are on raised ground. A number of the house types are split level to address the slope of the site.

Dwellings on the southern boundary have been designed with dropped eaves and limited window openings to minimise overlooking and dominance, Slate hanging has been used in the upper elevations in some buildings to drop the perceived height of buildings. Buildings on the southern boundary are mainly 1.5 storey.

Architectural styles vary within the scheme but follow a coherent theme, the design is contemporary but reflects the vernacular in terms of roof slope, materials and scale. The materials include natural slate and render as the dominant materials with some buff brick and timber proposed.

The development seeks to address sustainability through a fabric first approach to building design through the use of triple glazing in some homes and low u-value building materials. Ventilation will use 'whole house' mechanical ventilation with heat recovery units – this saves energy by using waste heat from extracted air to preheat the fresh intake air.

In addition the majority of houses have a southern orientation to maximise passive solar gain.

Low water usage fittings will be installed to minimise water consumption

All the 2 bed + homes have a minimum of two off street parking spaces allocated, the one bed units have one allocated space. Of these allocated spaces approx. 50% rely on tandem parking provision. There are however an additional 21 unallocated (visitor) parking spaces within the vicinity of the homes that mainly rely on tandem parking.

The housing mix is as follows:

Affordable

6 x 1 bed apartments (50 – 67 sq m)

2 x 2 bed apartments (64 – 81 sq m)

1 x 1 bed dwelling (bungalow) (50 sq m)  
8 x 2 bed dwellings (79 sq m)  
5 x 3 bed dwellings (93 sq m)

#### Market

29 x 3 bed dwellings (114 – 136 sq m)  
12 x 4 bed dwellings (139 – 160 sq m)

The application includes a proposed drainage strategy which has been discussed in detail with DCC Flood Risk team, however drainage was conditioned at outline stage as a pre-commencement condition and does not have to be agreed at reserved matters stage.

This application has been further amended in response to concerns raised by neighbours regarding impact on their amenity, and plots 46 to 44, 48 to 51 and 32 to 37 have been lowered by approx. 1m and plot 46 as well as being lowered has been changed from a house to a bungalow.

As a result the thresholds to these units are set below the road level and direct access to front doors is now stepped. It has been possible to achieve alternative ramped access to plot 46 and plots 32-37. The road level cannot be lowered to match the new threshold levels without removing significant amounts of material from the site which would not be a sustainable approach to development.

#### Consultations:

- County Highways Authority: Object – Adequate information has not been submitted to satisfy the Highway Authority that surface water is being adequately managed.
- RSPB: Recommends increase in financial contribution from £2,581 to £74, 193 to reflect the current minimum area of habitat and cost. Recommend features to provide opportunities for biodiversity including integral nest sites at a ratio of one per dwelling and permeable garden boundaries including a minimum of one 'hedgehog hole' in each garden fence.
- SHDC Trees: No objection subject to mitigation planting
- AONB: No comment received
- SHDC Landscape: No objections subject to conditions to secure delivery and maintenance of planting
- SHDC Affordable Housing: The tenure mix of 50% affordable rent and 50% shared ownership complies with the Section 106 Agreement. The housing mix supports an identified housing need. We would expect to see some provision for visitor parking and cycle storage. Would not support stepped access to 1 bed units.
- Police AOL: Drainage areas to the south should be inaccessible to avoid antisocial behaviour/crime. Pedestrian link needs care in design to be safe – should be straight and lit and well overlooked, insufficient usable parking spaces which can lead to social conflict. Rear garden gates should be 1.8m and robust and lockable from both sides. Needs more information about 2<sup>nd</sup> pedestrian link Inadequate parking provision 3/12/18
- DCC Flood Risk: Additional information required.
- SWW: No objection to surface water being managed by soakaways. Public water main running through the site requires a 3m easement and cannot be included in private areas

- Town/Parish Council

Objection. Parish Council remained concerned on a number of issues that included drainage, overlooking and loss of privacy, light pollution and the reduction in screening from 6m to 2m along with the need to minimise nuisance to neighbours and the wider community during construction.

Parish Council endorsed concerns raised by Devon County flood management team in their letter of objection dated 8th January and looked forward to satisfactory resolution. It was noted that the Highways Authority had also objected and although the stated grounds for objection related to the insufficient detailed plans for pedestrian access at the northeast of the site they also raised concern regarding the effectiveness of the drainage strategy making reference to securing a bond through the APC process which would allow for the Option B drainage strategy to be implemented. Parish Council would be grateful for further information on the Option B and Bond.

There appeared no clarity on provision of a public footpath, as requested for pedestrian access, as it appeared to go in and out of plans. Therefore parish council would request that such provision be conditioned to be constructed within any planning approval.

With regard to overlooking and loss of privacy it was noted that with regard to AONB objections the ridge heights were restricted to 8.5m but maximums were currently 8.9m. Limiting of heights on boundaries and set back distances had therefore not been complied with as ridge heights on Plots 1, 2 and 3 were 1.67 above OPA. It was also a concern that screening had reduced from 6m to 2m.

Parish Council received a sketch plan, from a resident, showing the effect of the elevated platform and noted the applicant's plans continued to misrepresent the location of 47 Green Park Way's living room extension and the large screening tree that no longer existed. Parish Council had requested plots 46 and 47 be deleted from this scheme and were grateful that plot 46 was removed, but the effect remained.

Parish Council requested that the Planning Authority condition and enforce the reasonable construction management requests made previously by them and endorsed the sensible suggestions made by Mr Harlington on behalf of the Green Park Way Association.

It was advised by a resident that the watercourse designation was being referred to as 'land drainage' which was of concern and needed to be rectified as this was notably a historic watercourse that had fed the village.

Further information was required on what proposals there were for lighting which should be conditioned to be low lit with glimmer/guard screening.

Regarding water runoff it was felt that trying to hold water up a hill and then force it elsewhere by pumping and not utilising gravity would undoubtedly go wrong and any loose gravel on roads could go towards blocking any attenuation/drainage. As this was a more complicated drainage system precise clarification was required to be set out within any planning condition as to how it would be maintained in future, who was responsible and how it would be backed up.

(The Parish has not yet provided comments on the amended scheme)

### **Representations:**

Approximately 85 letters of objection (a number of residents have written more than once) have been received raising issues that include the following:

(NB: These letters related to the scheme prior to the most recent set of amendments – any further letters received after the publication of this report will be verbally reported to the committee)

- Residents group want involvement in and strict adherence to a Construction Management Plan including a direct point of contact with a senior person representing the developer. They would also like:
  - Programme of work, road closures and power/water outages
  - Hours of work to be agreed
  - Delivery routes to be agreed
  - Sheet/mesh screening to be added to scaffolding on the south site boundary to provide privacy
  - Lighting control
  - Noise mitigation measures
  - Control of contractor and staff parking
  - Road cleaning/wheel washing
  - Consultation over type of planting adjacent to existing properties
  - Control of construction material storage etc.
  - Insurance over damage to private property
  - Survey of road and services on Green park Way before work starts
- Spring on site needs to be accounted for in drainage scheme
- Soakaways too close to existing homes on Green Park Way
- Who will manage and maintain soakaway?
- Swales near southern boundary could cause flooding
- Who will sweep the roads and driveways to control silt as set out in management plan?
- Trees shown to be planted on soakaways – will this work?
- Overlooking from plots 18, 19 and 20 to existing neighbours to No 17 GPW
- Significant overlooking - including from plots 43, 46-47 and 44-45
- Criminal activity possible behind plots 14, 17, 18 and 22
- Reference is made to gas fired boilers – where is the gas coming from – tanks? If so where will they be sited?
- Where will lighting be sited?
- Do not want responsibility of maintaining new rear boundary hedges
- Overbearing impacts on existing neighbours
- Adverse landscape impact
- Adverse impact on the AONB
- Inadequate infrastructure such as school places and doctors
- Why is drainage tank under plots 44-46 not buried like others?
- Why are tallest houses sat on this raised platform?
- Cross sections to show impact of plots 46 and 47 have not been provided as requested
- Pump station could be noisy, will it vibrate? How will it be maintained?
- Pump station is an impractical solution – what if it fails?
- Already suffer flooding – this will make risk greater
- Pedestrian safety concern if pedestrian access is provided onto Coleridge lane
- Drainage scheme is inadequate and flooding will occur
- Houses are taller than agreed at outline stage
- Landscape buffer on southern boundary shown at outline stage has been lost
- Possible impact on village water supply
- Homes do not meet local housing need
- Parts of the site are being built up rather than dug into the slope – making neighbour impact worse
- Increase in noise and smells
- Who will maintain landscaping
- Landscaping will take time to grow and be effective
- Inadequate parking for plots 44-51 and 63-64
- Access location will shine lights into house opposite – should be re-angled to avoid this
- Underbuild is being used to raise heights of dwellings
- Suburban layout is out of character with the area



- Risk of landslips
- Noise pollution
- Object to siting of large drainage tanks close to boundary with Green Park Way
- Plans on web site do not provide enough information
- Plans are wrongly labelled
- Why has 6m deep landscape corridor on southern boundary been removed?
- Will overlook private swimming pool at No 43 GPW
- Object to loss of 5 Elm trees
- Shared space roads are no longer supported by DOT
- Noise and disturbance during construction
- Unadopted roads will fall into disrepair
- Inadequate parking provision
- Roads are too narrow
- Claim riparian right to uninterrupted flow of water – proposal includes re-directing a stream
- Additional tree planting required to screen neighbours
- Ridge heights now 2m higher than illustrated at outline stage – will be equivalent to a 4 storey building viewed from GPW gardens
- Light pollution from large windows
- High density development
- Development too large for the village
- Request traffic order to restrict commercial traffic movements into Cotmore Way outside of set hours
- Affordable homes and retirements homes cannot afford to maintain unadopted roads
- Unsustainable development

### **Relevant Planning History**

0771/16/OPA – outline planning application for planning permission to erect up to 65 dwellings, landscaping and associated works at land at SX 791 430, to rear of Green Park Way, Chillington, Devon

### **ANALYSIS**

#### **Principle of Development/Sustainability:**

The principal of development has been agreed in the grant of the outline planning permission. This reserved matters application seeks to agree matters of layout, scale, external appearance and landscaping

#### **Landscape impact:**

The site is on land rising northwards beyond the northern built up boundary of Chillington. It is not within a designated landscape but is within the setting of the South Devon AONB which lies south of the A379. At outline stage careful consideration was given to the potential landscape impacts of this development and it was identified that the western part of the site was most sensitive where building heights should be limited to 1.5 and where a strong landscape buffer would be required on the northern boundary to improve the landscape setting of the village.

Policy DEV25 of the JLP states that:

*The highest degree of protection will be given to the protected landscapes of the South Devon AONB, Tamar Valley AONB and Dartmoor National Park. The LPAs will protect the AONBs and National Park from potentially damaging or inappropriate development located either within the protected landscapes or their settings.*

The landscape impact of the proposed development has been considered by the Council's landscape specialist who has commented as follows:

*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; 127, and 170, 172 & 173;*
- *The National Planning Practice Guidance (NPPG) particularly Section 8-001 to 8-006 on Landscape; and*
- *The South Devon AONB Management Plan and its Annexes*
- *Joint Local Plan - DEV23 Landscape Character and DEV25 Nationally protected landscapes*

#### Landscape comments

*The current revisions (Hard and Soft landscape plans and planting plans Rev G; dated 25.04.2019) and submissions relating to landscape planting and mitigation are noted. This followed substantive discussions over initial concerns relating to impacts arising from the submitted layout, and the approach to mitigation and planting throughout the site.*

*The sensitivity of the site, accepting its location outside of the South Devon AONB but within the setting were noted in the outline stage and have sought to guide and influence the initial approach for a landscape led development; this has proved challenging.*

*Discussions over the life of the application have led to some improvement in layout including setting into the ground and slightly orientating the dwellings located on the upper slopes, reducing the numbers of dwellings in the eastern corner, and more recently the addition of planting around the perimeters of the site to achieve higher standards of planting to mitigate the quantum of units. There remains some disappointment at the overall densities of the build which, if reduced, would have allowed for greater spacing between dwellings; and therefore providing an opportunity for additional planting within setting of individual buildings and garden spaces, and achieving a lower density transition of the village edge with the rural setting.*

*However, there has been a consistent approach to ensuring that impacts resulting from the proposed development do not adversely harm the setting of the AONB, and the wider landscape character, returning to the LVIA and reviewing of the more sensitive viewpoints. This has seen an overall improved northern edge to Chillington, and with the combination of existing hedgebanks and trees that extend south, down through the site, achieving reasonable screening and division of the development, and with the additional new planting around the periphery, the overall development is now broadly acceptable in landscape terms. On this basis, the development proposal accords with JLP policies which seek to conserve and enhance the landscape character and visual amenity.*

#### Recommendation

*No objection subject to conditions*

#### Suggested Conditions

*Secure submitted landscape planting schemes and longer term establishment.*

The proposed development is considered acceptable in terms of its wider landscape impact and impact on the setting of the AONB

## **Design and landscaping:**

Policies DEV10 (Delivering high quality housing) and DEV20 (Place shaping and the quality of the built environment) of the JLP give guidance on the standards new housing development should achieve.

The supporting Design and Impact Statement demonstrates a considered approach to the design and layout of the proposed development that reflects and addresses the site topography and local context.

The scale and massing broadly follows the parameters advised at the outline stage, concentrating 1.5 storey dwellings on the north and west parts of the site. It is noted that within the south eastern parts of the site the ground is made up where it drops more steeply to sit buildings level with the new road; this does make them more elevated by 1 – 1.6m. Being in the lower corner of the site however the landscape impact of this is considered to be acceptable.

The linear layout is dictated by the shape and topography of the site, efforts have been made to make the layout more organic than originally proposed at pre-application stage to help the scheme sit more comfortably in the landscape.

Provision of informal open green space and retention of existing landscape features within the site helps to break up the massing of the development and introduce a feeling of space and greenness within the development. Many of the dwellings have front gardens which further softens the scheme. The use of a varied palette of hard surfacing materials will also add visual interest.

A variety of contemporary house types are proposed that are a successful blend of modern and vernacular. The dwellings mostly maintain traditional pitched natural slate roofs but incorporate modern box style dormers and glazing styles. Materials mostly reflect the vernacular including coloured render and natural slate hanging but also propose some buff brick and timber cladding. The use of timber cladding is minimal and used mostly to articulate smaller architectural features within the scheme and is considered acceptable. The use of buff brick however does not reflect the vernacular and officers recommend that the applicant give further consideration to the use of this material, natural stone being an appropriate alternative. The details of materials can be dealt with by condition.

For the most part appropriate boundary treatments are proposed but in some parts there are close board timber fences addressing the public realm; this is discouraged as fencing deteriorates over time and presents a 'backland' feel; officers consider that adjacent to the public realm hard boundaries should be either natural stone walls or painted render. This detail can be dealt with by planning condition.

Subject to the above, the general layout, design and orientation of the dwellings is appropriate for the site and will create an interesting and pleasant living environment that will complement the character of the area.

## **Neighbour Amenity:**

Concern has been raised by a number of residents of the adjoining houses in Green Park Way with regard to the development being overbearing and causing loss of privacy. The building up of land in areas such as plots 48 – 51 was questioned where the land was proposed to be built up by as much as 2.6m. To address concerns of residents plots within the SE corner have now been reduced in height by approx. 1m, limiting the build up of land to between 1m – 1.6m.

Since submission the scheme has been amended and plot 47 (previously adjoining the southern side of plot 46) has been omitted and plot 46 has recently been further amended to be a modest bungalow. This has been done to reduce the overbearing impact on the neighbour below.

The properties on the north side of Green Park Way have until now enjoyed privacy in their gardens and rear aspects; to varying degrees their rear gardens are more or less secluded from the development site; some have existing vegetation which will help to screen, others have open boundaries to the development. Some loss of privacy is an inevitable consequence of large scale development such as this however efforts have been made to minimise this and keep it to acceptable levels.

The most sensitive part of the site is the southern eastern boundary. The distance between the rear facing elevations of the proposed and existing dwellings is an average 30m, this meets the industry standard of 30m (taking into account the change in levels). The eaves are lowered on these dwellings at the rear to minimise the perceived massing and window sizes are kept to a minimum. Heights of some of the closer units such as plot 46 and plots 29-37 have recently been amended to sit lower in the site to reduce neighbour impact.

The outline illustrative plan showed a dense band of tree planting along this southern boundary, the planting indicated as part of this application is less substantial, it shows a new hedgerow planted to the south with some tree planting. Officers consider additional tree planting could be provided along this boundary for screening purposes and it is proposed that this is dealt with by planning condition.

The applicant has stated that the raised ground level of plots units 46, 50, 51, and 29-37 were originally proposed to achieve an acceptable gradient of the road and to provide level access into the properties to comply with Part M of the Building Regulations. The level of the road cannot reasonably be lowered however efforts have been made to reduce the levels of some of the plots on this southern boundary to reduce any potential overbearing impacts and/or overlooking. Having regard to the distance from neighbours and revised levels the relationship is considered to be acceptable.

Concerns have been raised about the full height first floor windows in plots 18, 19 and 20 and the potential to overlook properties in Green Park Way. These elevations are 38m from the nearest existing neighbour which is considered to be an adequate separation distance.

Plots 1 -5 have single storey flat roof projections at the rear with full height windows at first floor. Conversion of these flat roofs to terraces would be likely to cause significant overlooking issues therefore it is proposed to apply a condition such that planning permission would be needed to use the roofs as exterior amenity space.

On balance the impact on residential amenity is considered to be acceptable and to accord with policy DEV1 of the JLP.

### **Highways/Access/Parking:**

On the west side of the site adequate and convenient on plot parking is provided, with a minimum of 2 side by side parking spaces per plot plus garages. On the central and eastern side the development is denser however and there is reliance on tandem parking. This has been addressed by the developer with the introduction of 21 visitor spaces within this area; this should result in an acceptable level of parking provision and limited pressure for unplanned on street parking. Where there are continuous rows of parking such as in front of units 32-37 the pairs of spaces have separation gaps to allow adequate space to allow easy access into and out of parked cars.

A pedestrian access point is proposed onto Coleridge Lane in the north east corner of the site. This route meets the road directly opposite a rural public right of way (PROW) so allowing easy connection into recreational walking routes. The path will also allow greater permeability and inter-connectivity with the village.

Objections have been raised on the basis that there are no footways on Coleridge Lane and it is dangerous with heavy goods vehicles accessing the industrial site to the north.

There is a safe pedestrian route into Green Park Way with footpaths available to all residents. The Highway Authority have raised no objection to this access onto Coleridge Lane on safety grounds and there are benefits to providing this connectivity to the PROW

Matters relating to highways, access and parking are considered to be acceptable.

### **Drainage:**

This application includes a surface water management strategy. At outline stage drainage was a strong matter of contention with local residents very concerned about flood risk having regard to existing flood problems in the village and flooding that already occurs from time to time from the site, caused in part by a layer of impermeable clay close to the surface.

The outline application was granted subject to conditions requiring that prior to the commencement of development a detailed scheme of surface water management be agreed, informed by percolation testing.

A scheme has been submitted and at the request of DCC Leal Local Flood Authority (LLFA) further work and amendments undertaken. A scheme is now agreed in principal subject to further percolation testing within a recently dug bore hole.

Detailed drainage does not have to be agreed at this stage however as it a pre-commencement condition not a reserved matter. The applicant acknowledges that if the drainage scheme has to be revised in a way which impacts on layout that a revised reserved matters application would need to be submitted.

### **Planning Balance**

The proposed development will deliver a high quality scheme which respects its rural setting and sensitive landscape location. The impact on neighbours has been mitigated as far as is reasonably possible and the impacts are acceptable and accord with Policy DEV1 of the JLP.

The proposed reserved matters of layout, external appearance, scale and landscaping are acceptable and as such it is recommended that conditional reserved matters approval be granted.

***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.**

DEV1 Protecting health and amenity  
DEV2 Air, water, soil, noise, land and light  
DEV3 Sport and recreation  
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  
DEV27 Green and play spaces  
DEV28 Trees, woodlands and hedgerows  
DEV29 Specific provisions relating to transport  
DEV30 Meeting the community infrastructure needs of new homes  
DEV31 Waste management  
DEV32 Delivering low carbon development  
DEV35 Managing flood risk and Water Quality Impacts

**Neighbourhood Plan** – no plan covering this area

**South Devon AONB Management Plan**

**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 in full**

1. The development to which this permission relates must be begun not later than whichever is the later of the following dates:

(i) the expiration of three years from the date of the grant of outline planning permission 0771/16/OPA; or if later

(ii) the expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.

Reason: To comply with Section 92 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 xxxx

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. Details of the timing/phasing for the implementation of the soft landscaping and its long term maintenance shall be included in the Landscape and Ecological Management Plan required by condition 5 of outline planning permission 0771/16/OPA to be submitted and approved in writing by the Local Planning Authority prior to the commencement of development. Development shall take place in accordance with the approved details.

Reason: In the interests of visual and residential amenity

4. Prior to development continuing above slab level on any dwelling hereby approved that will not have a level threshold to a principal door fronting the highway, details of the door threshold including details of steps, ramps and any walls or balustrading shall have been submitted to and approved in writing by the Local Planning Authority. Development shall take place in accordance with the approved details.

Reason: In the interest of visual amenity.

5. Prior to its installation/construction details of the electricity sub-station including landscaping around it shall have previously been submitted to and approved in writing by the Local Planning Authority. Development shall take place in accordance with the approved details.

Reason: In the interest of visual amenity.

6. The roofs of the single storey rear (south) building projections on plots 1, 2 and 3 shall not be used as external amenity or sitting out areas at any time.

Reason: To protect the amenity of adjoining residents.

7. Prior to their installation details including samples and colours of materials to be used in external hardsurfaces within the development hereby approved shall be submitted to and agreed in writing by the Local Planning Authority. Development shall take place in accordance with the approved details.

Reason: In the interest of visual amenity

8. Notwithstanding any details submitted as part of this application, prior to their installation details of all boundary treatments and retaining walls or structures shall be submitted to and approved in writing by the Local Planning Authority. Details shall include measures for biodiversity enhancement such as the provision of hedgehog holes in fencing. Development shall take place in accordance with the approved details and shall be retained as such.

Reason: In the interest of visual and neighbour amenity and biodiversity.

9. Prior to development continuing above slab level on any plot details of external levels within the site as a whole, including levels of gardens and areas of public open space shall have previously been submitted to and agreed in writing by the Local Planning Authority. Development shall take place in accordance with the approved details.

Reason: In the interests of visual and neighbour amenity

10. Notwithstanding the provisions of the Town and Country Planning (England) General Permitted Development Order, 2015, (and any Order revoking and re-enacting this Order), unless previously agreed pursuant to condition 9 above, no raised decks or terraces above 300mm above existing ground levels (measured at any point) shall be provided/constructed within the gardens of any dwelling hereby approved without the express consent in writing of the Local Planning Authority

Reason: In the interests of residential amenity

11. Notwithstanding the details submitted and approved as part of this application, within 3 months of the commencement of development full details of planting proposals along the southern site boundary shall be submitted to the Local Planning Authority for approval. The approved details shall be implemented and maintained in accordance with a timetable and maintenance schedule to be agreed in writing with the LPA as part of these detailed landscape proposals. No dwelling shall be occupied until these landscaping details have been agreed in writing by the Local Planning Authority and the planting and maintenance shall then take place in accordance with the approved details.

Reason: In the interest of visual and neighbour amenity

12. Notwithstanding any details submitted as part of this application, prior to their installation details and samples of all external building materials, including roofing materials, elevational treatments, door and window details and rainwater goods shall have previously been submitted to and agreed in writing by the Local Planning Authority. Development shall take place in accordance with the approved details

Reason: In the interest of visual amenity

13. Roofs shall be clad in natural slates which shall be fixed in the traditional manner using nails and not hooks.

Reason: In the interest of visual amenity

14. Prior to the continuation of development above slab level on any plot full details of the pedestrian access onto Coleridge Lane shall be submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority. Development shall take place in accordance with the approved details.

Reason: In the interests of amenity and highway safety



## PLANNING APPLICATION REPORT

**Case Officer:** Jeffrey Penfold

**Parish:** Stokenham **Ward:** Stokenham

**Application No:** 3620/18/FUL

**Agent/Applicant:**

Mr Mark Brooking  
Island Farm  
Ridge Cross To Island Farm  
Stokenham  
TQ7 2SP

**Applicant:**

Mr Mark Brooking  
Island Farm  
Ridge Cross To Island Farm  
Stokenham  
TQ7 2SP

**Site Address:** Stokeley Barton Farm, Road From A379 To Stokeley Bar, Stokenham, TQ7 2SE

**Development:** Change of use to woodland to allow Tree Tents for the purpose of rural tourism

**Reason item is being put before Committee:** At the request of the Ward Member Cllr Brazil for the follow reason:

*“The economic benefits including diversification of the rural economy outweigh the relevant material reasons for refusal”*



## **Recommendation: Refuse Planning Permission**

### **Reasons for refusal:**

- 1. The proposed Tree Tents, by virtue of their intended use as a camping facility are not considered likely to constitute a type of development which requires a coastal location and is considered to be of a nature that could reasonably be located outside the Undeveloped Coast. In addition, the application fails to provide demonstrable evidence that confirms the proposed camping facility would positively respond to an identified local need. Further, the proposed tree tents by virtue of their elevated siting and design would likely exist as alien and incongruous additions within an exposed natural woodland area which itself is visually prominent. In the absence of any consistent screening which would likely mitigate the visual harm and prominence of the tree tents to a satisfactory level, the proposal is likely to give rise to significant, detrimental visual impacts consequently failing to maintain the character of the Undeveloped Coast and failing to conserve and enhance the natural beauty of the protected landscape of the South Devon AONB. As such the proposal would fail to accord with JLP Policies DEV15, DEV23, DEV24, DEV25 and Paragraph 170 (a) and (c) of the NPPF (2019).*

### **Key issues for consideration:**

Principle / Sustainable Development

Design, Visual Impacts, The South Devon AONB and The Undeveloped Coast

Neighbouring Amenity

Highways / Access

Trees

Ecology / Biodiversity

Flooding / Drainage.

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### **Site Description:**

The application site forms an area of woodland located north of the Stockley Farm Shop and north east of the Start Bay Caravan and Motorhome Club Site. The surrounding area is rural in nature with open views across the Slatpon Ley Nature Reserve and SSSI towards the east. The site is elevated above surrounding, lower-lying land. The site is not located within a conservation area nor within close proximity to any listed buildings. An existing field access path is located to the south of the site and connects to other dwellings and businesses (including Stockley Farm Shop) to the south. The site is located within the South Devon AONB and the Undeveloped Coast.

### **The Proposal:**

The application proposes the erection of a 3no. Tree Tents within the site.

The tents are considered to consist of two main sections:

1. The Tree Tents themselves are constructed of a spherical design made from ply-wood and aluminium, covered with a marine grade canvas outer, each elevated at approximately 2.8 – 3.5m from the ground level. Each Tree Tent will provide tourist accommodation for a maximum of 2 persons at any one time, with the 3 tents allowing

for a total of 6no. persons at maximum capacity. A number of rigging wires will suspend the tents to the trees. A stove and LED lighting will also feature inside each Tree Tent.

2. Each Tree Tent will feature its own means of access via a separate platform and wooden ladder: the platform will require the installation of a wooden deck with fire pit and covered seating area and aluminium and wooden access steps. This apparatus effectively serves the tents, allowing users a seating area beneath the suspended tents themselves as well as a means of access. The entirety of said apparatus will be located at ground floor level, beneath the tents.

An additional shower / W.C. facility is provided for within the woodland area:

- The shower unit will connect to an existing mains water pipe on-site and use a tankless propane water heater. Waste water is collected underneath the unit, filtered and treated before draining to the drainage field on-site. The applicant confirmed that the anticipated calculated rates are based on a total maximum (full occupation - 6 people). The flow of 80L per day / BOD = 38 grams / Ammonia N = 4 equates to a total load of 480L. This cubicle is pre-fabricated and assembled on-site sitting off of 400 x 400 level paving slabs.
- The W.C. unit cubicle is pre-fabricated and assembled on-site, sitting off of 400 x 400 level paving slabs. It is capable of collecting both solid and liquid waste and will divert urine. Solid waste is collected within the toilet unit via an IBC and collected periodically for solid waste off-site disposal. Urine will be collected via containers / vessels of a suitable capacity.
- With regard to waste disposal, the urine will be disposed of via the existing waste-water infrastructure that serves the Farm Shop. South West Water has confirmed that the approximate levels to be discharged are permissible. Solid wastes contained in the IBC will be transported off site for discharge via an existing contractual agreement with the waste service provider: Viridor. Confirmation has been received by the applicant that such services are existing and the proposed increase in service achievable.

A proposed wash-up / kitchen area is also provided in the form of a pitched roof free standing kitchen / wash-up structure. It is anticipated that this grey water will also drain onto the site.

The Tree Tents are proposed to be sited in the woodland at the north of Stokeley Barton Farm, with allocated parking within the existing car park of Stokeley Farm Shop for the guests. The site is located approximately 150 – 200m away from Stockley Farm Shop and accessed via a field access track running in a south to north direction.

For the purposes of this assessment, the term 'Tree Tents' is considered to constitute the combination of all the necessary structures detailed above.

Guests will check-in at Stokeley Farm Shop and an all-terrain vehicle (i.e. mule or quad) will carry luggage to the site if required. From the car park, access by foot to the site is a maximum 10 minute walk across the adjacent field via the existing field access track and it is confirmed guests will walk to and from the Tree Tents. Officers can confirm that this is not a PRoW. The field use will not change and no additional track is required for vehicles to reach the tents and all works are therefore limited to the woodland area itself.

The proposed employment will be seasonal, with the site being active between March - September. In the winter months a small amount of maintenance to the Tree Tents is proposed, which will be done off-site as the Tree Tents are to be removed and put in barn storage between October - February.

Employment in the first summer would be 1no. full-time employment of a 'Tree Tent House Keeper' for open months (March - September), with part time work through the closed months (October - February). If the site is to be occupied everyday for the open months the second year it is proposed to increase employment up to 3no. full-time employees for ground, tent and guest management.

Facilities will be made on site for recycling and waste, which will be subsequently collected and amalgamated with the farm shop recycling and waste. The refuse will be split between recycling and waste and will be collected on a daily basis by the tree tents 'house keeper'. It will be amalgamated with Stockley Farm Shop's refuse, collected on a weekly basis through the existing contract with Viridor.

The site will not be served with electricity, instead, guests will be supplied with LED low power lanterns which will be for lighting the Tree tents at night. Also an LED lantern supplied to each tent for use to get to and from the toilets in the dark.

During the site visit it was both noted and agreed by the applicant that an existing water supply serves the woodland area.

## **Consultations / Representations:**

### **Representations from Residents**

One objection has been received, raising the following matters:

#### ***Wildlife:***

*This development will introduce human pressure into a wildlife haven probably untouched and unused by humans for two centuries. The resulting noise, fires and light pollution will have a detrimental effect on the natural occupants of the woodland. The woodland hosts an array of wildlife and flora – birds including woodpeckers and summer migrants, a home for [Redacted], deer and carpets of bluebells and primroses. Cavities in the tree structures may be used by bats.*

#### ***National Nature Reserve:***

*In a prominent position, overlooking an AONB, SSSI, and a declared national nature reserve, these camping structures introduce a further human presence and may cause light pollution and be visible in winter after leaf fall. Servicing the site by access vehicle on a regular basis introduces further pressure on the site.*

### **Representations from Internal Consultees**

Environmental Health – *'In regards to the proposed drainage, you may need to seek advice from the Environment Agency as to whether they can confirm that the compostable waste can be spread on the farm or not. Composting toilets should be viewed as the least sustainable form of drainage and as such may impact on the sustainability of the project as a whole but this is a planning decision and not for Environmental Health to inform.*

*In regards to the grey water disposal this would seem to be a breach of the Building Act 1984 which states that an adequate drainage system does not admit sub-surface foul waste. As such you may again wish to get comments from the Environment agency as to whether they are satisfied that there won't be an impact on ground water as this is their responsibility'.*

Strategic Policy: Objects – see relevant section of this report.

Landscape – Objects – see relevant section of this report. If at committee members are minded to approve, please can we condition lighting, materials, a LEMP, strict use, removal of any PD that may be associated with them

Trees – Objects. See relevant section of this report.

Ecology / Biodiversity: see relevant section of this report.

Highways – no objection.

Drainage:

### **Observations and comments**

*This is an application for change of use of woodland to allow erection of tree tents. Given the application site is outside of CDA and flood zone 2/3, we would be happy to support the use of tree tents. However surface water drainage details for the shower block, toilets and kitchen area will be required by condition.*

*The proposed foul drainage scheme is for the use of composting toilets which is a least preferred method as listed in foul drainage hierarchy and can only be considered once all other options have been genuinely explored and discounted. Our primary advice to LPA would be to consult Environmental Health team to confirm if the use of the proposed composting toilets and grey water treatment system is suitable for this site.*

### **Suggested conditions**

#### **Surface water**

*Notwithstanding the submitted details, prior to the installation of any part of the surface water management scheme or before development continues above the ground floor level, whichever is the sooner, full details of the surface water drainage shall be submitted to and approved in writing by the Local Planning Authority (LPA).*

### **Representations from Statutory Consultees**

Natural England – No objection.

Environment Agency – No objections.

Stokenham Parish Council: objects:

*Objection due to ecology concerns as this was an isolated copse housing woodpeckers, deer and badgers that were already settled in this inhabit. This land was known to support important wildlife and natural tracks which would be disturbed and push back the wildlife corridor. There was no mention of lighting and its affect in this sensitive area close to a SSSI. A questioned was raised as to whether other such tent provisions within the UK were in an AONB.*

## Relevant Planning History

None of relevance.

## ANALYSIS

### ***Principle / Sustainability Development:***

The policy context for this application concerns restrictive land designation and rural economy policies, amongst others.

Policy DEV15 '*Supporting the Rural Economy*' provides support for proposals in suitable locations which seek to improve the balance of jobs within the rural areas and diversify the rural economy. In response to this initial statement of DEV15, the proposed employment will be seasonal, with the site being active between March - September. In the winter months a small amount of maintenance to the Tree Tents is proposed, which will be done off-site as the Tree Tents are to be removed and put in barn storage between October - February.

Employment in the first summer would be 1no. full-time employment of a 'Tree Tent House Keeper' for open months (March - September), with part time work through the closed months (October - February). If the site is to be occupied everyday for the open months the second year it is proposed to increase employment up to 3no. full-time employees for ground, tent and guest management.

Notwithstanding the above, policy DEV15 (7) does not prescribe a specific number of jobs to be created for a proposal to be considered in its context.

Paragraph (7) of JLP Policy DEV15 states, amongst other things:

*'Camping, caravan, chalet or similar facilities that respond to an identified local need will be supported, provided the proposal is compatible with the rural road network, has no adverse environmental impact and is not located within the Undeveloped Coast policy area'.*

No information has been submitted as part of this application which demonstrates that the proposal would respond to any identified need. It was noted during the site visit that other camping facilities exist within the immediate vicinity yet no confirmation of this accompanied the application.

In addition, it is noted that the proposal is sited within the Undeveloped Coast Policy Area and as such, given the absence of justification for the proposal to be sited within this area and in taking a judgement that developments of a tourist / camping nature would not likely require siting within a coastal location, the proposal would fail to be considered as suitable development under DEV15.

JLP Policy DEV24 – '*Undeveloped Coast and Heritage Coast*' states:

*'Development which would have a detrimental effect on the undeveloped and unspoilt character, appearance or tranquility of the Undeveloped Coast, estuaries, and the Heritage Coast will not be permitted except under exceptional circumstances. Development will only be permitted in the Undeveloped Coast where the development:*

- 1. Can demonstrate that it requires a coastal location.*

*2. It cannot reasonably be located outside the Undeveloped Coast.*

*3. Protects, maintains and enhances the unique landscape and seascape character and special qualities of the area.*

*4. Is consistent with policy statements for the local policy unit in the current Shoreline Management Plan.*

*5. Is consistent with the relevant Heritage Coast objectives, as contained within the relevant AONB Management Plan. Development for the purposes of agriculture, forestry, public access and enjoyment of the coast and estuaries, or community facilities that meet the objectively assessed needs of the local community, will be supported if it meets the above tests.'*

In response to Policy DEV24 parts (1) and (2), no evidence has been provided by the applicant which demonstrates that the proposal requires a coastal location. Officers are of the view that the proposal, given its nature, both would not likely require siting within a coastal location and can reasonably be located outside the Undeveloped Coast.

With regard to part (3), the proposal would likely be visible from vantage points in all directions given the elevated positioning of the Tree Tents at their proposed heights, which when coupled with the elevated topographical nature of the application site would introduce an alien development within a pristine woodland area. The combined effects of which would likely exacerbate any visual impacts of the proposal to an unsatisfactory level which in turn would cause significant detriment visual impacts when compared to the existing situation and therefore fail to protect, maintain and enhance the unique landscape and seascape character and special qualities of the area.

It is noted that the applicant confirmed that the tree tents would form temporary features within the woodland area, however, given the deciduous nature of the existing trees on site, which would effectively screen the proposal, it is not possible for the council to attach conditions to control this screening to ensure the proposal would be acceptable and any landscape and visual impacts to be of satisfactory standard.

As such, the proposal would fail to accord with JLP Policies DEV15 and DEV24.

***Design, Visual Impacts, The South Devon AONB and The Undeveloped Coast:***

The proposed Tree Tents would be sited within an existing woodland which was noted during the officer's site visit as being an untouched, pristine area.

It was also noted that the candidate trees were marked to allow for an appreciation as to the siting of the tree tents and understand the heights which they would be erect to.

The tree tents would form visible development features amongst the trees, particularly during times of leaf fall, from a number of vantage points from a number of different directions. The existing woodland is prominently located in an elevated position, and is clearly visible as a locally distinctive characteristic feature from a number of highly sensitive recreational receptors in the surrounding area. The potential for impacts from the tree tents, movement and paraphernalia associated with their use, and from any lighting in an isolated dark location is very high.

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As such, the proposed tree tents by virtue of their elevated siting and design would likely exist as alien and incongruous additions within an exposed natural woodland area which itself is visually prominent. In the absence of any consistent screening which would likely mitigate the visual harm and prominence of the tree tents to a satisfactory level, the proposal is likely to give rise to significant, detrimental visual impacts consequently failing to maintain the character of the undeveloped coast and failing to conserve and enhance the natural beauty of the protected landscape of the South Devon AONB. As such the proposal would fail to accord with JLP Policies DEV20, DEV23, DEV24, DEV25 and Paragraph 170 (a) and (c) of the NPPF (2019).

### ***Neighbouring Amenity:***

It is always necessary for developments to take into account the residential amenity of neighbours and impact on the environment. In this case, the proposal complies with the principles of good neighbourliness and the protection of existing residential amenities.

As such, the proposal would not lead to any materially harmful impact on residential amenity by way of loss of light, loss of outlook, loss of privacy or overbearing impact. It would therefore accord with JLP Policies DEV1 and DEV2.

### ***Highways / Access:***

No concerns are raised in respect of highways / access.

### ***Trees:***

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The submitted information has been reviewed in accordance with the relevant Policies of the South Hams District Council Local Development Framework December (2006), West Devon Borough Council LDF Core Strategy Development Plan (2006-2026) and the emerging Plymouth and South West Devon Joint Local Plan (2014-2034) and relevant industry British Standards/ Acts as appropriate.

A site visit was undertaken 20/03/2019 to consider the constraints posed by the trees upon the application. It is noted no Arboricultural Impact Assessment supports the application. Review of the submitted information has been undertaken and it is considered that potential exists for the application type to be achievable without detriment to the visually prominent woodland. Concerns arise in respect of placement where there will be little tree cover between the tents and the external landscape, there is likely to be pressure for views out leading to pruning or felling creep of trees, detrimental to the visual contribution made by the trees to the landscape.

Note is made in the submissions of woodland improvement, however this is not carried forward into detail.

### **Recommendation**

Holding objection on arboricultural objection subject to revised layout moving the tents further into the woodland and detail of woodland improvements.

The applicant was requested during the site visit to consider moving the proposed Tree Tents further away from the eastern elevation and to take into consideration the trees officer's



comments raised. No revised plans have since been forthcoming and this may have been as a result of the limited structural integrity required by other candidate trees within the site or the applicant's unwillingness to erect a telegraph pole to erect the Tree Tents.

It should also be noted that even if the proposal was revised to be re-sited away from the eastern elevation, the proposal would still fail to have policy support and would remain to be considered as an unacceptable development given its siting within the Undeveloped Coast and the proposal not requiring a coastal location.

Officers also note that the application site has been served with TPO Ref: TPO979 on 3 April 2019.

### ***Ecology / Biodiversity:***

The Council's Ecology / Biodiversity officer makes the following comments:

The submission is accompanied by a Wildlife Survey (Butler Ecology, 1/5/18) which considers the presence of and implications upon protected species and habitats.

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The main findings/assessments presented in the survey are:

- No trees with bat roost potential, bat commuting or foraging activity will be affected, and the proposal will not cause any Habitats Regulations offences to bats – no mitigation necessary.
- The woodland is suitable for birds, including woodpeckers. The survey includes proposed mitigation to avoid disturbing nesting birds, and nest boxes are provided as additional nesting resources.
- The habitat was suitable for slow worms, their presence has been assumed, and suitable mitigation proposed to avoid killing/injury of slow worms.
- Dormice are unlikely to be present – the proposed development will not result in disturbance to or loss of any dormouse habitat, and will not result in disturbance or harm to dormice.
- There was significant evidence of badger activity on site including active setts, runs, etc. Mitigation is proposed to minimise risk of disturbance during construction (namely no heavy machinery within 30m of a sett entrance, and hand tools only within 10m), and a Badger Licence is not necessary.

Whilst there is significant wildlife interest within the woodland, the case is presented that the type and scale of proposed development are such that it will not result in disturbance to the wildlife (subject to adherence to proposed mitigation during construction). This case is reasonable – the structures are not permanent, or leading to loss of habitat, vehicles will not be visiting the site, vegetation clearance is limited. Species recorded (e.g. badgers) have some tolerance to low levels of disturbance such as noise that will be associated with tents.

The Wildlife Survey makes proposals for biodiversity enhancements (including bird, bat and Barn Owl boxes) and a Woodland Management Plan. As yet none of this has been detailed however it is reasonable to consider that such enhancements and a WMP could increase the biodiversity value of the site.

In general I am satisfied with the proposal and assessment of the Wildlife Survey. The point which has not been explored sufficiently is the lighting – there is no reference in the submission that I have found, save for the images of an 'example installation' on page 8 of

the Wildlife Survey, albeit that the images make reference to the proposed site, so I assume these images are relevant?

Reference is made to:

- The pathways having 'solar powered, low level LED lighting'
- 'LED lighting sets' in each of the tents

Lighting, or lack of it, is key to this proposal having no significant impact on wildlife use of the woodland. Details of lighting are required prior to commencement so that the LPA can be confident of the absence of impact. I have the following 2 observations:

- Pathway lighting is unnecessary – a lower impact approach and one readily adopted by other similar enterprises in Devon are use of torches for guests.
- LED lighting sets could mean anything – well designed, sensitive and targeted low impact LED lighting is conceivable, likewise ill conceived, bright LED lighting could have an impact on wildlife.

If minded to approve please apply the following conditions:

- Works shall adhere to mitigation measures within section 7 of the Wildlife Survey (Butler Ecology, 2018).
- Prior to commencement a Woodland and Ecological Management Plan shall be provided detailing the specific enhancements for wildlife (i.e. nest/roost boxes), and the woodland management that will be undertaken to increase wildlife value/woodland health.
- Prior to commencement details of any lighting to be installed shall be submitted to the LPA for approval.

### ***Flooding / Drainage:***

Discussions have taken place with the applicant and the council's drainage officer which confirm that it may be possible to use a package treatment plant as an acceptable means of foul waste treatment. However, the applicant maintains that the proposed septic tank method of storage and the proposed associated method of disposal remains to be the proposed method.

Officers maintain concern with the proposed method given the possibility of spillage of foul waste when transporting the ICB containers. An FDA1 form has been submitted by the applicant which confirms that the more sustainable method of foul drainage (package treatment) has not been selected. As such, the proposal is not considered acceptable in terms of foul drainage.

**Planning Balance:** The proposed development is considered to be a small scale camping / tourist accommodation facility.

### ***Economic:***

The application has the potential to contribute towards the local economy through the bookings of each tree tent, the potential use of the Stockley Barton Farm Shop, other wider businesses in the immediate area and the potential employment of a small number of employees for the purposes of managing the proposal.

The proposed number of employees would be 1no. full-time seasonal employee as a 'Tree Tent House Keeper' for the open months (March – September). During the winter months a small amount of maintenance to the Tree Tents is proposed, which will be done off-site as the Tree Tents are to be removed and put in barn storage between October - February. If the site is to be occupied everyday for the open months the second year it is proposed to increase employment up to 3no. full-time employees for ground, tent and guest management.

Given the size of the proposal and its ability to provide for tourist accommodation for a maximum of 6no persons at any given time, which when considered in the most likely seasonal use across 4 months, although the proposal will likely provide for some economic benefit to the local area, it is the officer's view that the proposed £25,000 - £30,000 per annum (as proposed by the applicant) is considered a minimal / low amount.

The prospect of proving a level of employees to local people is considered minimal at 1no. employees yet does ensure some additional weight is attached to the proposal's economic benefits, yet this is still considered a minimal amount overall.

### ***Environmental:***

The nature of the proposed Tree Tents is considered relatively environmentally friendly given the type of materials proposed and the sustainable disposal of waste on-site. The footprint of the proposal would also be relatively small and will not require the excessive use of the car as part of the proposal's operation.

The council's ecology / biodiversity officer has also confirmed his satisfaction that subject to conditions, the proposal would be acceptable in terms of environmental impacts in the context of ecology / biodiversity impacts.

However, significant concerns are raised in respect of the proposal's impact upon the surrounding landscape and as concluded in this report, it is considered that the proposed tree tents by virtue of their elevated siting and design would likely exist as alien and incongruous additions within an exposed natural woodland area which itself is visually prominent. In the absence of any consistent screening which would likely mitigate the visual harm and prominence of the tree tents to a satisfactory level, the proposal is likely to give rise to significant, detrimental visual impacts consequently failing to maintain the character of the Undeveloped Coast and failing to conserve and enhance the natural beauty of the protected landscape of the South Devon AONB.

Although proposed as a sustainable method of disposal of foul waste, officers contest that the proposed method of foul waste disposal would be the most sustainable method available.

On balance, although the proposal itself would operate in-part in a sustainable and environmentally friendly manner, the wider environmental impacts of the proposal would likely outweigh such attributes, giving rise to significant environmental harm.

### ***Social:***

The application is not considered a type which would provide significant benefits to the local social environment. The proposal is that of tourist accommodation and would not improve the quality of housing within the immediate area nor would it nor has the application evidenced that the proposal would respond to an identified need.

## **Conclusion:**

On balance, although the proposal would contribute some economical benefits to the local area, these are considered minimal. In addition, the nature of the proposal would not likely respond to any identified local need for tourist facilities. When considered in the context of the likely significant environmental harm, the proposal is not considered a balanced application that meets the three strand of sustainable development and in this instance, the environmental impacts the proposal is likely to give rise to would significantly outweigh the envisaged economical and social benefits proposed.

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***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  
DEV1 Protecting health and amenity  
DEV2 Air, water, soil, noise, land and light  
DEV15 Supporting the rural economy  
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  
DEV27 Green and play spaces

DEV28 Trees, woodlands and hedgerows

Other material considerations include the policies of the National Planning Policy Framework (NPPF).

South Devon AONB Management Plan

**Neighbourhood Plan: No neighbourhood plan identified.**

**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.

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## PLANNING APPLICATION REPORT

**Case Officer:** Jeffrey Penfold  
Staverton

**Parish:** Staverton **Ward:** Dartington and Staverton

**Application No:** 4061/18/FUL

**Agent/Applicant:**

Mr Phillip Yunnie - Gillespie Yunnie  
Architects  
The Lower Tweed Mill  
Shinners Bridge  
Dartington, Totnes  
TQ9 6JB

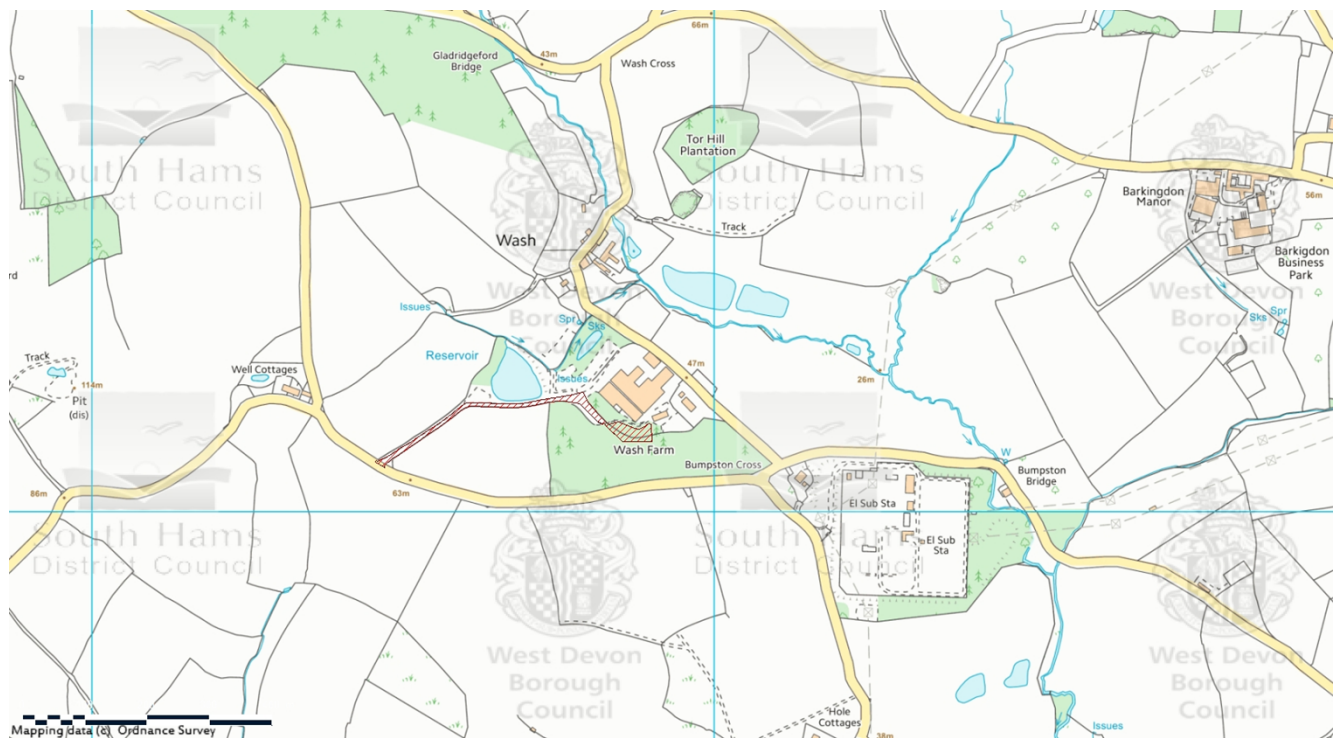
**Applicant:**

Mr G Singh-Watson Riverford Organic  
Farmers Ltd  
Wash Barn  
Wash Cross To Bumpston Cross  
Buckfastleigh  
TQ11 0JU

**Site Address:** Wash Barn, Buckfastleigh, TQ11 0JU

**Development:** Erection of single storey building to provide employee welfare and catering facilities

**Reason item is being put before Committee** Local Ward Member questions whether or not there is justification for this additional building in the countryside.



**Recommendation: Conditional Approval.**

**Conditions:**

1. Time Limit
2. Approved Plans
3. Ecology / Wildlife Report
4. Landscaping

5. Arboricultural Method Statement
6. Tree Protection
7. Canteen Use
8. Surface Water Drainage
9. Foul
10. Daytime construction only
11. External lighting.

**Key issues for consideration:**

Principle of Development / Sustainability

Design, Visual Impacts and the South Hams Landscape Character Area

Residential Amenity

Drainage

Biodiversity / Ecology

Highways.

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**Site Description:**

The site is situated to the north west of Bampton Cross, on the western side of the lane leading through the small settlement of Wash and on to Wash Cross. Whilst there is an access into the site directly from this lane, there also exists a wide access drive from the public highway to the west (close to the hamlet at Well). The site is in active agricultural / business use, and for many years, has been a main centre for Riverford Organic Vegetables (Riverford): a South Hams family farming business. There are a number of existing buildings within the site currently being used in connection with the Riverford farming business.

The surrounding area is largely open countryside, dotted with farmsteads and small settlements. The nearest residential properties to the site are Wash and Well. The application site is located within a SSSI Impact Risk Zone and a Special Area of Conservation for Greater Horseshoe Bats. The site is identified as being of Grade 3 – good to moderate quality agricultural land. The site is not located within a conservation area nor in an identified flood risk zone. The application site nor wider immediate area does not contain any listed buildings.

**The Proposal:**

The application proposes:

- A new canteen to replace an existing facility (located within the main 'Packhouse' building), which the applicant considers too small to serve the needs of its current employees. The canteen will serve as an ancillary use associated with the current established B1 (Business) and B8 (Storage / Distribution) uses at Wash Farm.
- The existing canteen has an internal seating area for up to 36 people and an overall area (when combined with the kitchen) of 70sqm.
- Since submission, the applicant has revised its scheme in response to comments made by the council's landscape and trees officer and this relates to:
  - o The re-siting of the proposal 4.5m southwards with the proposed landscaping being amended accordingly;



- The removal of a previously proposed chimney structure;
- No changes have been made to the overall gross internal area of the proposal.
- The proposed canteen building has a gross internal area of 412sqm and internal seating for up to 120 employees, with external spill-out space. An additional outdoor seating area provides seating for approximately 30 employees comprising a mix of informal seating and additional tables. The revised plans confirm:
  - Kitchen / Servery / Pre area: 74sqm
  - Wash-up area: 14sqm
  - Dry-store area: 6sqm
  - Ambient Store area: 6sqm
  - Cold Store area: 9sqm
  - Refectory: 160sqm
  - Self-Service / Lounge: 135sqm
  - Totalling: 412sqm.
- A net increase of 342sqm floor area is therefore proposed.
- The creation of a small south facing terrace (covered by an overhanging shelter) and the adaptation of existing pedestrian footpaths to access and service it.
- A stainless steel flue from wood burning stove.
- Horizontal timber cladding.
- New tapered grassed bank formed around the side of the proposed building.
- New grass bank formed to reconcile lowered building level with pre-cast steps and stepped grass seating 'terraces'.
- Profile sheet metal roof finish.
- Solar PV panels to the south facing roof slopes.
- Timber columns to support roof overhangs.
- Timber or aluminium-faced composite windows and sliding screens.

### **Consultations / Representations:**

As previously mentioned, the applicant has submitted revised plans in response to a meeting with the council's landscape officers. Said plans were reconsulted upon for a period of 14-days given the slight re-siting of the proposal. All responses received below were made in response to both the initial and later consultation exercises.

An objection (on behalf of 20 members of the public) has been received, raising the following matters:

- Concerns regarding the excessive expansion of the application site.

- Concerns over the use of the proposed canteen to include uses other than those serving on-site employees (public dining, weddings, BBQs etc).
- Applicant's purported failure to implement SHDC planning conditions and adhere to s106 clauses on previous consents.
- Concern over the issuing of a planning contravention notice regarding Ref: 50/1854/02/F.
- Concerns over the projected levels of traffic / car use and associated increases in vehicle trips both alone and in-combination with other existing on-site facilities.
- Envisaged 'Mission Creep'.
- Recommendation that a S106 agreement is used to encapsulate all previous S106 agreements concerning previous planning applications.
- Recommendation that any planning permission granted should be accompanied by a s106 agreement ensuring that it will not be used for any other purposes than that approved and all previous s106 agreements / restrictions should be retrospectively applied and enforced by SHDC.

### **Representations from Internal Consultees:**

Environmental Health – no response.

Landscape – Following the submission of revised plans illustrating the revised siting of the proposal and landscaping plan, the council's landscape officer maintain no objections, subject to conditions. See relevant section of this report for further detail.

Drainage – No objections, subject to conditions. See relevant section of this report.

Ecology – No objections, subject to conditions. See relevant section of this report.

Trees: No objections in response to revised tree documentation.

Highways: Standing advice applies.

### **Representations from Statutory Consultees:**

Natural England – Following the submission of revised plans, no objections are raised, subject to conditions. See relevant section of this report.

Environment Agency – No response.

Staverton Parish Council – Objects – the existing canteen facilities on site (the subject of a previous planning application) which are not being used as such, but are currently being used as a restaurant for the public.

### **Relevant Planning History:**

- 2610/15/FUL - Demolition of existing farm buildings and erection of 2 replacement farm buildings for the storage, sorting and packing of fresh produce. Conditional Approval - 11 November 2015.
- 50/2724/14/F - Relocation of Riverford Field Kitchen access and car park - Conditional Approval - 20 October 2014.

- 50/0140/14/VAR, Variation of condition 2 (for retention of caravans) of planning application.
- 50/0662/10/F, Riverford Organic Farms Ltd, Wash Barn, Buckfastleigh – conditional approval.
- 50/2718/12/F, Variation of Condition 1 (seasonal occupancy from 1st April to 15th November) on approval 50/0301/07/F to allow accommodation of seasonal workers from 15th February to 15th November, Land to west of Reservoir Wash Barn, Buckfastleigh – conditional approval.
- 50/1614/11/DIS, Discharge of condition 5 of planning application 50/0560/11/F (Construction of three acres of polytunnels), Riverford Organic Vegetables Ltd, Wash Barn, Buckfastleigh –approved.
- 50/0560/11/F, Construction of three acres of polytunnels, Riverford Organic Vegetables Ltd, Wash Barn, Buckfastleigh – conditional approval.
- 50/0662/10/F, Variation of Condition 1 (Timescale) of planning approval 50/0435/06/F and application for associated landscaping, Wash Barn, Buckfastleigh – conditional approval.
- 50/0301/07/F, Variation of Condition 4 on approval 50/0435/06/F to allow accommodation of seasonal workers from 1st April - 15th November, Land to west of Reservoir Wash Barn, Buckfastleigh – conditional approval.
- 50/0435/06/F, Resubmission of application 50/1420/05/F for re-location of existing (four) seasonal staff static caravans, Wash Barn, Buckfastleigh – conditional approval.
- 50/1108/05/F, Extension and expansion of the existing vegetable production and processing building, including forming a new car park to relocate and provide additional parking, also including landscaping works and the removal of the un-permitted parking area, Wash Barn, Wash Lane, Buckfastleigh – conditional approval.
- 50/1883/03/F, Amendments to approved plans for erection of canteen and field kitchen, Riverford Farm, Wash Barn, Buckfastleigh – conditional approval.
- 50/0095/03/AG, Agricultural determination for extension to agricultural building, Wash Barn, Buckfastleigh – details not required.
- 50/1854/02/F, Erection of a field kitchen (catering Facility) for diversification and promotion, Wash Barn, Buckfastleigh – conditional approval.
- 50/1214/02/AG, Agricultural determination for erection of lean-to extension, Wash Barn, Buckfastleigh – details not required.
- 50/1710/01/F, Construction of visitor centre and catering facility for farm business diversification and promotion, Wash Barn, Buckfastleigh – refused.
- 50/2048/00/AG, Prior notification for replacement and enlargement of building, Riverford Farm

Vegetables, Wash Barn, Buckfastleigh – details not required.

- 50/0320/00/AG, Agricultural determination for creation of hard standing, Riverford Farm Vegetables, Wash Barn, Buckfastleigh – details not required.
- 50/0697/99/F, Extension to building for storage of machinery/produce/packaging, Wash Barn, Buckfastleigh – conditional approval.
- 50/0898/97/3, Construction of farm building for storage of machinery and crops, Wash Barn, Buckfastleigh – conditional approval.
- 50/1276/96/3, Provision of a spray irrigation reservoir, Wash Barn, Buckfastleigh – conditional Approval.

## **ANALYSIS**

### ***Principle of Development / Sustainability:***

As can be seen from the planning history section above, Wash Barn has a long established history of farming enterprise (with the current operator, Riverford Organic Farms, being a notable local agricultural employer).

Given the siting of the proposal within a countryside locations, relevant policies are now considered to establish the principle of development, including:

### ***Policy DEV15 - Supporting the rural economy:***

*'Support will be given to proposals in suitable locations which seek to improve the balance of jobs within the rural areas and diversify the rural economy. The following provisions apply:*

- 1. Appropriate and proportionate expansion of existing employment sites in order to enable retention and growth of local employers will be supported, subject to an assessment that demonstrates no adverse residual impacts on neighbouring uses and the environment.*
- 2. Business start-ups, home working, small scale employment and the development and expansion of small business in residential and rural areas will generally be supported, subject to an assessment that demonstrates no residual adverse impacts on neighbouring uses and the environment.*
- 3. Proposals should explore opportunities to improve internet connectivity for rural communities where appropriate.*
- 4. Support will be given to the reuse of suitable buildings for employment uses.*
- 5. The creation of new, or extensions to existing, garden centres or farm shops in the open countryside and unrelated to a settlement will only be permitted if the proposed development is ancillary to, and on the site of, an existing horticultural business or existing farming operation, and provided that 75 per cent of the goods sold will be produced within the immediate and adjoining parishes.*

*6. Development will be supported which meets the essential needs of agriculture or forestry interests.*

*7. The loss of tourist or leisure development will only be permitted where there is no proven demand for the facility. Camping, caravan, chalet or similar facilities that respond to an identified local need will be supported, provided the proposal is compatible with the rural road network, has no adverse environmental impact and is not located within the Undeveloped Coast policy area.*

*8. Development proposals should:*

*i. Demonstrate safe access to the existing highway network.*

*ii. Avoid a significant increase in the number of trips requiring the private car and facilitate the use of sustainable transport, including walking and cycling, where appropriate. Sustainable Travel Plans will be required to demonstrate how the traffic impacts of the development have been considered and mitigated.*

*iii. Demonstrate how a positive relationship with existing buildings has been achieved, including scale, design, massing and orientation.*

*iv. Avoid incongruous or isolated new buildings. If there are unused existing buildings within the site, applicants are required to demonstrate why these cannot be used for the uses proposed before new buildings will be considered'.*

In response to JLP Policy DEV15, the proposed canteen building is considered of a suitable size, scale and massing so as to be deemed an appropriate and proportionate expansion to the Riverford Farm complex. Its proposed use would positively enable the retention of existing and future staff by providing improved catering facilities to serve those on different shift patterns whilst improving their work experience. As detailed in relevant, later sections of this report, the proposal is balanced in ensuring that no residual impacts on neighbouring uses and or the environment will be likely.

Whilst the proposal does not seek to use any existing buildings on-site, the proposed location and structure has undergone scrutiny with landscape, trees and biodiversity officers to ensure it is suitable and addresses a variety of concerns as discussed in later, relevant sections of this report. The need to provide catering facilities for the on-site employees is also deemed to be essential for the operation of the wider business.

The wider site / business is already served by a suitable access and this was confirmed during the officer's site visit. Said access is considered safe with suitable visibility splays so as to address any concerns of highway safety.

The nature of the proposal will ensure that staff using the canteen will effectively avoid having to drive off-site for food during different times of the day. As such, the proposal is not considered likely to give rise to any significant increases in the levels of car movements within or to and from the site, above and beyond that currently experienced. Further commentary is provided for within the relevant section of this report which specifically relate to Policy DEV15 (8) (ii) and the use of sustainable transport methods. Overall, given the above, it is not considered necessary to invite the submission of a sustainable / green travel plan.

The design, siting and relationship of the building with other structures within the site avoids an incongruous alien addition to the landscape and is deemed acceptable in regard to the proposed landscape and visual impacts that may arise. A more detailed assessment of such matters is provided for in the relevant section of this report.

In light of the above, officers are satisfied that the proposal accords with JLP Policy DEV15.

Policy TTV26 specifically concerns development in the countryside and states:

***'Development in the countryside:***

*The LPAs will protect the special characteristics and role of the countryside. The following provisions will apply to the consideration of development proposals:*

*1. Isolated development in the countryside will be avoided and only permitted in exceptional circumstances, such as where it would:*

*i. Meet an essential need for a rural worker to live permanently at or near their place of work in the countryside and maintain that role for the development in perpetuity; or*

*ii. Secure the long term future and viable use of a significant heritage asset; or*

*iii. Secure the re-use of redundant or disused buildings and brownfield sites for an appropriate use; or*

*iv. Secure a development of truly outstanding or innovative sustainability and design, which helps to raise standards of design more generally in the rural area, significantly enhances its immediate setting, and is sensitive to the defining characteristics of the local area; or*

*v. Protect or enhance the character of historic assets and their settings.*

*2. Development proposals should, where appropriate:*

*i. Protect and improve public rights of way and bridleways.*

*ii. Re-use traditional buildings that are structurally sound enough for renovation without significant enhancement or alteration.*

*iii. Be complementary to and not prejudice any viable agricultural operations on a farm and other existing viable uses.*

*iv. Respond to a proven agricultural, forestry and other occupational need that requires a countryside location.*

*v. Avoid the use of Best and Most Versatile Agricultural Land.*

*vi. Help enhance the immediate setting of the site and include a management plan and exit strategy that demonstrates how long term degradation of the landscape and natural environment will be avoided'.*

The application seeks planning permission for the erection of a new single storey staff canteen within the limits of the Wash Farm site. It is acknowledged that the proposal would replace the use of an existing building referred to as the main 'Packhouse' building which is

considered too small to serve the needs of the current employees. The proposed canteen would serve as an ancillary use which is associated with the current established B1 (Business) and B8 (Storage / Distribution) uses at Wash Farm.

The applicant confirms in its Design and Access Statement that the building is required in order to provide *'desperately needed amenity and welfare facilities for the workers on site'*. The building will be detached from the main premises, be single storey in scale and feature a small south facing terrace and the adaptation of existing pedestrian footpaths to access and service it. The proposed access and landscaping is also considered acceptable.

The applicant states that the proposal would be used as an ancillary use to the existing B1 (Business and B8 (Storage / Distribution) uses at Wash Farm. It is noted from plans of previous, related permissions (50/1854/02/F & 50/1883/03/F) that the approved and existing canteen facility includes a small office space (B1 Use) within it.

With regard to the policy restrictions of TTV26, the proposal is considered to meet the essential needs of the agricultural use of the business in providing a sufficient means of catering for members of staff. The proposal would not however, make use of suitable, existing buildings or previously developed land but will be well-related to an existing group of buildings, all of which are associated with the use and operation of the business. It is also considered the use of the building as ancillary to the main B1 / B8 uses would be complementary to and not prejudice any other existing viable uses.

On balance, the proposal is considered suitable development in the countryside and therefore compliant with JLP Policies TTV26 and DEV15.

#### ***Design, Visual Impacts and the South Hams Landscape Character Area:***

The proposal, by virtue of its size and massing is likely to exist as a visually prominent feature on the landscape and this may be exacerbated given the distinct topography of the site. It is noted that there exists the potential for the proposal to exist out of keeping with the wider development site and give rise to some visual impacts.

The width of the proposal will be 36m in length, 14m in width, 2.5m at eaves level height and 6m at ridge level height.

The proposal, as revised, will be set into the landscape in response to comments from the council's landscape officers. This will likely ensure that the proposal's visual prominence, specifically both ridge and eaves level heights will be mitigated to a satisfactory level when combined with the proposed landscaping plan and other features of the proposal.

The new hedgerow to the west, retention of an existing hedgerow to the north west and extension to the existing hedgerow to the east will combine to effectively 'engulf' the proposal and provide for a satisfactory means of enclosure and screening, mitigating any visual prominence and obscuring views into and from the sight from such directions. The row of existing sweet chestnut trees will also be extended / improved upon and a low level, retaining wall will combine to provide a suitable mix of natural and permanent screening to reduce the proposed visual harm to a satisfactory level.

A new 30 degree bank / bund to the south (rear) of the proposal up to the existing field, which when combined with the existing plum plantation also spanning the majority of the width of the proposal to the south (rear) and the proposed reduced site levels, will likely ensure that

any visual prominence of the site when viewed from vantage points to the south east through south west will be suitably mitigated to satisfactory level.

It is also noted that the wider site is set in a discrete, agricultural setting with no established settlements within close proximity. As such, the proposal is not considered likely to be visible from neighbouring residents or nearby properties / vantage points.

No concerns are raised in respect of the proposal's design and / or the proposed materials which include:

- The creation of a small south facing terrace (covered by an overhanging shelter) and the adaptation of existing pedestrian footpaths to access and service it.
- A stainless steel flue from wood burning stove.
- Horizontal timber cladding.
- New tapered grassed bank formed around the side of the proposed building.
- New grass bank formed to reconcile lowered building level with pre-cast steps and stepped grass seating 'terraces'.
- Profile sheet metal roof finish.
- Solar PV panels to the south facing roof slopes.
- Timber columns to support roof overhangs.
- Timber or aluminium-faced composite windows and sliding screens.

In addition, the council's landscape officer maintains no objections to the proposal's design and / or palette of materials / colours and this specifically relates to the applicant's compliance with the council's request to re-site the proposal 4.5m southwards and re-landscape the proposal as suggested. An overly visually prominent and large chimney structure has also been removed. The retained chimney flue is deemed acceptable and shall be constructed of a stainless steel silver finish.

Overall, the proposal is considered acceptable in terms of its design and likely visual impacts and would likely conserve and enhance the scenic and visual quality of the South Hams Landscape Character Area.

As such, officers are satisfied that the proposal would accord with JLP Policies DEV20, DEV23 and DEV28.

***Residential Amenity:***

The proposal would not be sited in close proximity to any neighbouring properties given the rural / agricultural nature of the site.

It is always necessary for developments to take into account the residential amenity of neighbours and impact on the environment. In this case, the proposal complies with the principles of good neighbourliness and the protection of existing residential amenities.



As such, the proposal would not lead to any materially harmful impact on residential amenity by way of loss of light, loss of outlook, loss of privacy or overbearing impact. It would therefore accord with JLP Policies DEV1 and DEV2.

### **Drainage:**

The site does not lie within a Flood Zone classification as defined by current Environment Agency maps. As such, the site is deemed to be at low risk of flooding. The site is also not within a Critical Drainage Area. While not within designated flood risk zone, the site does rise southwards away from the building towards the Wash Farm boundary and public highway. While there is no historic evidence to suggest the site at the bottom of this slope is prone to flooding, a new land drain will be inserted behind the proposed low level gabion retaining wall to mitigate against future events and this is welcomed by officers.

The application proposes all surface water to be collected and drained into Riverford's existing irrigation lake and reed bed system to the west of the existing staff car parks. There will be no connection or additional loading to the public mains drainage system.

Foul drainage from the kitchen and WCs will be routed and connected to the existing foul drainage pipework around the perimeter of the main farm buildings to the north. This in turn connects to Riverford's own sewage treatment plant to the east.

The council's drainage officer makes the following comments:

### **Recommendations – No objection**

*Based on the information provided we would support the current proposal. Sufficient information has been provided to demonstrate a workable scheme, the final design will need to be agreed with the LPA. Therefore if permission is granted please include the following conditions to finalise the drainage design.*

### **Observations and comments:**

*This is a small scale minor development for the erection of a single storey building to provide employee welfare and catering facilities. A development of this scale requires a workable drainage scheme that prioritises the use of infiltration drainage in accordance with best practice SuDS design, (CIRIA C753).*

*SuDS should be designed to reduce or manage the surface water as close to the source as possible. The drainage hierarchy should be followed with the top of the list as first choice. Evidence will be required to show each option has been explored and discounted.*

- 1. By infiltration, soakaway.*
- 2. Discharge to a water course, attenuation maybe required.*
- 3. Discharge to the public sewer, attenuation will be required and permission from SWW.*

*The proposed surface water drainage scheme is for an offsite discharge to a watercourse via an onsite irrigation lake, a direct offsite discharge cannot be supported. An attenuated offsite discharge can only be considered once use of the soakaway, as a first choice, has been fully explored and discounted. If an offsite discharge is the only option then the applicant will need*

*to provide details to confirm that the lake has a capacity to accommodate additional runoff from the proposed development for a 1:100 year storm event plus 40% allowance for climate change and details of the flow control device.*

*The proposed foul drainage method is a connection to an existing treatment plant, no details have been provided to confirm its condition and capacity for additional load.*

Planning conditions with regard to drainage are recommended.

### **Biodiversity / Ecology:**

The application is accompanied by a Wildlife Survey – Riverford Staff Canteen (29 November 2018), which makes a number of recommendations including the following:

#### **Bats:**

*There are no building on the proposed site, and no trees with roost potential. The proposed new building is unlikely to cause disturbance to bats (as defined); will not result in the loss of or obstruction to any roosts; is unlikely to affect the distribution or abundance of local populations; and is unlikely to significantly disturb any commuting activity.*

#### **Greater Horseshoe Bats:**

*A bat licence under the Conservation (Natural Habitats, &c) (Amendments) 2012 Regulations will not be required for the proposed conversion. Enhancement: the property is in a favourable location for bats. A surface-mounted bat box should be fixed to the west and east gable ends of the new building [See Appendix 1 of the Ecology Report for recommended types]. As an additional enhancement measure, some Schwegler bat boxes should be put up on suitable trees around the site. Type and location should be confirmed with the ecologist.*

#### **Nesting Birds:**

**Findings:** *Abundant potential nesting habitat was noted on the site – the tall hedge along the south side of the woodland and shrubs / trees within the woodland.*

**Assessment:** *Without mitigation, clearance of the site has the potential to disturb nesting birds but in a local context will not result in a significant loss of nesting habitat. Birds are legally protected under the Wildlife and Countryside Act 1981 (as amended) against disturbance during the nesting period, defined as the period from when nest-building commences to the time that nestlings have left – i.e. February to mid-September.*

**Recommendations:** *Clearance of potential nesting habitat must be timed to avoid the nesting season (i.e. carried out between mid-September and the end of February).*

**Pre-works survey:** *If works are planned to take place during the nesting season a final survey of the vegetation should be undertaken before works commence (within 24 hours) to confirm that no nesting is taking place. If nesting is found to be taking place, potentially disturbing works must be delayed until fledglings have left the nest(s), and further advice should be sought from the consultant ecologist. As a biodiversity enhancement measure, some bird boxes should be put up in trees around the site. Type and location should be confirmed with the ecologist.*

### **Hedgerow Removal**

*In this instance, although the applicant will be planting new hedgerows and trees to partially screen the new building, removing part of the hedge on the north side of the plum orchard WILL require that the local planning authority is notified by means of a Hedgerow Removal Notice.*

In light of the above Ecology Report, where relevant, suitable conditions will be attached to any planning permission granted.

Natural England has responded to the council’s consultation exercise, taking into account the findings of the accompanying Ecology Report and the recently submitted: Greater Horseshoe Bat Impact Assessment dated: 7 May 2019, raising the following points:

***‘NO OBJECTION - SUBJECT TO APPROPRIATE MITIGATION BEING SECURED***

*We consider that without appropriate mitigation the application would:*

- *have an adverse effect on the integrity of South Hams Special Area of Conservation <https://designatedsites.naturalengland.org.uk/>.*

*In order to mitigate these adverse effects and make the development acceptable, the following mitigation/avoidance measures are required / or the following mitigation options should be secured:*

- *Measures to avoid potential detrimental light spillage – including vegetation planting, and siting of building 1m below ground level of field to the south.*
- *To prevent detrimental light spillage onto adjacent habitats, construction activities limited to daylight hours.*

*We advise that an appropriate planning condition or obligation is attached to any planning permission to secure these measures’.*

The council’s ecologist has undertaken a Habitat Regulations Assessment – Screening of likely significant effect on a European site which concludes: *‘The Council concludes that mitigation measures are required to give certainty of avoiding Likely Significant Effects on features associated with the South Hams SAC. Accordingly this application proceeds to a full Appropriate Assessment’.*

Part D of the Council’s Appropriate Assessment confirms the following advice in relation to this application: *‘In undertaking the appropriate assessment, the LPA must ascertain whether the project would adversely affect the integrity of the European site. The Precautionary Principle applies, so to be certain, the authority should be convinced that no reasonable scientific doubt remains as to the absence of such effects’.*

Section 12 of the Appropriate Assessment provides an assessment of effects taking account of avoidance or reduction measures included in the proposal:

<b>Aspect of project which will be potentially damaging:</b>	<b>Avoidance and mitigation measures included in the proposal (and any additional measures required</b>	<b>Secured by:</b>	<b>Residual effects:</b>

	<b>for inclusion in the proposal) At both Construction and Operational Phases:</b>		
2. <i>Disturbance from new illumination causing bats to change their use of an area</i>	<p>The proposed site for the canteen will be excavated with the building sited 1m below adjacent ground level. The top of the bank on the north side of the canteen will be above eaves level minimising potential for light spillage. Outside lighting (where required for safety) will be low level and on PIR timer.</p> <p>The canteen will be to the south of the existing well-lit production packhouse, and the kitchen restaurant (lit in evening) is to the east. The proposal will not significantly increased illumination over and above that which exists at the site already.</p> <p>New planting to the east and west of the canteen will further screen light spill.</p>	<p>Conditions securing:</p> <ul style="list-style-type: none"> <li>- Daytime hours construction only</li> <li>- Adherence to submitted documents (including siting building 1m below ground level, and proposed planting to east and west of canteen)</li> <li>- Details of any external lighting to be submitted to LPA for approval prior to installation.</li> </ul>	<i>None</i>
<b>Part E: Conclusion</b>			
13. Will the proposed development have an adverse effect on integrity?	<p>The Appropriate Assessment concludes that there <b>would not</b> be an adverse effect on the integrity of the South Hams SAC, either 'alone' or 'in-combination', subject to the mitigation measures referred to in section 12 above being put in place.</p> <p>These will be secured by planning condition.</p>		

In light of the above conclusion from the council's ecologist and taking into account the recommendations of Natural England, officers are satisfied that the proposal, subject to conditions, would not be an adverse effect on the integrity of the South Hams SAC and therefore accords with JLP Policy DEV26.

### **Highways:**

Access to the proposed building will be gained via an existing pathway which serves the main business buildings. This path runs from and serves the existing staff / visitors' car park.

While existing footpaths will be altered locally to suit, there will be little in terms of 'external works' beyond the footprint of the building. Although on higher ground, the existing network of footpaths provides links to the building with shallow gradients which will be adapted locally where necessary.

No other, wider changes are proposed with regard to the local highway network. As such, the proposal is considered acceptable on highways grounds.

### **Other Matters**

Allegations of breaches of planning controls elsewhere within the site will be investigated outside of this application.

### **Planning Balance**

The proposed development will help to support an existing rural business to the benefit of the local economy; no significant adverse impacts will arise as a result of this development and the benefits of the scheme outweigh any harm. As such it is recommended that conditional planning permission be granted.

***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  
TTV26 Development in the Countryside  
DEV1 Protecting health and amenity  
DEV2 Air, water, soil, noise, land and light  
DEV15 Supporting the rural economy  
DEV20 Place shaping and the quality of the built environment  
DEV22 Cornwall and West Devon Mining Landscape World Heritage Site  
DEV23 Landscape character  
DEV26 Protecting and enhancing biodiversity and geological conservation  
DEV28 Trees, woodlands and hedgerows

**Neighbourhood Plan:** No neighbourhood plan is confirmed as forthcoming for the Dartington & Staverton Parish Area.

**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 in Full:**

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 the following drawing numbers:

Butler Ecology - Greater Horseshoe Bat Impact Assessment – Dated: 7 May 2019.

Proposed Site Plan – Job No: 1160 Drawing Number: PL003 – Rev A. 1:200 @ A3.

Proposed Plans – Job No: 1160 Drawing Number: PL004 – Rev A. 1:200: @ A3.

Proposed Elevations 1 of 2 – Job No: 1160. Drawing Number: PL005 – Rev A. 1:200 @ A3.

Proposed Elevations 2 of 2 – Job No: 116. Drawing Number: PL006 – Rev A. 1:200 @ A3.

Tree Protection Plan – Ref: 05211 TPP Rev A 1.5.19. 1:250 @ A3.

Wildlife Survey – Riverford Staff Canteen – 29 November 2018.

Site Drainage Plan – Job No: 1160 – Drawing Number: PL-100. Dated: November 2018. NTS.

Proposed Sections – Job No: 1160 – Drawing Number: PL007. At Scale: 1:200 @ A3.  
Dated: December 2018.

Wash Farm Boundary Plan – Job No: 1160 -0 Drawing Number: PL002. Date:  
December 2018.

Site Location Plan – Job No: 1160 – Drawing Number – PL001 – Rev: PL1. Scale:  
1:1250 @ A1; 1:2500 @ A3.

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 recommendations, mitigation and enhancement measures of Wildlife Survey, by Butler Ecology dated 29 November 2018 and Butler Ecology - Greater Horseshoe Bat Impact Assessment dated 7 May 2019, shall be strictly 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.

4. No development above slab level shall take place until full details of a hard and soft Landscape Scheme have been submitted to, and approved in writing by the Local Planning Authority. The Landscape Scheme shall be prepared by an appropriately qualified professional and shall include:
  - details of ground preparation prior to importation of topsoil, including decompaction of material and removal of any debris including plastic, wood, rock and stone greater in size than 50mm in any dimension;
  - arrangements for stripping, storage and re-use of top soil;
  - arrangements for importation of top soil, including volume, source, quality, depth and areas to be treated;
  - details of earthworks associated with the development, including volumes of cut and fill and arrangements for disposal of any excess excavated material or importation of material;
  - details, including design and materials, of ancillary structures such as bin stores and signage;
  - details of lighting including function, location, design and intensity;
  - details of new ground profiles including retaining bunds and banks;
  - materials, heights and details of fencing and other boundary treatments;
  - materials, heights, levels and extent of hard landscape treatment, including access points, tracks, roads and any hardstanding areas;
  - the location, number, species, density, form and size of proposed tree, hedge and shrub planting;

- the method of planting, establishment and protection of tree, hedge and shrub planting; and
- maintenance schedules for the establishment of new planting and its ongoing management.

All elements of the Landscape Scheme shall be fully implemented in the first planting season following reasonable completion of the development, or following first use of the building (whichever is sooner) and maintained and managed in accordance with the approved details unless otherwise agreed in writing by the local planning authority. All work shall be completed in accordance with the timetable agreed in writing.

Reason: In the interest of public amenity and the conservation and enhancement of the local landscape character.

5. ARBORICULTURAL METHOD STATEMENT:

No works or development shall take place until an Arboricultural Method Statement has been submitted to and approved in writing with the LPA. The method statement shall refer to the approved Tree Protection Plan and be in accordance British Standard 5837:2012 -Trees in relation to design, demolition and construction. The development shall thereafter be carried out in accordance with the approved Arboricultural Method Statement.

Reason: In the interest of public amenity and the conservation of trees.

6. The development hereby approved shall be carried out in such a manner so as to avoid damage to the existing trees and hedgerows to be retained, including their root systems, or other planting to be retained as part of the landscaping scheme, by adopting the following:

(i) All trees to be preserved should be marked on site and protected during any operations on site by a fence.

(ii) No fires shall be lit within the spread of the branches of the trees

(iii) No materials or equipment shall be stored within the spread of the branches of the trees

(iv) Any damage to the trees shall be treated with an appropriate preservative.

(v) Ground levels within the spread of the branches of the trees shall not be raised or lowered in relation to the existing ground level, or trenches excavated, except in accordance with details shown on the approved plans.

Reason: To protect the existing trees and hedgerows in order to enhance the amenities of the site and locality.



7. The building hereby approved shall only operate as a kitchen and restaurant/canteen to be used by staff employed to work at the site currently known as Wash Barn and used to operate the business of Riverford Organics and shall not be used at any time by members of the public not employed at the site.

Reason: To ensure the proposed development serves the needs of the site as a place of employment and to avoid the establishment of a public restaurant or similar facility in the countryside where the potential impacts could be harmful and have not been assessed

8. Notwithstanding the submitted details, prior to the installation of any part of the surface water management scheme or before development continues above slab level, whichever is the sooner, full details of the most sustainable surface water 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 the infiltration is not suitable then an offsite discharge to a watercourse 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, within the private ownership.*

The drainage scheme shall be installed in strict accordance with the approved plans before the building is brought into use and shall be 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.

9. Notwithstanding the submitted details, prior to the installation of any part of the foul drainage scheme or before development continues above slab level, whichever is the sooner, full details of the works for the disposal of sewage shall be submitted to and approved in writing by the Local Planning Authority (LPA), and the building shall not be used until the approved works have been completed to the satisfaction of the Local Planning Authority. Details to include a location plan, cross sections/elevations, specification to confirm the existing scheme meets the current standards and has capacity to accommodate foul sewage from this development. Please note if the existing system doesn't meet the current standards then a new treatment plant should be used instead of septic tank.

Reason: In the interests of the prevention of pollution.

10. External construction works shall only take place during daylight hours and there shall be no external lighting of the application site during the construction phase.

Reason: To prevent detrimental light spillage onto the adjacent habitat in the interest of biodiversity

11. Notwithstanding the details provided, there shall be no external lighting unless otherwise agreed in writing by the Local Planning Authority.

Reason: To prevent detrimental light spillage onto the adjacent habitat in the interest of biodiversity.

## PLANNING APPLICATION REPORT

**Case Officer:** Gemma Bristow

**Parish:** Harberton **Ward:** West Dart

**Application No:** 0573/19/PIP

**Agent/Applicant:**

Mr Liam Nally  
Wilma  
Woodcourt Road  
Harbertonford  
Totnes  
TQ9 7TY

**Applicant:**

Mr Liam Nally  
Wilma  
Woodcourt Road  
Harbertonford  
Totnes  
TQ9 7TY

**Site Address:** Wilma, Woodcourt Road, Harbertonford, Devon, TQ9 7TY

**Development:** Application for permission in principle for one new dwelling

**Reason item is being put before Committee**

The application requires consideration by Committee due to the family relationship of the applicant and a member of staff of the Council.



**Recommendation:**

Refusal

**Reasons for refusal**

By reason of its location within the countryside outside of the urban edge of Harbertonford, the proposed dwelling would harm the intrinsic rural characteristics of this location, and it has not been demonstrated it would respond to a proven agricultural, forestry and other occupational need that requires a countryside location or meet identified local needs of local community, contrary to policies TTV25, TTV26 and DEV23 of the Joint Local Plan 2019.

**Key issues for consideration:**

The application is made under the provisions of the Town and Country Planning (Permission in Principle) (Amendment) Order 2017, which came into force on 1<sup>st</sup> June 2018. This amends the Town and Country Planning (Permission in Principle) Order 2017 to allow Local Planning Authorities to grant permission in principle on receipt of a valid application for housing-led development.

The Local Planning Authority are tasked with considering whether the location, land use and amount of development are acceptable in accordance with the relevant policies in the Development Plan unless there are material considerations, such as those within the National Planning Policy Framework and national guidance, which indicate otherwise.

The Planning Practice Guidance states: "The scope of permission in principle is limited to location, land use and amount of development. Issues relevant to these 'in principle' matters should be considered at the permission in principle stage. Other matters should be considered at the technical details consent stage." The terms of a permission in principle may only include the site location, type and amount of development. The Local Planning Authority can inform applicants what they expect to see at the technical details consent stage, but cannot impose planning conditions.

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**Site Description:**

Site comprises the residential curtilage of the dwelling known as Wilma, located on the north side of Woodcourt Road to the east of the village of Harbertonford. Woodcourt road comprises a residential lane serving a number of properties and terminates at Woodcourt Farm. The site is within 200m of the village hall and approximately 500m from the post office and public house. Woodcourt Road is a narrow single-track unlit lane.

**The Proposal:**

Application for permission in principle for one new dwelling on a 0.1ha site.

**Consultations:**

- County Highways Authority                      standing advice
- Environmental Health Section                      No objection
- Town/Parish Council                                  No objection, but has serious concerns about traffic, access and impact on flooding and would require provision of a construction management plan for any future development
- Specialist drainage officer                      Standing advice
- Specialist Strategic planning                      Objection

The site is well beyond the edge of settlement, and whilst I note that it is adjacent to buildings that have an existing residential use, the proposal site is on the western side of the existing buildings, and therefore relates more the countryside character beyond than with any built form.

The application references TTV30 as justification for why the proposal should be considered acceptable. However, the policy explicitly references proposals within Sustainable Villages may be supported as they will make a contribution to indicative housing numbers in figure 5.8. This site is not within the village, not within the historic development boundary nor can it be considered

to form a contiguous part of the built form of the village. As such, this proposal does not accord with the provision of policy TTV30.

The addition of a new building in this location would introduce a form of development incompatible with the rural character around the proposal site, and would create an unacceptable pattern of development well beyond the edge of settlement. As such, I am unable to support this proposal.

**Representations:**

4 letters of support on the following grounds:

- Would not negatively impact the rural setting
- New housing would improve the vitality of the village
- Accessible location

**Relevant Planning History**

23/1156/75/1 Erection of one dwelling. Refused Nov 1975

**ANALYSIS**

In a Permission in Principle application the matters officers have to consider are limited to whether the location, land use and amount of development are acceptable in accordance with the relevant policies. If permission were granted at this stage, officers would inform the applicant of what matters then required technical detail applications. While this approval route appears very similar to an Outline application, members should be aware that it is not possible to impose conditions, as these matters are intended to be dealt with a technical detail stage.

There are certain limitations set out in the relevant Order. For the avoidance of doubt the proposed development is not:

- (a) Major development
- (b) Habitats development
- (c) Householder development
- (d) Schedule 1 development

The proposed development is not considered to be Environmental Impact assessment development.

Location:

This site is located on the western side of the village of Harbertonford which is a defined sustainable village within policy TTV1. It is within 200m of the village hall and within approximately 500m of the village post office and public house which are all within what is considered reasonable walking distances as defined by table 3.2 which supports policy SPT2. While Woodcourt Road is a narrow unlit single-track lane, future occupiers would only have to walk a 230m approximate stretch before getting to road overlooked by other dwellings and the number of vehicles using Woodcourt Road is considered limited by the number of dwellings it serves. The site is therefore considered to provide reasonable access to local education, services and jobs in compliance with SPT1(2)ii and SPT2 on providing reasonable access to public transport, walking and cycling opportunities.

Policy TTV26 seeks to protect the special characteristics and role of the countryside. While the site is located within the residential curtilage of the dwelling of Wilma, it is located on the western side further away from settlement of Harbertonford and so is considered to relate to countryside rather than the built up area of the village. As you walk down Woodcourt Road away from the village centre the adjoining buildings have a tight urban form until one gets to Riverside Barn to the north and little further on Grey Slate barn to the south. At this point the single-storey village hall sits below the road level to the north and beyond it one sees a patchwork of Devon fields on land rising away from the village. Once beyond the village playing fields, the sense is that you are leaving the village and entering the countryside with an agricultural field to the north of the narrow lane and woodland on land rising to the south.

While the existing two properties of Wilma and The Studio are located just 200m to the west of the village hall and the dwelling would be set within an already well defined residential garden, they are set back from the lane and so the rural setting is maintained in this location. While at this stage no details are required of the size of the dwelling proposed, it is considered any new dwelling in this location would result in a harm to the rural countryside setting. In addition, the dwelling is not proposed to respond to a proven agricultural, forestry and other occupational need that requires a countryside location and so is contrary to policy TTV26.

Policy TTV25 states that support will be given to proposals that meet the;

*'identified local needs of local communities and development which responds positively to the indicative housing figures set out in Figure 5.8.*

The indicative number of new houses for Harbertonford is 30, however the Neighbourhood Plan is currently not at a stage that can be given weight. While the supporting statement to the application makes reference to the application meeting identified local needs, it does not specify what specific local needs it would address. The proposal is therefore considered contrary to policy TTV25 as it has not been demonstrated that it would address identified local needs of local community.

#### Use:

Notwithstanding the issues raised on location, it is considered a new dwelling in this location would be an appropriate use and could be designed in this location to prevent loss of amenity to the adjoining dwelling of The Studio and Wilma.

#### Amount of Development:

It is considered the red line site area could reasonably accommodate a single dwelling were the development to be considered acceptable in all other respects.

#### **Conclusion**

The site is considered to be reasonably accessible to the services and facilities within Harbertonford, although acknowledging the walking route would involve an approx. 230m section of unlit single-track lane without any natural surveillance. Nevertheless, while walkable to the centre of the village, the site is divorced from the clear urban edge of the settlement that is nucleated around the centre and so is considered countryside. By introducing a dwelling and the associated residential paraphernalia into the intrinsically rural setting it is considered it would harm the special characteristics of the countryside in this location.

Permission in principle is therefore recommended to be refused.

***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  
SPT3 Provision for new homes  
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  
TTV26 Development in the Countryside  
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  
DEV26 Protecting and enhancing biodiversity and geological conservation  
DEV28 Trees, woodlands and hedgerows  
DEV29 Specific provisions relating to transport  
DEV30 Meeting the community infrastructure needs of new homes  
DEV31 Waste management  
DEV32 Delivering low carbon development  
DEV35 Managing flood risk and Water Quality Impacts

**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.

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## PLANNING APPLICATION REPORT

**Case Officer:** Jeffrey Penfold  
Thurlestone

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

**Application No:** 1505/19/FUL

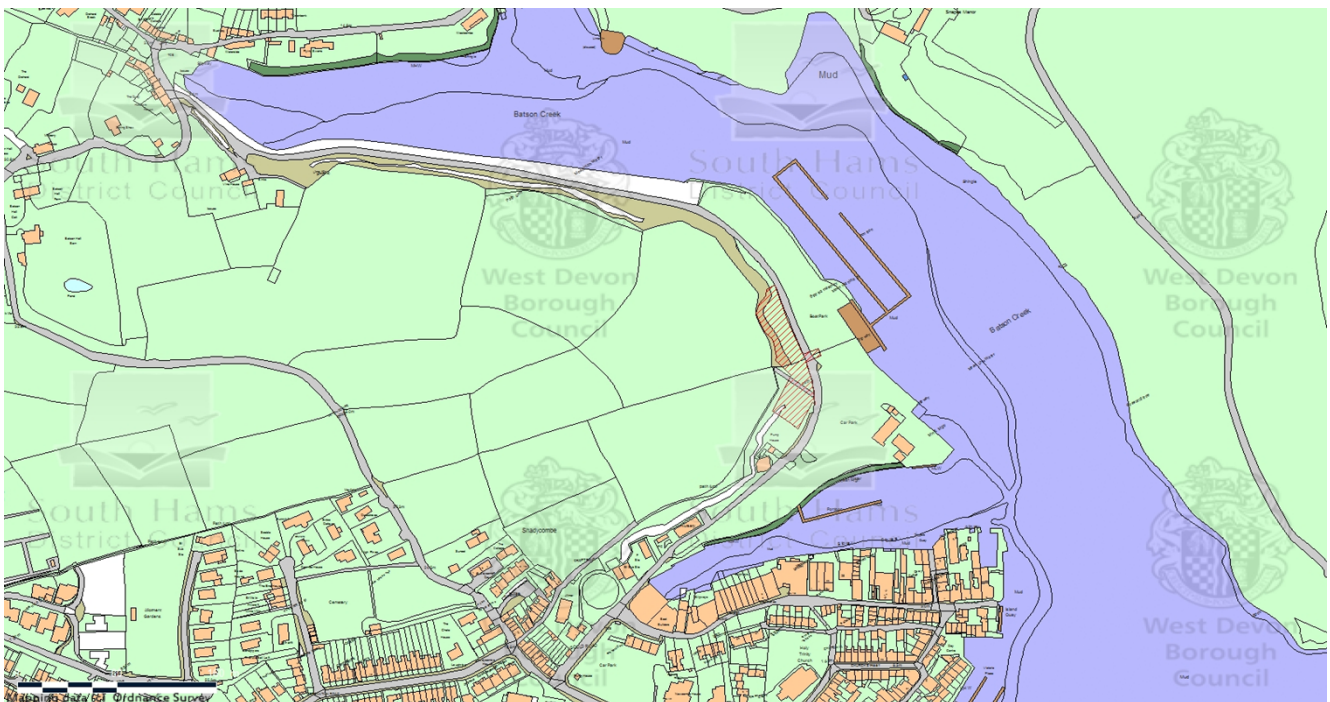
**Agent/Applicant:**  
Mr Ray Tyner  
Inspire Architects Ltd  
Glove Factory Studios  
Brook Lane  
Holt  
BA14 6RL

**Applicant:**  
Mr Dan Field - South Hams District Council  
Follaton House  
Plymouth Road  
Totnes  
TQ9 5NE

**Site Address:** Development Site at SX740394, Gould Road, Salcombe, TQ88DU

**Development:** Erection of new industrial units and associated parking

**Reason item is being put before Committee:** This application is submitted on behalf of South Hams District Council and constitutes a revised application following the granting of full planning permission under Reference: 0784/16/FUL for the construction of seven industrial units for B1 (b) Light industrial use only.



**Recommendation:** Conditional Approval.

**Conditions:**

1. Time
2. Accords with plans
3. Hard / Soft Landscaping
4. Materials to be agreed
5. Parking to be provided prior to occupation and retained
6. Unexpected Land Contamination
7. Vegetation Removal
8. B1 (b) light industrial use, B2 General Industrial and B8 Storage or Distribution uses only
9. Oil Interceptor
10. Drainage to be implemented and maintained
11. Permeable Pavement
12. Construction Management Plan
13. Chemical Storage
14. LEMP
15. Approved Drainage Details
16. Foul Drainage
17. Car Parking & Vehicular Access
18. Construction Management Plan (Highways)
19. Tree Protection Plan.

**Key issues for consideration:**

Principle / Sustainable Development  
Design, Visual Impacts and the South Devon AONB  
The Historic Environment  
Neighbouring Amenity  
Highways / Access  
Ecology / Trees.

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**Site Description:**

The site is a linear, flat piece of land currently used as a boat store and coach park (2 bays) located on the west side of Gould Road on the edge of Salcombe. The site also contains recycling skips and an oil disposal point at present.

This is a long, narrow site, with an earth bank supporting rising land on the western boundary. Mature trees are present on the south western boundary. Access is taken from Gould Road, a narrow two way road with restricted parking (double yellow lines).

The rising land to the west is open fields. To the east, across the road, is Batson Creek Boat Park, beyond which is the waters of Batson Creek. On the opposite side of the estuary the land is mostly undeveloped green fields.

The character of the area is low-key commercial / maritime, with the commercial development of Island Street visible to the south. The site is untidy providing ad-hoc boat storage.

The boat park opposite, presents a mass of tarmac, palisade fencing and commercial lighting which is unattractive but does reflect the commercial maritime character of this end of Salcombe.

The site is within the South Devon Area of Outstanding Natural Beauty (AONB), is adjacent to a SSSI and has a public right of way running along its western boundary (connecting Salcombe with Batson Creek). The site is also within Flood Zones 2 & 3 and is within the setting of the Salcombe Conservation Area.

The site has been advertised as affecting the setting of a Listed Building: Snapes Manor - a Grade II\* Listed Building which lies approx. 230m from the site on the opposite side of the estuary.

### **The Proposal:**

South Hams District Council was granted planning permission in February 2017 (Ref: 0784/16/FUL) for the construction of seven new industrial units for B1 (b) Light Industrial use only. The description of said approval includes:

'It is proposed to re-develop the site to provide a row of 7 terraced industrial units, these will be relatively small units with a roller shutter frontage serving each unit; the units will sit parallel to the road. Five of the units contain a half depth mezzanine floor, the remaining two have a full first floor. 19 parking spaces are proposed within the site, of these 14 will be tandem parking spaces. A turning area is provided within the northern part of the site.

The drawings show the building to be clad in box-profile metal. The proposal includes a detailed drainage strategy designed to prevent pollution of the SSSI within the nearby estuary'.

South Hams District Council are seeking a new planning permission for this development site with the key amendments comprising:

- A reduction in the number of units from seven to five, both to reduce the scale of development and ensure that the original function of the site is retained to help assist with the continuity of the services offered by the Harbour Authority.

- Usage Class amended to include B1 (b) light industrial, B2 General Industrial and B8 Storage or Distribution to ensure that the new units can accommodate the anticipated local, maritime business needs.
- Stabilisation works to the rear cliff to enable the building to be positioned such that it does not break the skyline and nestles into the existing bank.
- Units positioned closer to the stabilised cliff face resulting in sufficient space to facilitate parking in front of each unit.
- End units reoriented to provide better flexibility for future tenants.
- Area currently occupied by coach bays and recycling retained for use as trailer park by the Harbour Authority. Alternative location to be identified for recycling facilities to address original concerns and improve proposal.
- Removal of the redundant attendant's building, located at the entrance to the car park, to improve access into adjacent car park.
- Repositioning of the new electricity transformer to take it out of the flood zone.

The premise of this planning application is to address comments made within the original planning officer's report to provide betterment to planning permission Ref: 0784/16/FUL.

The proposed buildings will measure 42m in length and be divided into five 60sqm units. The proposal will provide for 300sqm GIA of floor space with two dedicated parking spaces provided per unit. The mezzanine provision has been removed as part of this revised proposal which in turn has reduced the number of units from 7no. to 5no. units. This alteration represents a reduction of 400sqm of floor area with the overall building length also reducing by 5m.

### **Consultations / Representations:**

#### **Representations from Residents:**

Four letters of objection have been received in response to the public consultation, raising The following concerns:

- Potential to encroach as a form of ribbon development on the segregation of Batson and Salcombe
- Height / scale of the proposal
- Proposed level of commercial / articulated vehicles / lorries visiting the site
- Potential for additional vehicles parked around Batson Green during site construction and operation
- Turning of lorries
- Impact upon character and appearance of the conservation area
- Impacts upon Snapes Manor Grade II\* Listed Building
- Pedestrian safety
- Resiting of the coach park has health and safety risks
- Proposed use classes does not accord with Neighbourhood Plan policies EM1 – General use B1 and User class B2 restricted to Marine uses only concerns expressed in point 3 would preclude User Class B8 (storage and distribution)

- Proposed resiting of the recycling containers lies outside of the development boundary.
- Removal of trees
- Number of parking bays provided is inadequate
- Vehicles missing the units.
- View / photomontage from Snapes Manor
- Noise from the units
- Fly Tipping
- Precedent for further development
- Coach parking in close proximity to the nursery.

The occupiers of Snape Manor have raised concerns over the following matters:

- Objection to the photograph (taken at sea level and not elevated) taken from Snapes Manor and potential impact upon the listed building
- Noise pollution resulting from operations
- Aluminium roller shutters out of keeping with the historic area.

**Representations from Internal Consultees:**

County Highways Authority – no objections in principle, subject to conditions.

**Trees:** Appraisal

1. The submitted information has been reviewed in accordance with the relevant Policies of the Plymouth and South West Devon Joint Local Plan (2014-2034) and relevant industry British Standards/ Acts as appropriate.
2. Low level scrub proliferates across the sloping area of the proposed site with the exception of a prominent group of Elm trees towards the Southern end of the red line. No adverse impact upon these trees is envisaged given the continued use of the trailer park to the East and proposed fencing.
3. A tree protection plan in accordance with BS7837:2012 is required for review to define RPA's for the group of Elm trees to ensure protection during the construction process if consent follows. This may be by way of condition.

**Recommendation:** No objection on arboricultural merit.

Police AOL – detailed comment, no objection.

Environmental Health / Emergency Planner: The flooding in this area is tidal in nature, and as such there is plenty of warning available due to being able to predict tide times, and weather patterns sufficiently in advance that evacuation of the units before a flood event can occur. Therefore I am satisfied that there is negligible risk to life from these proposals.

**Representations from Statutory Consultees:**

**Environment Agency:** We object to the proposed development on the grounds that the development poses a significant hazard to life and an unacceptable risk to property. The reason for this position and advice is provided below.

Your Authority will need to be content that the flood risk Sequential Test has been satisfied in accordance with current Government guidance within the National Planning Policy Framework

(NPPF) if you have not done so already. As you will be aware, failure of the Sequential Test is sufficient justification to refuse a planning application.

**Reason –** The site is located wholly within flood zone 3, identified by Environment Agency flood maps as having a high probability of flooding. We objected to the original planning application 0784/16/FUL due to an inadequate Flood Risk Assessment (FRA) that was not in line with National Planning Policy Framework (NPPF)/National Planning Policy Guidance (NPPG).

The current FRA has calculated the Tidal 200yr level at the end of the design lifetime (60yr) as 4.54mAOD. The proposed FFL of 3.78mAOD, gives an internal flood depth of 0.76m of moving water (by the wave action). This represents a Significant Hazard - "Danger to Most" (including all the general public), technical note - FD2320. Recent work has identified that, by the year 2050, it is highly likely that this site will be flooded once or twice a year by the Spring/Autumn 'spring high tides'. They could be flooded twice a day over a 1 to 3 days period. This will cause a lot of damage and disruption to the operation of the businesses in the proposed units.

We appreciate that the raising of floor and site levels is difficult and could not match the design flood level. However, every effort must be made to raise the units Finished Floor Levels (FFL) (not the entire site levels) as high as technically possible. The ground slopes and access gradients should be to the maximum allowed under health & safety and building regulations. This will help reduce the frequent flooding predicted by 2050 perhaps to an acceptable level, and lower the flood hazard in the design event to perhaps only a moderate level (Danger to Some).

Flood Resilience measures must be included to above the design flood level height (4.54mAOD), e.g. raising electrical fittings above this height. Although the Flood Warning and Evacuation Plan can reduce the risk to life, it does not reduce the flood damage to property and disruption to businesses.

**Advice to the LPA –** If you are minded to approve this application, please contact us again in order to discuss the risks to the proposal. If you are able to confirm that you fully understand the flood risks, the consequences of flooding to people, business and the buildings, with the future frequent flooding and agree that FFL cannot possibly be raised any higher than currently proposed, we would want to recommend conditions to attempt to reduce the risks where possible.

**Revised EA response (dated 4 July 2019):** Further to the additional flood risk summary document (3 July 2019), we are able to change our stance on this application. Although this statement does not fully address are flood risk concerns, it does permit you to make a sound decision as you have all the necessary flood risk information.

We have stated the flood risks and hazards to people and property, and advised suitable safe mitigation measures. It appears that for planning and technical reasons the designs cannot be changed, and it appears that you are likely to approve this application against any sustained objection. Therefore as long as the LPA accepts these risks and consequence of increasing frequency of flooding events, then in this instance we will not sustain our current objection to the proposal.

**South West Water - Asset Protection:**

Please find enclosed a plan showing the approximate location of a public sewer in the vicinity. Please note that no development will be permitted within 3 metres of the sewer, and ground cover should not be substantially altered.

Should the development encroach on the 3 metre easement, the sewer will need to be diverted at the expense of the applicant. The applicant/agent is advised to contact the Developer Services Planning Team to discuss the matter further.

**Clean Potable Water:**

South West Water is able to provide clean potable water services from the existing public water main for the above proposal.

**Foul Sewerage Services:**

South West Water advises a Planning Condition to emphasise that: Foul drainage from the Development (and no other drainage) shall be connected to the public foul or combined sewer.

Reason: To ensure the discharge of drainage from the Development shall not be prejudicial to the public sewerage system and ensure there are adequate public foul sewerage facilities to receive foul water flows, in order to safeguard the public and environment.

**Surface Water Services:**

The statutory Water and Sewerage Undertaker supports the Planning Policy Guidance for Flood Risk & Coastal Change statement. To accompany its planning application, the applicant must demonstrate how its proposed development will have separate foul and surface water drainage systems and not be detrimental to existing infrastructure, the public and environment (and that any provisions for protecting infrastructure have been agreed with SWWL as service-provider).

The applicant should demonstrate to your LPA that its prospective surface run-off will discharge as high up the hierarchy of drainage options as is reasonably practicable (with evidence that the Run-off Destination Hierarchy has been addressed, and reasoning as to why any preferred disposal route is not reasonably practicable):

1. Discharge into the ground (infiltration); or where not reasonably practicable, Provide written evidence as to why Infiltration devices, including Soakaways, Swales, Infiltration Basins and Filter Drains do not meet the design standards as specified in either H3 Building Regulation standards for areas less than 100m<sup>2</sup>. Soakaways serving larger areas must meet the design standard specified in BS EN 752-4 (para 3.36) or BRE Digest 365 Soakaway Design.
2. Discharge to a surface waterbody; or where not reasonably practicable, Provide written evidence for refusal of discharge consent from owner of water body (Environment Agency, Local Authority, Riparian Owner etc)
3. Discharge to a surface water sewer, highway drain, or another drainage system; or where not reasonably practicable, Provide written evidence for refusal of discharge to drainage system (Highway Authority, Environment Agency, Local Authority, Private ownership)
4. Discharge to a combined sewer.( Subject to Sewerage Undertaker carrying out capacity evaluation) South West Water will carry out a hydraulic capacity review of the

combined sewerage network before permission will be granted to discharge to the combined sewer.

**Natural England:** No objection – subject to appropriate mitigation being secured. We consider that without appropriate mitigation the application would:

- damage or destroy the interest features for which Salcombe to Kingsbridge Estuary Site of Special Scientific Interest has been notified.

In order to mitigate these adverse effects and make the development acceptable, the following mitigation measures are required / or the following mitigation options should be secured:

- Construction and Environmental Management Plan (CEMP)
- Landscape and Ecological Management Plan (LEMP)
- Mitigation measures provided in the Ecological Impact Assessment (greenwood ecology, August 2016).

We advise that an appropriate planning condition or obligation is attached to any planning permission to secure these measures. Natural England's further advice on designated sites/landscapes and advice on other natural environment issues is set out below.

**Further advice on mitigation:**

- The mitigation measures outlined in the Construction and Environmental Management Plan (CEMP, 5 April 2019) will need to be secured with an appropriately worded planning condition.
- The mitigation measures outlined in the Landscape and Ecological Management Plan (LEMP, first ecology, May 2019) will need to be secured with an appropriately worded planning condition.
- In addition and to address pollution run-off from the site, mitigation measures outlined in the Ecological Impact Assessment (EclA, greenwood ecology, August 2016) will need to be secured with an appropriately worded planning condition.

**Landscape – Advise consultation with AONB Unit:**

The proposed development is for a site within proximity to a nationally designated landscape namely **South Devon Area of Outstanding Natural Beauty (AONB)**. Natural England advises that the planning authority uses national and local policies, together with local landscape expertise and information to determine the proposal and that you consult the relevant AONB Partnership or Conservation Board.

The AONB Unit have produced some guidance to assist with planning matters "Planning for the South Devon AONB: Planning Guidance (Version 1, South Devon AONB Partnership, 2017). The policy and statutory framework to guide your decision and the role of local advice are explained below in Annex A of this letter.

Please note that if your authority is minded to grant planning permission contrary to the advice in this letter, you are required under Section 281 (6) of the Wildlife and Countryside Act 1981 (as amended) to notify Natural England of the permission, the terms on which it is proposed to grant it and how, if at all, your authority has taken



account of Natural England's advice. **You must also allow a further period of 21 days before the permission can be granted.** Please refer to Annex A at the end of this letter, for our standard advice.

**Historic England:** raised concerns regarding the application on heritage grounds, which could be addressed with further design modifications. Your authority should take these representations into account and seek amendments, safeguards or further information as set out in our advice. If there are any material changes to the proposals, or you would like further advice, please contact us.

**Salcombe Parish Council:** Objection – due to concern over stability of the slope and therefore security of the footpath. The turning area was close to a blind bend and the suggested area for recycling required removal of the bank and trees further destabilising the footpath. It had no parking area and was opposite the exit for the boat park with no provision for coach parking. The Design and Access statement only referred to coach drop-off.

**Internal AONB:** 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; 127, and 170, 172 & 173;
- The National Planning Practice Guidance (NPPG) particularly Section 8-001 to 8-006 on Landscape; and
- The South Devon AONB Management Plan and its Annexes
- JLP Policies DEV23, DEV24 and DEV 25

In respect of the principle policy tests in the NPPF, this application is not considered to constitute “major development” in the context of paragraph 172, due to its siting, and limited scale and form. The current application has been considered with reference to the previously consented units and conditions (0784/16/FUL).

#### **Landscape Character and Visual Impact:**

The site forms part of the settled, quay area on the edge of Batson Creek, and within Salcombe; this settled area has a marine/small scale commercial character including a mix of public parking, marine facilities and a functioning fishing quay.

It is within the South Devon AONB where the adjacent landscape character is estuarine and strongly rural, with a number of the identified special qualities present beyond the settled elements.

The proposal would sit firmly within the developed area, and is conducive to the current uses. This proposal is reduced in overall size to the consented units, with the materials having now been set out in the application. Given its form, scale, and location it similarly does not result in significant adverse harm to the wider landscape character and visual amenity, which is conserved, and clearly seen within the context of the active quays and parking areas. It replaces a site with little merit, currently used for storage and recycling facilities.

The submitted Landscape and Ecological Management Plan (LEMP) is noted and agreed. Officers are therefore satisfied it accords with current landscape policies and guidance.

**Recommendation** - No objection.

**Officers Response:**

**Stability of the existing slope and security of the public footpath:**

With regard to the stability of the existing slope and therefore the security of the public footpath, the alignment of the footpath is already at risk of failure due to its proximity to the cliff edge in a number of locations. The upper part of the slope is bound by vegetation and tree roots and the lower part of the slope consists of scree from weathering of the slope above. The slope, which will be situated behind the proposed Commercial Units, was the subject of a geotechnical investigation in May 2016. The 2016 investigation recommends that a retaining wall is constructed at the rear of the proposed new development and used to form a reduced slope with enhanced stability.

This concept has been adopted as part of this submission which will help to protect the existing slope and minimise any further weathering and erosion.

**The turning area is close to a blind bend:**

The introduction of a turning area formed part of the original consent following discussions with the Highway's Officer. All highway safety issues have been reviewed by Highways and they have not raised any concerns or objections to the proposals.

**The proposed recycling area required the removal of the bank and trees:**

The current planning approval (Ref 0784/16/FUL) makes no provision for the re-siting of the existing recycle bins. As part of this revised application an alternative location has been suggested which is in close proximity to the existing site and falls within the council's land ownership.

This proposed location has been discussed with the external waste procurement provider who has confirmed their acceptance in principle. The work itself would be undertaken under Permitted Development rights and has therefore been excluded from this application's red line boundary.

The council would be happy to continue working with all parties to find alternative options however the acceptance is that bins will not be retained in the current location should planning be granted.

**Coach Drop-off point:**

The current planning approval (Ref 0784/16/FUL) makes no provision for the re-siting of the coach drop off bays. As part of this revised application, and as suggested in the Design and Access statement South Hams District Council has tried to investigate possible alternative coach drop off points within Batson car park. The suggested drop off point adjacent to the nursery has now been discounted due to the way the car park operates during the winter season. The council would be happy to continue working with all parties to find alternative options however the acceptance is that coach parking will not be retained in the current location should planning be granted.

**Number of parking bays in inadequate:**

The proposed scheme had improved the parking provision on the site, when compared to the original scheme and the council's Highways Officer has reviewed the proposed plans and considers them to be acceptable.

**Vehicles missing the units:**

The approach to the units is unobstructed and therefore the probability of this happening is limited. However, should a vehicle miss their stopping point, the turning area that has been provided at the end of the units will allow them to turn safely.

**View / photomontage from Snapes Manor:**

This view was produced to enable Historic England to comment upon the direct line of sight between the Manor and Holy Trinity Church. The proposal does not impede this direct line of sight.

**Noise from the units:**

Any noise generated from the units will be of similar nature to that of the previously approved scheme. The reduction in the number of units should be considered an improvement when compared to the consent already granted.

**Use Class:**

The application is for B1 Light Industrial, B2 General Industrial and B8 Storage and distribution. These use classes give the units some flexibility and will help ensure that they do not remain vacant for any considerable period of time therefore improving the scheme's overall viability.

**Precedent for further development:**

Each planning application has to be considered on its individual merits and the provision of these units does not automatically assist further development.

**Relevant Planning History:**

Ref: 0784/16/FUL – Erection of new industrial units and associated access and parking.  
Conditional Approval: 22/02/2017.

**ANALYSIS****Principle / Sustainable Development:**

The site is located within the development boundary of Salcombe where the principle of development is acceptable subject to all other material planning considerations.

**Design, Visual Impacts and the South Devon AONB:**

The scheme proposes a terrace of 5no. relatively small, pitched roofed industrial units and the plans show the upper parts of the buildings clad in larch timber cladding installed vertically and architectural block work along their lower parts.

The building will measure 5.5m at the eaves level and 6.1m at ridge level height. The proposal will measure a combined length of 43m. The building fronts onto the road and will be visible from the road, car park and estuary. Longer views will be possible from the Island Street end of Salcombe which is a Conservation Area. The site is within the South Devon AONB and affects the setting of a Grade II\* listed building: Snapes Manor – located across the estuary which is deemed a sensitive location.

Paragraph 172 of the NPPF states that great weight should be given to conserving and enhancing 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 these issues.

The proposed design is functional and typical of many modern industrial developments. Concern has been raised by residents and Historic England about the quality of design and materials. Historic England has suggested that the design should be more bespoke and suggested alternative materials.

The site is set in a relatively prominent location close to the scenic Salcombe Estuary, within the AONB and adjacent to a public right of way. At present the site has an unkempt commercial appearance, the boundary with the road is defined by an old close boarded timber fence, two unattractive recycling skips are located near the site entrance and stored boats and rigging are visible.

On the opposite side of the road, between the site and the estuary is Baston Creek Boat Park. This is a large expanse of tarmac, including chain link fencing and modern lighting pillars. Boats are stored in an ad-hoc manner within the car park.

Neither the application site nor the boat park adjacent make a positive contribution to the AONB, however they are a reflection of the maritime uses that have historically taken place in Salcombe and which are an important part of the social and economic make-up of the area.

The proposed development will be set at road level, with a steep bank to the rear and further rising land beyond. The application also proposes reinforcement / regrading works to the banks to the rear of the application site which is anticipated to improve support and mitigate visual impacts.

The immediate / wider setting that surrounds the application site will likely reduce the visual prominence of the buildings. The proposed timber cladding is considered acceptable in design terms, reducing its visual prominence and responding well to the character of the immediate area.

Officers note representations raise concerns over the proposed design of the buildings. It is acknowledged that the proposal would introduce a relatively large amount of built form into a vacant area, however, the design of the building is in response to the industrial setting / context of the immediate area. The scale of the buildings is considered modest at 6.1m height whilst remaining of a sufficient scale to serve its purpose.

The buildings contribute small scale industrial units for which it is considered there is local demand and which will contribute to the local economy, offering diversification from the tourist industry upon which Salcombe has become reliant upon. To be delivered, the buildings must be economically viable and this limits their design potential. Officers also consider that it would be inappropriate for the design not to reflect the building's function by, for example mimicking agricultural barns or similar.

The proposal will also require a number of doors and windows to the main front elevation yet this is considered to coincide with the normal operation of light industrial units and the proposed layout is not considered an excessive amount of glazing nor will unnecessary features be erected on the main elevation. A limited number of windows will also be proposed on each gable end (1no.) along with 3no. windows to the rear elevation which are in all instances considered necessary for the supply of sunlight / daylight.

In addition, the council's landscape officer makes the following observations:

**Internal AONB:** 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; 127, and 170, 172 & 173;
- The National Planning Practice Guidance (NPPG) particularly Section 8-001 to 8-006 on Landscape; and
- The South Devon AONB Management Plan and its Annexes
- JLP Policies DEV23, DEV24 and DEV 25

In respect of the principle policy tests in the NPPF, this application is not considered to constitute “major development” in the context of paragraph 172, due to its siting, and limited scale and form. The current application has been considered with reference to the previously consented units and conditions (0784/16/FUL).

#### **Landscape Character and Visual Impact:**

The site forms part of the settled, quay area on the edge of Batson Creek, and within Salcombe; this settled area has a marine/small scale commercial character including a mix of public parking, marine facilities and a functioning fishing quay.

It is within the South Devon AONB where the adjacent landscape character is estuarine and strongly rural, with a number of the identified special qualities present beyond the settled elements.

The proposal would sit firmly within the developed area, and is conducive to the current uses. This proposal is reduced in overall size to the consented units, with the materials having now been set out in the application. Given its form, scale, and location it similarly does not result in significant adverse harm to the wider landscape character and visual amenity, which is conserved, and clearly seen within the context of the active quays and parking areas. It replaces a site with little merit, currently used for storage and recycling facilities.

The submitted Landscape and Ecological Management Plan (LEMP) is noted and agreed. Officers are therefore satisfied it accords with current landscape policies and guidance.

**Recommendation** - No objection.

On balance, it is considered that, having regard to the existing appearance of the site, the proposed development, subject to appropriate materials would likely conserve and enhance this part of the AONB and any adverse impact likely to arise would likely be outweighed by the social and economic benefits of the scheme.

As such, the proposal accords with JLP Policies DEV20, DEV23 and DEV25.

#### **The Historic Environment:**

The site lies within the setting of Snapes Manor, an important Grade II\* listed building which lies across the estuary. Snapes Manor has been designed to front the Estuary and to take in the views which include the application site.

As such, the application is subject to s. 16 (2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) which requires local planning authorities to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses and gives local planning authorities the duty to pay special attention to the desirability of preserving or enhancing the character or appearance of that area respectively. The proposed development would need to use materials and colours that respect the character of the surroundings and have due regard to the setting of any listed building.

Historic England has not objected to the principal of developing this site but has raised concerns about the quality of design and materials, The Council's Heritage Specialist has commented that the proposed development will result in less than substantial harm to the setting of the listed building.

Whilst the development will likely be visible within the setting of Snape Manor, it is set within an area which already has a commercial character, some 230m from the listed building; developed with appropriate materials and set as it will be into a hillside, the impact will likely be minimal.

Paragraph 193 of the NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. Paragraph 195 of the NPPF states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.

The site is within the setting of the Salcombe Conservation Area, however due to its siting and scale and having regard to the existing quality of the immediate environment the proposed development will have no likely adverse impact upon the conservation area.

On balance, the benefits of the proposed development outweigh the impact on heritage assets and as such, weigh in favour of the development.

Special attention has been paid to the statutory test of preserving the listed building or its setting or any features of special architectural or historic interest which it possesses and the statutory test of preserving or enhancing the character and appearance of the conservation area under sections 16 and 72 respectively of the Planning (Listed Building and Conservation Areas) Act 1990, which it is accepted is a higher duty. It has been concluded that the development would preserve the listed building and the character and appearance of the Conservation Area, and so the proposal accords with section 16 of the Act and JLP Policy DEV21.

### **Neighbouring Amenity:**

There are no dwellings adjacent or near to the site. The occupiers of Snape Manor have raised concerns over potential increases in noise disturbances resulting from the operation of the proposal. It is considered that there exists a suitable distance between the application site and Snapes Manor (approx. 230m) so as to mitigate any noise disturbances to a satisfactory level. Should any noise disturbances as a result of the proposal's operation give rise to any significant, detrimental amenity impacts upon the living conditions of residents, then powers exists within Environmental Health legislation to effectively control this.

Noise can be deemed to impact on the setting of a Listed Building, however no objection has been raised in this regard from the Heritage Specialists.

It is always necessary for developments to take into account the residential amenity of neighbours and impact on the environment. In this case, the proposal complies with the principles of good neighbourliness and the protection of existing residential amenities.

As such, the proposal would not lead to any materially harmful impact on residential amenity by way of loss of light, loss of outlook, loss of privacy or overbearing impact. It would therefore accord with JLP Policies DEV1 and DEV2.

### **Highways/Access:**

The highways authority maintains no objection to the principle of this development, commenting that the site is a brownfield site currently used for B8 purposes (storage and distribution) and as such could be used more intensively generating increased traffic movements.

The highway authority has also requested two conditions be attached to any planning permission granted and these concern the submission of a Construction Management Plan and the completion of car parking and vehicular access facilities proposed.

As such, subject to compliance with the proposed conditions, the council's highways authority maintains no concerns over the proposed car parking facility and / or the proposed access arrangements.

Officers maintain their views that there exists a reasonable level of on-site parking provision and additional parking is available in the public car park if required, albeit that the users will have to pay. The site is in walking distance of the town centre where public transport options are available, the town is also within walking distance of residential areas. Additional car parking for visitors / staff is available in the adjacent public car park, which for the majority of the year has adequate capacity.

Delivery vans will still be able to pull onto the forecourt in front of the units. A designated area to the north of the site provides for safe turning of vehicles so as to avoid travelling further into Salcombe. In any event, even if this turning area was to be missed, the adjacent car park is already used by large vehicles to deliver goods to the business within this area. There are no restrictions imposed on allowing such vehicles to use this area and this will be maintained.

A Public Right of Way runs along the western site boundary, outside of the site. No alteration to this route is proposed. It is considered that the access, parking and turning arrangements are satisfactory and no likely significant adverse impacts on the safety and convenience of users of the highway are likely to be experienced.

No concerns have been raised in respect of highway safety. The approach to the units is unobstructed and therefore the probability of this happening is limited. However, should a vehicle miss their stopping point, the turning area that has been provided at the end of the units will allow them to turn safely.

### **Flood Risk / Drainage:**

The EA has commented on the proposal, stating:

“We object to the proposed development on the grounds that the development poses a significant hazard to life and an unacceptable risk to property. The reason for this position and advice is provided below:

Your Authority will need to be content that the flood risk Sequential Test has been satisfied in accordance with current Government guidance within the National Planning Policy Framework (NPPF) if you have not done so already. As you will be aware, failure of the Sequential Test is sufficient justification to refuse a planning application.

**Reason** – The site is located wholly within flood zone 3, identified by Environment Agency flood maps as having a high probability of flooding. We objected to the original planning application 0784/16/FUL due to an inadequate Flood Risk Assessment (FRA) that was not in line with National Planning Policy Framework (NPPF)/National Planning Policy Guidance (NPPG).

The current FRA has calculated the Tidal 200yr level at the end of the design lifetime (60yr) as 4.54mAOD. The proposed FFL of 3.78mAOD, gives an internal flood depth of 0.76m of moving water (by the wave action). This represents a Significant Hazard - “Danger to Most” (including all the general public), technical note - FD2320. Recent work has identified that, by the year 2050, it is highly likely that this site will be flooded once or twice a year by the Spring/Autumn ‘spring high tides’. They could be flooded twice a day over a 1 to 3 days period. This will cause a lot of damage and disruption to the operation of the businesses in the proposed units.

We appreciate that the raising of floor and site levels is difficult and could not match the design flood level. However, every effort must be made to raise the units Finished Floor Levels (FFL) (not the entire site levels) as high as technically possible. The ground slopes and access gradients should be to the maximum allowed under health & safety and building regulations. This will help reduce the frequent flooding predicted by 2050 perhaps to an acceptable level, and lower the flood hazard in the design event to perhaps only a moderate level (Danger to Some).

Flood Resilience measures must be included to above the design flood level height (4.54mAOD), e.g. raising electrical fittings above this height. Although the Flood Warning and Evacuation Plan can reduce the risk to life, it does not reduce the flood damage to property and disruption to businesses.

**Advice to the LPA** – If you are minded to approve this application, please contact us again in order to discuss the risks to the proposal. If you are able to confirm that you fully understand the flood risks, the consequences of flooding to people, business and the buildings, with the future frequent flooding and agree that FFL cannot possibly be raised any higher than currently proposed, we would want to recommend conditions to attempt to reduce the risks where possible.

**Revised EA response (dated 4 July 2019):** Further to the additional flood risk summary document (3 July 2019), we are able to change our stance on this application. Although this statement does not fully address are flood risk concerns, it does permit you to make a sound decision as you have all the necessary flood risk information.

We have stated the flood risks and hazards to people and property, and advised suitable safe



mitigation measures. It appears that for planning and technical reasons the designs cannot be changed, and it appears that you are likely to approve this application against any sustained objection. Therefore as long as the LPA accepts these risks and consequence of increasing frequency of flooding events, then in this instance we will not sustain our current objection to the proposal.

In response to the EA's representations, paragraph 163 of the NPPF states that when determining planning applications, local planning authorities should ensure flood risk is not increased elsewhere and only consider development appropriate in areas at risk of flooding where, informed by a site-specific flood risk assessment following the Sequential Test, and if required the Exemption Test, it can be demonstrated that:

- Within the site, the most vulnerable development is located in areas of lowest flood risk unless there are overriding reasons to prefer a different location; and
- Development is appropriately flood resilient and resistant, including safe access and escape routes where required, and that any residual risk can be safely managed, including by emergency planning; and it gives priority to the use of sustainable drainage systems.

This matter has previously been considered by the Council's Emergency Planner who is satisfied that safe access and egress for the units can be achieved. The flooding in this area is tidal in nature, and as such there is plenty of warning available due to being able to predict tide times, and weather patterns sufficiently in advance that evacuation of the units before a flood event can occur. Therefore there is negligible risk to life from this proposal.

In terms of the Sequential Test, this application seeks to develop a brownfield site which is fixed in its location; in addition there are no allocated employment sites within Salcombe that are outside of the Flood Zone. The maritime nature of many industrial uses in Salcombe require sites in close proximity to the water which tends to be within the Flood Zones.

With regard to the Exception Test, it is considered that the wider benefits of providing employment uses on a brownfield site outweigh the flood risk. In addition, the new units will be designed for B1(b) light industrial, B2 General Industrial and B8 Storage and Warehouse purposes and leased to local businesses. This form of development satisfies the "less vulnerable" development category, as permitted within Flood Zone 3, in accordance with Table 2 of the National Planning Policy Framework. As a result an Exception Test is not required.

Safe access and escape routes are available and any residual risk can be safely managed through the existing Flood Evacuation Plan for the area.

The application satisfies the sequential and exception tests as set out in the NPPF and the benefits if the development outweigh any potential risk; as such the proposal is considered to be acceptable in terms of Flood Risk.

The proposals for commercial units are an appropriate use within a flood zone as it is reasonable to assume that the risks associated with a Flood Zone 3 flooding event can be suitably managed in a non-residential property. A key aspect here is the predictability of the event and the early warning systems that are proposed.

The fabric of the building has been designed to be resilient in the event of a flood event. Services within the building will be positioned well above the potential flood level. The nature of the building and the flood resilient measures taken, allow timely re-occupation of the units after a flood event.

The agent for the application has also provided a supplementary document, the purpose of which is to supplement the Flood Risk Assessment submitted as part of this application. It provides additional information to outline the design methodology behind the proposed floor levels and address the following objection which has been raised by the Environment Agency. The document is provided for below:

Environment Agency Position:

“We object to the proposed development on the grounds that the development poses a significant hazard to life and an unacceptable risk to property.”

Development Summary:

South Hams District Council were granted planning permission in February 2017 (0784/16/FUL) for the construction of seven new Industrial Units for B1(b) Light industrial use only as defined by the Town and Country Planning Use Classes Order 1997.

A similar objection was raised by the Environment Agency concerning unacceptable flood risk. The planning authority considered the application to be acceptable in terms of Flood Risk as it satisfied the sequential and exception tests, as set out in the NPPF, and the benefits of the development outweigh any potential risk.

Revised Development:

South Hams District Council are seeking a new planning permission for this development site with the key changes, from a flooding perspective, being:

- Reduction in the number of units from seven to five to both reduce the scale of development and ensure that the original function of the site is retained to help assist with the continuity of the services offered by the Harbour Authority.
- Repositioning of the new electricity transformer to take it out of the flood zone.

Flood Zone Information:

As documented within the Flood Risk Assessment the site is located within Flood Zone 3. As the predominant flooding mechanism for this site is tidal the land should be assessed against the 1 in 200 extreme tidal event.

As part of consented application 0784/16/FUL the Environment Agency provided the following parameters:

- The 200yr tidal still water level (2008) for Salcombe which equates to 3.41mAOD.
- Accounting for climate change over a 60yr commercial lifespan gives a 0.530m increase in tidal levels. This equates to a level of 3.94mAOD.
- Wave action could be prevalent in Batson Creek and so it is preferable for a standard freeboard of 600mm to also be applied.
- This equates to a target design water level of 4.54mAOD.

Floor Levels Design Methodology:

The proposed floor levels have not been altered from the current approved scheme (0784/16/FUL). As documented within the Design and Access Statement the site is constrained to the east by Gould Road and a steep bank to the west. Ground levels across the site range between 3.2 and 3.5m AOD.

The proposed floor levels have therefore been aligned with the existing site topography. Any further increase has been discounted as this constraints would prevent vehicles from being able to safely access and egress the units from the adjacent Gould Road which has a level of 3.4m AOD. As part of this application the units have already been moved further away from Gould road to improve access.

Any internal step or slope within the units would not work operationally and so further increases in floor level would increase the overall ridge height. This is likely to be deemed as having a detrimental effect on heritage grounds

Standard of Protection:

Whilst we are clearly unable to satisfy a level of 3.94m AOD, which corresponds to the 1 in 200yr level in year 2079, the scheme does still provide the following protection standards:

- 1 in 200yr = Between 2029 and 2041 (to account for level variation across site)
- 1 in 50yr = Between 2046 and 2056 (to account for level variation across site)

South Hams District Council, who would remain the owners of the new building, understand and accept this risk and will ensure that they have adequate processes in place to manage them.

Danger to life:

The supporting information provided by the Environment Agency suggests that by the year 2050 the site will be flooded once or twice a year by the Spring/Autumn 'spring high tides'.

Given that the units will remain in the ownership of South Hams District Council and that it is highly likely future tenants will be related to the marine industry this level of disruption is not deemed too significant.

As documented within the Flood Risk Assessment the units will be for B1(b) light industrial, B2 General Industrial and B8 Storage and Warehouse purposes and leased to local businesses. This form of development satisfy the "less vulnerable" development category, as permitted within Flood Zone 3, in accordance with Table 2 of the National Planning Policy Guidance and as per the existing permission has been deemed to pass both the sequential and exception tests.

With the development being deemed appropriate it is therefore reasonable to assume that the risks associated with a Flood Zone 3 flooding event can be suitably managed in a non-residential property.

As documented within the Flood Risk Assessment South Hams District Council would ensure that any future tenants are aware that people would not be allowed on site when flood warnings are in place for the area. From a safety perspective we feel this is better approach than effectively having people stranded on an island, which would be the case if ground levels could feasible be raised and the predicted design water level realised.

The emergency flood plan is included within the Flood Risk Assessment and has been supported by the Emergency Planning officer. The objective of this plan is to set out a strategy for ensuring the safe evacuation of visitors, staff and vehicles from the site during a flood event and to protect identified buildings.

Property Damage:

The fabric of the building has been designed to be resilient to flood events with the lower 2.4m constructed from blockwork walls and a concrete floor. Furthermore all services and storage will be located above the target design water level of 4.54mAOD in accordance with the Environment Agencies recommendation.

The scope of works have subsequently been increased to ensure that the building design includes for the provision of the necessary elements to enable additional flood protection measures to be installed. This information will form part of the Operation and Maintenance Manual at handover.

**Conclusion:**

The principles adopted within the current approval (0784/16/FUL) are deemed to remain current and in terms of flood risk the reduction in unit numbers can only be seen to represent an Commercial Units – Batson Quay (Planning Application Ref: 1505/19/FUL)

Supplementary Information improvement. The local and national planning policy which supported the current approved scheme are still relevant and the social and economic benefits of the scheme will continue to outweigh any perceived adverse impact.

The Environment Agency has since revised its comments which now include:

“Further to the additional flood risk summary document (3 July 2019), we are able to change our stance on this application. Although this statement does not fully address are flood risk concerns, it does permit you to make a sound decision as you have all the necessary flood risk information.

We have stated the flood risks and hazards to people and property, and advised suitable safe mitigation measures. It appears that for planning and technical reasons the designs cannot be changed, and it appears that you are likely to approve this application against any sustained objection. Therefore as long as the LPA accepts these risks and consequence of increasing frequency of flooding events, then in this instance we will not sustain our current objection to the proposal”.

In response to comments from the MMO / SWW – officer’s are satisfied that the proposal lies outside the Mean High Water Springs Mark.

**Ecology / Trees:**

The council’s trees officer has confirmed the following:

1. Low level scrub proliferates across the sloping area of the proposed site with the exception of a prominent group of Elm trees towards the Southern end of the red line. No adverse impact upon these trees is envisaged given the continued use of the trailer park to the East and proposed fencing.
2. A tree protection plan in accordance with BS7837:2012 is required for review to define RPA’s for the group of Elm trees to ensure protection during the construction process if consent follows. This may be by way of condition.

The application site is located in an environmentally sensitive location, being less than 20m from the boundary of a SSSI of national ecological significance. Section 5.0 of the ecological

report and the CEMP detail a range of mitigation measures that should be implemented. These include:

- The preparation of a method statement covering pollution prevention; and
- an emergency plan agreed with team, detailing procedures in the event of a pollution incident.

Provided that the mitigation measures contained within the ecology report and the CEMP are adhered to and implemented in full, it is considered that the development can proceed without causing any significant ecological impacts on the SSSI / LNR or any other ecological receptor.

Natural England has confirmed that it maintains no objection to the proposal, subject to appropriate mitigation being secured.

In order to mitigate these adverse effects and make the development acceptable, the following mitigation measures are required / or the following mitigation options should be secured:

- Construction and Environmental Management Plan (CEMP)
- Landscape and Ecological Management Plan (LEMP)
- Mitigation measures provided in the Ecological Impact Assessment (greenwood ecology, August 2016).

As such, subject to conditions, the proposal would accord with JLP Policy DEV26.

#### **Other Matters:**

The scheme will result in the loss of 2no. coach parking spaces. These are deemed to be unnecessary, during 2015 only 8 coach parking tickets were sold.

The displaced trailer / boat parking from this site can be relocated within the operational area of the fish quay and within the existing boat park opposite.

#### **The Planning Balance:**

It is considered that the social and economic benefits of the proposed development outweigh any adverse impacts and as such it is recommended that planning permission be granted subject the conditions as listed in this report.

**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**

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  
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  
DEV27 Green and play spaces  
DEV28 Trees, woodlands and hedgerows  
DEV29 Specific provisions relating to transport

### **Neighbourhood Plan:**

The Salcombe Neighbourhood Plan is 'Made' by the LPA The Council must make the NP if it considers that it is compatible with EU obligations and does not breach the European Convention on Human Rights and has no powers to amend the content. The NP forms part of the Development Plan.

The relevant policies of the Salcombe Neighbourhood Plan include: Policy SALC Env1; Env5; Env6; B1; EM1 and T1.

In light of the above assessment, the application is considered to accord with the Salcombe Neighborhood Plan.

### **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.

### **Proposed conditions in full**

**1. Time Limit** - 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. Approved Plans** - The development hereby approved shall in all respects accord strictly with drawing numbers:

Ecological Statement - New Commercial Units, Batson Creek, Salcome. Dated: 08/05/2019.

Landscape and Ecological Management Plan - May 2019. First Ecology.

Outline Construction and Environmental Management Plan - Batson Creek, Salcombe - Commercial Units. April 2019.

Flood Risk Assessment: New Commercial Units, Batson Creek, Salcombe. Dated: 8 May 2019.

Site Location Plan - DN: 41/528/001 - Dated: April 2019. At Scale: 1:1250 @ A3.

Block Plan - Proposed Site Layout - Ref: 414/528/005 - At Scale:@ 1:500 @ A3. Dated: April 2019.

Roof Plan - Ref: 41/528/009. At Scale: 1:200 @ A3. Dated: May 2019.

Proposed Sections - Ref: 41/528/008 - At Scale: 1:200 @ A1. Dated: May 2019.

Proposed Elevations - Ref: 41/528/007 Rev: B. Dated: April 2019. At Scale: 1:100 @ A2.

Floor Plans - Ref: 41/528/006. At Scale: 1:100 @ A2. Dated: April 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.

**3. Hard / Soft Landscaping** - Prior to construction above slab level full details of all hard and soft landscaping shall be submitted to and approved in writing by the Local Planning Authority. Development shall take place in accordance with the approved details.

Reason: In the interest of the amenity of the area.

**4. Materials to be agreed** - Notwithstanding any indications of materials shown on the approved drawings or within any other part of this application, the exterior walls of the building hereby approved shall be clad in larch timber in accordance with details and samples that shall have been approved in writing by the Local Planning Authority prior to their installation.

The development shall then be carried out in accordance with the approved details and the timber shall be retained as approved and shall not be painted or varnished in a way that will change its external appearance unless otherwise agreed in writing by the Local planning Authority.

Reason: In the interests of visual amenity and the character of the area.

**5. Parking to be provided prior to occupation and retained** - The parking and turning areas shall be laid out in accordance with the approved plans and details and shall be made available for use prior to the occupation of the units to which they relate. The parking and turning areas shall be retained and made available for use by users of this development and kept free of obstructions in perpetuity.

Reason: In the interests of the safety and convenience of users of the Highway

**6. Unexpected Land Contamination** - 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.

**7. Vegetation Removal - PRIOR TO COMMENCEMENT:**

Any vegetation removal shall be timed to commence outside of nesting season (generally considered to be March to August inclusive). If vegetation must be removed within nesting season, the area should be checked immediately prior to works to confirm that no birds are nesting/preparing nests within the vegetation to be removed. If birds are found (or suspected) to be nesting, works should be delayed, and a 5 metre buffer established until all young birds have fledged.

Reason: In the interests of biodiversity protection. Birds are protected under the Wildlife and Countryside Act, 1981, which includes damage and destruction of nests whilst in use or being built.

**8. B1 (b) light industrial use, B2 General Industrial and B8 Storage or Distribution uses only** - Notwithstanding the provisions of Schedule 2 of the General Permitted Development (England) Order 2015 the proposed building/premises shall be used for: B1 (b) light industrial use, B2 General Industrial and B8 Storage or Distribution uses only as defined by Town and Country Planning Use Classes Order, 1987 for no other purpose.



Reason: To safeguard the amenity of the area; this was the use applied for and only the impacts of this type of use have been considered and to ensure the provision of units that will have a positive impact on the local economy.

**9. Oil Interceptor** - Prior to the commencement of development details of the oil interceptor proposed in the drainage scheme to prevent pollutants from entering the estuary shall be submitted to and approved in writing by the Local Planning Authority. The approved oil interceptor shall be installed in accordance with the approved details prior to any part of the building being brought into use and shall be retained and maintained in perpetuity.

Reason: To protect the nearby estuary and Site of Special Scientific Interest from pollution

**10. Drainage to be implemented and maintained** - All internal drainage is to connect only to the foul sewer system in accordance with details to be agreed in writing with the Local Planning Authority prior to the commencement of development.

Reason: To protect the nearby estuary and SSSI from pollution

**11. Permeable Pavement** - Prior to the commencement of development a detailed specification of the permeable pavement with drainage/filter layer below, proposed as part of this application to be used as an initial phase of treatment for surface water run-off from the parking areas shall be submitted to and approved in writing by the Local Planning Authority. Development shall take place in accordance with the approved details and shall be maintained in perpetuity.

Reason: To protect the nearby estuary and SSSI from pollution

**12. Construction Management Plan** - Prior to the commencement of development a Construction Management Plan shall be submitted to and approved in writing by the Local Planning Authority and development shall take place in accordance with the approved plan. The plan shall include the following:

Method statements on how pollution will be managed during construction.

Adherence to good practice guidelines.

Emergency procedures to control pollution.

An inventory of substances that could cause pollution and how risk from these will be managed.

Reason: To protect the nearby estuary and SSSI from pollution

**13. Chemical Storage** - No chemicals shall be stored outside of any of the buildings hereby approved at any time.

Reason: To protect the nearby estuary and SSSI from pollution.

**14. LEMP** - Prior to the commencement of development the Landscape and Ecology Management Plan (LEMP) shall be submitted to and approved in writing by the Local Planning Authority. The LEMP shall be strictly adhered to at all times. The LEMP shall set out proposals

for the delivery mechanism for the operational phase mitigation measures necessary to protect the nearby SSSI.

Reason: To ensure the long term protection of the nearby estuary and SSI from pollution as a consequence of this development.

**15. Approved Drainage Details** - Prior to the occupation of any part of the building the approved drainage details shall be fully implemented in accordance with the approved details.

Reason: In the interests of flood risk and protection of the nearby SSSI from pollution.

**16. Foul Drainage** - Foul drainage from the Development (and no other drainage) shall be connected to the public foul or combined sewer.

Reason: To ensure the discharge of drainage from the Development shall not be prejudicial to the public sewerage system and ensure there are adequate public foul sewerage facilities to receive foul water flows, in order to safeguard the public and environment.

**17. Car Parking & Vehicular Access** -The occupation of any building shall not take place until the following works have been carried out to the written satisfaction of the Local Planning Authority:

The car parking and any other vehicular access facility required for the development by this permission have been completed;

REASON: To ensure that adequate access and associated facilities are available for the traffic attracted to the site.

**18. Construction Management Plan (Highways)** - Prior to commencement of any part of the site the Planning Authority shall have received and approved a Construction Management Plan (CMP) including:

- (a) the timetable of the works;
- (b) daily hours of construction;
- (c) any road closure;
- (d) hours during which delivery and construction traffic will travel to and from the site, with such vehicular movements being restricted to between 8am and 6pm Mondays to Fridays excluding school nursery drop off/pick up times inc.; 9.00am to 1.00pm Saturdays, and no such vehicular movements taking place on Sundays and Bank/Public Holidays unless agreed by the planning Authority in advance;
- (e) the number and sizes of vehicles visiting the site in connection with the development and the frequency of their visits;
- (f) the compound/location where all building materials, finished or unfinished products, parts, crates, packing materials and waste will be stored during the demolition and construction phases;
- (g) areas on-site where delivery vehicles and construction traffic will load or unload building materials, finished or unfinished products, parts, crates, packing materials and waste with confirmation that no construction traffic or delivery vehicles will park on the County highway for loading or unloading purposes, unless prior written agreement has been given by the Local Planning Authority;
- (h) hours during which no construction traffic will be present at the site;
- (i) the means of enclosure of the site during construction works; and

- (j) details of proposals to promote car sharing amongst construction staff in order to limit construction staff vehicles parking off-site
- (k) details of wheel washing facilities and obligations
- (l) The proposed route of all construction traffic exceeding 7.5 tonnes.
- (m) Details of the amount and location of construction worker parking.
- (n) Photographic evidence of the condition of adjacent public highway prior to commencement of any work;

**19. Tree Protection Plan** - A tree protection plan in accordance with BS7837:2012 is required for review to define RPA's for the group of Elm trees to ensure protection during the construction process if consent follows.

Reason: In order to protect trees of public amenity value.

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## PLANNING APPLICATION REPORT

**Case Officer:** Jeffrey Penfold  
Thurlestone

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

**Application No:** 1522/19/FUL

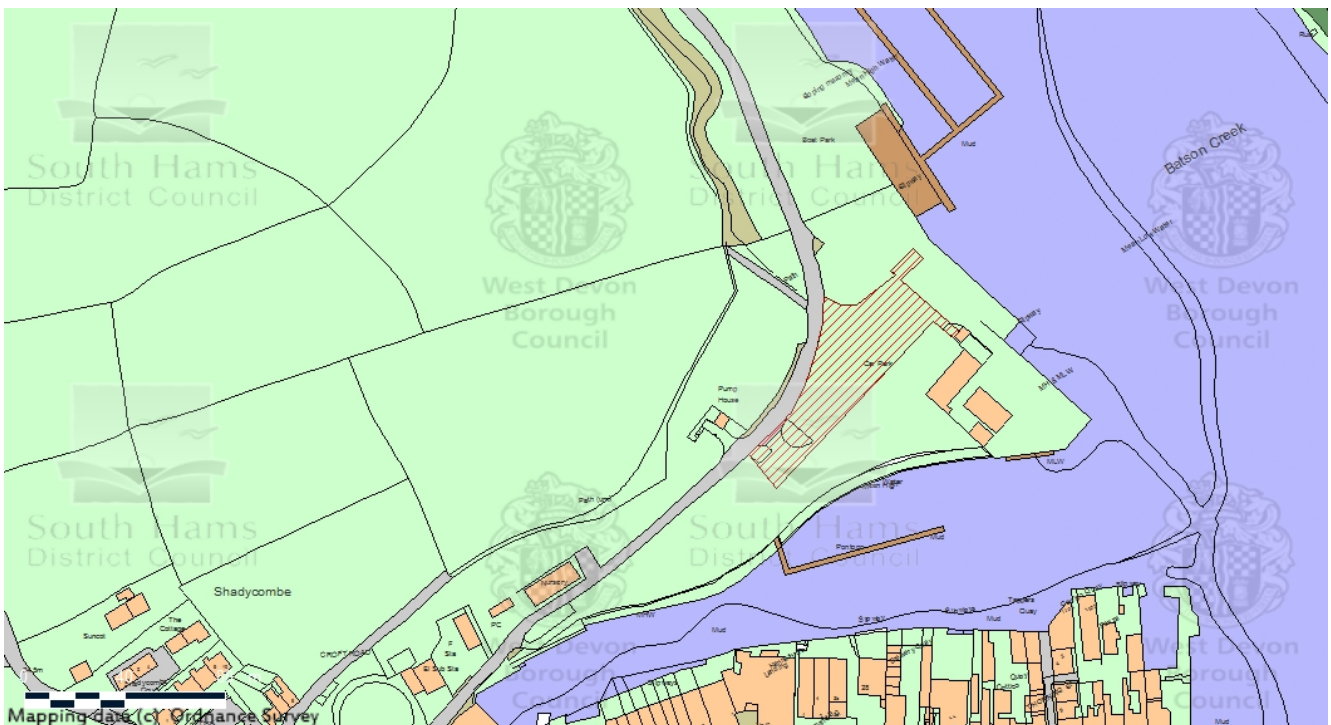
**Agent/Applicant:**  
Mr Ray Tynor  
Inspire Architects Ltd  
Glove Factory Studios  
Brook Lane  
Holt  
BA14 6RL

**Applicant:**  
Mr Dan Field - South Hams District Council  
Follaton House  
Plymouth Road  
Totnes  
TQ9 5NE

**Site Address:** The Creek Car And Boat Parks, Gould Road, Salcombe, TQ8 8DU

**Development:** New two storey Harbour Master Depot facility, including workshop, office, welfare and storage areas

**Reason item is being put before Committee:** SHDC Application requires consideration by the SHDC Planning Committee.



**Recommendation:** Conditional Approval.

**Conditions:**

- Time Limit
- Approved Plans
- Materials to be Approved
- Parking to be provided prior to occupation and retained
- Drainage

CEMP  
Pollution Prevention Strategy  
Ecology Report  
Construction Management Plan  
Surface Water Drainage Strategy.

**Key issues for consideration:**

Principle / Sustainable Development  
Design, Visual Impacts and the South Devon AONB  
Historic Environment  
Neighbouring Amenity  
Highways / Parking / Access  
Flood Risk  
Ecology / Biodiversity  
Trees.

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**Site Description:**

The application site comprises an area of the existing Creek car park, located immediately adjacent to Batson Creek, Salcombe. The application site itself is currently occupied by containers for the purposes of storage and is also used for the seasonal use of dry yacht / dinghy storage for maintenance purposes. Said use of the site is clearly accepted given the maritime nature of the immediate area.

The site itself is sited between both the leisure and commercial slipways known as Fish Quay. The site is served via an existing access that serves the wider car park which can be found by travelling along Gould Road until the road bends away to the left along Batson Creek. The topography of the site is flat given its existing use as a car park and boat storage area. The site is however, considered a prominent location given its proximity to the water's edge.

The rising land to the far west is open fields and to the north lies Batson Creek Boat Park. To the east are the waters of Batson Creek, beyond which lies mostly undeveloped green fields. Snapes Manor, a Grade II\* listed building is visible from the site across the estuary, approximately 230m away.

The character of the area is low-key commercial / maritime, with the commercial development of Island Street visible to the south. The site constitutes a mass of tarmac, palisade fencing and commercial lighting which is unattractive but does reflect the commercial maritime character of this end of Salcombe.

The site lies within the South Devon Area of Outstanding Natural Beauty (AONB) and is adjacent to a SSSI. The site also lies within Flood Zone 3 and is within the setting of the Salcombe Conservation Area.

The site has been advertised as affecting the setting of the Grade II\* listed building: Snapes Manor.

**The Proposal:**

The existing Harbour Master Authority currently operates from a depot in Island Street as well as an administrative satellite office on Whitestrand, Salcombe. The current Harbour Master Authority depot facilities at Island Street are increasingly considered unsuitable for vessel maintenance and other Authority operational duties owing to a lack of space and restricted

vehicle access. When the current fleet of vessels operated by the Authority are replaced, the anticipated replacement vessel type is considered too large to be accommodated and maintained at this existing facility.

Following the recent re-development of the Fish Quay facilities and the increasing concentration of pleasure craft at Baston Creek, it has become evident that the Harbour Master needs to have a dedicated facility of an appropriate size at Baston Quay to oversee all harbour activities. The proposal is to relocate the authority depot operation from Island Street to a new purpose-built facility at Baston Quay.

The new harbour depot facility will accommodate workshops to allow the Authority's staff to undertake regular maintenance and repair of their vessel. The depot will facilitate the Authority's ability to organise and monitor all harbour-based activities, such as checking moorings, ensuring safety and the maintenance of existing marina-facilities.

New office accommodation will also be contained within the proposed depot, allowing the Authority to centrally manage the administrative duties relating to the operation of Salcombe Harbour. The existing Harbour Master presence at Whitestrand is proposed to be retained to service additional seasonal demand.

The proposed harbour master's depot is a maritime B2 employment use in which typical activities include:

- i. Fabrication works in metal, wood, and glass reinforced plastics
- ii. General repairs and redecoration of items
- iii. Workshop mechanical repair to boats, engines, marine equipment
- iv. Storage of spares, solvents, small amounts of fuel, welding gases and batteries used in connection with the harbour master's activity
- v. Storage of marine items used in connection with the harbour master's activity such as buoys and markers.

The building also contains office, changing, ablution, storage and mess facility for both those working proximally to the building and those employed by the harbour-master as maintenance workers.

The benefit of the proposed facility in use is the facilitation of the harbour authority's works which include the control, safety and maintenance of waterways in the Salcombe area. The specific benefit of the proposed building is chiefly functional and modern arrangement of working space, improvement of staff facilities and adjacency to a more useable/accessible waterfrontage.

#### **Consultations / Representations:**

##### **Representations from Residents**

2 letters of support have received.

##### **Representations from Internal Consultees:**

##### **Landscape / AONB Team:**

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; 127, and 170, 172 & 173;
- The National Planning Practice Guidance (NPPG) particularly Section 8-001 to 8-006 on Landscape; and
- The South Devon AONB Management Plan and its Annexes
- JLP Policies DEV23, DEV24 and DEV 25

In respect of the principle policy tests in the NPPF, this application is not considered to constitute “*major development*” in the context of paragraph 172, due to form, scale and character.

**Landscape comments:**

The site forms part of the settled, quay area on the edge of Batson Creek, within the estuarine town of Salcombe; this settled area has a maritime/small scale commercial character with a mix of uses including public parking, marine facilities and a functioning fishing quay.

It is within the South Devon AONB where the adjacent landscape character is estuarine and strongly rural, with a number of the identified special qualities present beyond the urban elements.

The proposal would sit firmly within the current developed area of the quay, close to the existing units associated with the local fishery and marine activities; the building will replace a number of temporary shipping containers and HGV parking. The form and scale of the proposed development has been carefully considered within the receptor environment and context (protected landscape and busy maritime, coastal town).

Full consideration has been given to the wider landscape and surrounding views, from both within the quay area and adjacent public/permissive rights of way, including Snapes Point. Within the SD AONB, these are identified as high sensitive receptors so potentially harmful impacts that may arise from the proposal have been subject to appraisal in terms of landscape character and visual amenity. This includes understanding the baseline position, in this case, the quayside and its associated activities and the urban settlement of Salcombe on the surrounding slopes to the south, and the wider rural landscape it which it sits. Reference has therefore been made to the relevant local Landscape Character Assessments and Landscape Character Types (Distinctive characteristics), and the SD AONB Management Plan and Planning Guidance (Special Qualities).

Key viewpoints from the surrounding landscape see the building within the settlement and context of other similar buildings on the quay itself, those that line Island Street on the water’s edge, and the residential areas rising up to the higher slopes beyond.

Officers are satisfied that the wider character is conserved, and whilst there is some benefit in the replacement of the shipping containers, the overall change is broadly assessed as low to neutral, in particular as the proposal is conducive to the current uses and character of the quay area itself. For visual amenity, it is acknowledged that some views out to the surrounding landscape will be effected by the introduction of the proposed building from



within the existing quay area, but these will result in limited harm as the views will retain an overall natural, scenic quality and are already associated with the quayside activities.

In summary, officers are satisfied that the proposed development accords with current landscape policy where character is conserved. The proposal would have a neutral impact in terms of enhancement, with the shipping containers replaced by an appropriately sized and designed, functional marine building, although there is an opportunity to provide some tree planting on adjacent Council land to enhance the existing planting along the estuary edge on the walk to Lower Batson.

### **Recommendation**

No objection.

**Trees: Appraisal** - The submitted information has been reviewed in accordance with the relevant Policies of the Plymouth and South West Devon Joint Local Plan (2014-2034) and relevant industry British Standards/ Acts as appropriate.

Recommendation: No objection on arboricultural merit.

**County Highways Authority:** No objections, subject to the following conditions being attached to any planning permission granted:

- Prior to commencement of any part of the site the Planning Authority shall have received and approved a Construction Management Plan (CMP) including:

- (a) the timetable of the works;
- (b) daily hours of construction;
- (c) any road closure;
- (d) hours during which delivery and construction traffic will travel to and from the site, with such vehicular movements being restricted to between 8:00am and 6pm Mondays to Fridays excluding nursery drop off/pick up times inc.; 9.00am to 1.00pm Saturdays, and no such vehicular movements taking place on Sundays and Bank/Public Holidays unless agreed by the planning Authority in advance;
- (e) the number and sizes of vehicles visiting the site in connection with the development and the frequency of their visits;
- (f) the compound/location where all building materials, finished or unfinished products, parts, crates, packing materials and waste will be stored during the demolition and construction phases;
- (g) areas on-site where delivery vehicles and construction traffic will load or unload building materials, finished or unfinished products, parts, crates, packing materials and waste with confirmation that no construction traffic or delivery vehicles will park on the County highway for loading or unloading purposes, unless prior written agreement has been given by the Local Planning Authority;
- (h) hours during which no construction traffic will be present at the site;
- (i) the means of enclosure of the site during construction works; and
- (j) details of proposals to promote car sharing amongst construction staff in order to limit construction staff vehicles parking off-site
- (k) details of wheel washing facilities and obligations

- (l) The proposed route of all construction traffic exceeding 7.5 tonnes.
- (m) Details of the amount and location of construction worker parking.
- (n) Photographic evidence of the condition of adjacent public highway prior to commencement of any work;

**Environmental Health / Emergency Planner:** No comments.

**SHDC Heritage Officer:** See relevant section of this report.

**SHDC Ecology / Biodiversity:** No response.

### **Representations from Statutory Consultees:**

#### **Environment Agency:**

We object to the proposed development on the grounds that the development poses a significant hazard to life and an unacceptable risk to property. The reason for this position and advice is provided below.

Your Authority will need to be content that the flood risk Sequential Test has been satisfied in accordance with current Government guidance within the National Planning Policy Framework (NPPF) if you have not done so already. As you will be aware, failure of the Sequential Test is sufficient justification to refuse a planning application.

**Reason –** This site is entirely within Flood Zone 3, identified by Environment Agency flood maps as having a high probability of flooding, with a current Danger for Most (Significant Hazard). The current Flood Risk Assessment (FRA) has calculated the Tidal 200yr level at the end of the design lifetime (60yr) as 4.59mAOD. The proposed raised area of the ground floor Finished Floor Level (FFL) of 3.45mAOD, gives an internal flood depth of 1.14m of moving water (by the wave action). This represents an Extreme Hazard - "Danger to All" (including the emergency services), technical note - FD2320. The workshop proposed level will have an internal flood depth of 1.69m deep, and again represent an Extreme Hazard - "Danger to All" (including the emergency service). Recent work has identified that by the year 2050, it is highly likely that this site will be flooded once or twice a year by the Spring/Autumn 'spring high tides' to depth around 1m deep. They could be flooded over a 1 to 3 day period, twice a day.

Indeed MHWS tides are predicted to be 2.67mAOD, so any wave action over 0.23m will flood the workshop area, perhaps as frequently as every two weeks throughout the year. This will cause a lot of damage and disruption to the operation of the workshop and harbour master offices.

We appreciate that the raising of the workshop level is difficult and could not match the design flood level. However, every effort must be made to raise the workshop FFL as high as technically possible. Even a 0.1 to 0.3m will make a large difference, and the necessary minor slopes for access could be easily accommodated outside the building. The rest of the ground floor proposed at 3.45mAOD, can easily be raised, given the space in the ceilings at both the ground and upper floor, without affecting the overall height of the building.

Flood Resilience measures must be included to above the design flood level height (4.59mAOD), e.g. raising electrical fittings above this height. Although the Flood warning and evacuation plan can reduce the risk to life to people, it does not reduce the flood damage to

workshop/facilities and disruption to operation of the Harbour Master.

If you are minded to approve this application, please contact us again. Your authority will need to confirm that you fully understand the flood risks, the consequence of flooding to the workshop, harbour master facilities and operations with the future frequent flooding and agree that FFLs cannot possibly be raised any higher than currently proposed.

**Overcoming our objection:** The applicant may overcome our objection by submitting further information to address the deficiencies outlined in this letter.

**Revised representation dated 4 July 2019:** Further to the additional flood risk information and revised drawing 1508.16 IA Hd ZZ DR A 0401 rev P5, we can now withdraw our previous flood risk objection.

The new design has taken into account the current and future flood risks, the requirements of the proposed buildings, planning & technical limitations and proposed the best flood mitigation measures. The revised design has raised the work force area to 3.55mAOD, and provided sound reasons why this cannot be raised any further (ridge height constraints etc). This combined with flood resistant and resilience measures, awareness of the flood hazards, and an evacuation plans reduces the flood damage and hazards to an level that is acceptable.

The Council will still need to be satisfied that the Sequential Test has been carried out and passed, if not already done so.

**Natural England:**

### **NO OBJECTION - SUBJECT TO APPROPRIATE MITIGATION BEING SECURED**

We consider that without appropriate mitigation the application would:

- damage or destroy the interest features for which Salcombe to Kingsbridge Estuary Site of Special Scientific Interest has been notified.

In order to mitigate these adverse effects and make the development acceptable, the following mitigation measures are required / or the following mitigation options should be secured:

- Construction and Environmental Management Plan (CEMP)

We advise that an appropriate planning condition or obligation is attached to any planning permission to secure these measures.

Natural England's further advice on designated sites/landscapes and advice on other natural environment issues is set out below.

The mitigation measures in the OUTLINE CONSTRUCTION & ENVIRONMENTAL MANAGEMENT PLAN, Harbour Depot, Salcombe (CEMP, 5 April 2019) will need to be secured with an appropriately worded planning condition.

- In addition and to address pollution run-off from the site during the operational phase, mitigation measures outlined in the Ecological Impact Assessment (EclA for the adjacent application for industrial units, greenwood ecology, August 2016) will need to be secured with an appropriately worded planning condition. Although the EclA is for a

separate site, the same mitigation principles apply to this site to ensure that pollution or contaminants do not reach the SSSI.

### **Landscape – Advise consultation with AONB Unit:**

The proposed development is for a site within proximity to a nationally designated landscape namely **South Devon Area of Outstanding Natural Beauty** (AONB). Natural England advises that the planning authority uses national and local policies, together with local landscape expertise and information to determine the proposal and that you consult the relevant AONB Partnership or Conservation Board. The AONB Unit have produced some guidance to assist with planning matters “Planning for the South Devon AONB: Planning Guidance (Version 1, South Devon AONB Partnership, 2017). The policy and statutory framework to guide your decision and the role of local advice are explained below in Annex A of this letter.

Please note that if your authority is minded to grant planning permission contrary to the advice in this letter, you are required under Section 281 (6) of the Wildlife and Countryside Act 1981 (as amended) to notify Natural England of the permission, the terms on which it is proposed to grant it and how, if at all, your authority has taken account of Natural England’s advice. **You must also allow a further period of 21 days before the permission can be granted.**

Please refer to Annex A at the end of this letter, for our standard advice. Should the proposal change, please consult us again. Should the developer wish to explore options for avoiding or mitigating effects on the natural environment with Natural England, we recommend that they use our Discretionary Advice Service. For any queries relating to the specific advice in this letter only please contact me on 02080267468. For any new consultations, or to provide further information on this consultation please send your correspondences to [consultations@naturalengland.org.uk](mailto:consultations@naturalengland.org.uk).

### **Historic England – further clarification sought:**

This application is for a new Harbourmaster's depot and office to be located on the car park at Batson Quay, which is an open area of land next to Batson Creek, just outside the town centre of Salcombe. Its primary use is for boat and car parking and boat repair, providing combined facilities for both leisure and fishing boats. The land is largely undeveloped with buildings other than some modest functional twentieth century buildings at its southeast end which are used in conjunction with the commercial fishing and boat repair operations.

Whilst the site itself currently has a functional character and limited historic significance, it has a close visual relationship with the historic settlement of Salcombe, to which it provides a foreground in views towards the town from Batson Creek. In these views, the grade II\* listed parish Church is a prominent and elevated landmark, and none of the current activities or structures on the Quay impede views towards the church or out from it.

Across the Creek from the Quay is a grade II\* listed manor house, Snapes Manor, which faces directly across the river towards the Quay and the town of Salcombe, and whose design was clearly intended to take advantage of the commanding views provided by its elevated position. We have previously expressed concern at the potential harmful impact on the setting of Snapes Manor of substantial new buildings being constructed on Batson Quay.

We have been involved in pre-application discussions regarding this building which is intended to fulfil a number of commercial and administrative functions in relation to the activities of the Harbourmaster. The functional requirements relating to boat repair require it

to be of significant height and bulk. The design overall, is of a reasonably traditional form, whilst using some contemporary materials and detailing, and is not unacceptable in its immediate setting which is of quite a functional nature. The building's impact on the wider visual context is important, though, given nearby listed buildings, and proximity to the area of outstanding natural beauty.

Because of the importance of the visual relationship between Snapes Manor and the parish church of Salcombe we requested the production of a photomontage illustrating the appearance of the proposed building from both those sites. The purpose of that exercise was to assess whether the development would cause any harmful visual impact on their setting. Judging from those images, it appears that from Snapes Manor the building would be seen against the general urban backdrop of Salcombe town. Whilst it would still appear as a substantial building, it should not actually impede views from the Creek towards the church. As long as its external materials are of subdued appearance, it should not be too obtrusive in wider views towards the town.

The impression given by the image taken from the churchyard is somewhat different, though, in that the new building would be seen against the backdrop of the undeveloped creek, without any other buildings around it to disguise its bulk and massing. From this position its size would make it quite an intrusive feature within the picturesque view towards Snapes Manor, although it would not necessarily block views of the Manor House itself.

This visual impact might cause a degree of harm to the setting of both the church and Manor which we feel it would be beneficial to mitigate if possible. Options for mitigation might include lowering the ridge height of the building or re-positioning it so that it intruded less on views towards the creek.

We are aware that there are practical constraints on the position of the building in relation to vehicle movements around it and the use of the public car park, as well as constructional issues in building near to the Quay edge. Positioning the building further inland might, however, help integrate it better, visually, with the town and mean that it intrudes less on views across the creek.

The need for adequate height within the building, to allow vessels to be repaired inside it, was explained to us at our site visit. Options for reducing its height might therefore be limited, but should still be explored before being discounted. For example, could an inspection pit be provided for repairing the boat hulls, similar to in a motor vehicle garage, as an alternative to allowing sufficient height for boats to be raised above ground level for inspection and repair? If so, that could potentially allow for some reduction in the ridge height of the building.

If it is demonstrated to your Authority's satisfaction that no significant mitigation of the building's bulk is possible without seriously compromising its ability to fulfil its function, then we would advise that paragraph 196 of the NPPF should be applied in coming to a decision. This advises that where a proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal.

**Recommendation:**

Historic England has some concerns regarding the application on heritage grounds which could be addressed by design modifications. We consider that the issues and safeguards outlined in our advice need to be addressed in order for the application to meet the requirements of paragraph 190 of the NPPF, but if that is not possible then the balancing

judgement set out in paragraph 196 should be applied to the application.

In determining this application you should bear in mind the statutory duty of section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest which they possess.

Your authority should take these representations into account in determining the application. If there are any material changes to the proposals, or you would like further advice, please contact us. Please advise us of the decision in due course.

### **Marine Management Organisation:**

Please be aware that any works within the Marine area require a licence from the Marine Management Organisation. It is down to the applicant themselves to take the necessary steps to ascertain whether their works will fall below the Mean High Water Springs mark.

The Marine Management Organisation (MMO) is a non-departmental public body responsible for the management of England's marine area on behalf of the UK government. The MMO's delivery functions are; marine planning, marine licensing, wildlife licensing and enforcement, marine protected area management, marine emergencies, fisheries management and issuing European grants.

### **Marine Licensing:**

**Activities taking place below the mean high water mark may require a marine licence in accordance with the Marine and Coastal Access Act (MCAA) 2009.** Such activities include the construction, alteration or improvement of any works, dredging, or a deposit or removal of a substance or object below the mean high water springs mark or in any tidal river to the extent of the tidal influence. You can also apply to the MMO for consent under the Electricity Act 1989 (as amended) for offshore generating stations between 1 and 100 megawatts in England and parts of Wales. The MMO is also the authority responsible for processing and determining harbour orders in England, and for some ports in Wales, and for granting consent under various local Acts and orders regarding harbours. A wildlife licence is also required for activities that that would affect a UK or European protected marine species.

Marine Planning

As the marine planning authority for England the MMO is responsible for preparing marine plans for English inshore and offshore waters. At its landward extent, a marine plan will apply up to the mean high water springs mark, which includes the tidal extent of any rivers. As marine plan boundaries extend up to the level of the mean high water spring tides mark, there will be an overlap with terrestrial plans which generally extend to the mean low water springs mark. Marine plans will inform and guide decision makers on development in marine and coastal areas. On 2 April 2014 the East Inshore and Offshore marine plans were published, becoming a material consideration for public authorities with decision making functions. The East Inshore and East Offshore Marine Plans cover the coast and seas from Flamborough Head to Felixstowe. For further information on how to apply the East Inshore and Offshore Plans please visit our Marine Information System. The MMO is currently in the process of developing marine plans for the South Inshore and Offshore Plan Areas and has a requirement to develop plans for the remaining 7 marine plan areas by 2021.

Planning documents for areas with a coastal influence may wish to make reference to the MMO's licensing requirements and any relevant marine plans to ensure that necessary regulations are adhered to. For marine and coastal areas where a marine plan is not

currently in place, we advise local authorities to refer to the Marine Policy Statement for guidance on any planning activity that includes a section of coastline or tidal river. All public authorities taking authorisation or enforcement decisions that affect or might affect the UK marine area must do so in accordance with the Marine and Coastal Access Act and the UK Marine Policy Statement unless relevant considerations indicate otherwise. Local authorities may also wish to refer to our online guidance and the Planning Advisory Service soundness self-assessment checklist.

### Minerals and waste plans and local aggregate assessments

If you are consulting on a mineral/waste plan or local aggregate assessment, the MMO recommend reference to marine aggregates is included and reference to be made to the documents below:

- The Marine Policy Statement (MPS), section 3.5 which highlights the importance of marine aggregates and its supply to England's (and the UK) construction industry.
- The National Planning Policy Framework (NPPF) which sets out policies for national (England) construction minerals supply.
- The Managed Aggregate Supply System (MASS) which includes specific references to the role of marine aggregates in the wider portfolio of supply.
- The National and regional guidelines for aggregates provision in England 2005-2020 predict likely aggregate demand over this period including marine supply.

The NPPF informed MASS guidance requires local mineral planning authorities to prepare Local Aggregate Assessments, these assessments have to consider the opportunities and constraints of all mineral supplies into their planning regions – including marine. This means that even land-locked counties, may have to consider the role that marine sourced supplies (delivered by rail or river) play – particularly where land based resources are becoming increasingly constrained.

If you require further guidance on the Marine Licencing process please follow the link <https://www.gov.uk/topic/planning-development/marine-licences>

**Salcombe Harbour Master Authority:** No response.

**Salcombe Town Council:** 'objection on the grounds of that the proposed structure was too dominant in a conservation area and therefore would impact on the AONB'.

### **Relevant Planning History:**

None of relevance.

### **ANALYSIS**

#### **Principle /Sustainable Development:**

The site is located within the development boundary of Salcombe where the principle of development is acceptable subject to all other material planning considerations.

The proposal would also fall to be considered under JLP Policy DEV14 'Maintaining a flexible mix of employment sites' which states:

'A flexible supply of employment land and premises will be maintained to support investment and expansion of existing businesses as well as for the inward investment of high-value

businesses, particularly but not exclusively those involved in the marine sector, advanced manufacturing and knowledge based industries. The following provisions will apply:

1. Change of use of existing employment sites (including vacant sites whose lawful use is for employment purposes) will only be allowed where the following applies:

i. The proposal is specifically provided for by the local plan to deliver wider strategic objectives, or

ii. There are overriding and demonstrable economic, regeneration and sustainable neighbourhood / communities benefits from doing so, or

iii. There is no reasonable prospect of a site being used for employment use in the future.

2. The following categories of site will be specifically protected:

i. Sites that have clear future potential to support the future expansion of existing businesses.

ii. Employment sites with access to wharves and/or deep water facilities, quays and pontoons, which will be protected for marine related uses appropriate to the site and location.

3. Employment sites will be protected from inappropriate neighbouring development that will adversely affect the employment operations taking place on the site'.

Sub paragraph 2 (ii) to JLP Policy DEV14 is considered relevant in this instance given the application site's location. The proposal, by virtue of its proposed use, will therefore be protected for a marine related use which is deemed appropriate to the site and location given the need for ease of access to Batson Creek by the harbour master.

As such, the proposal accords with JLP Policy DEV14.

### **Design, Visual Impacts and the South Devon AONB:**

The application proposes the erection of a two-storey building which will feature a pitched roof constructed of standing seam metal and walls clad in vertical timber to the upper level. The western elevation of the proposed roof will also feature 30sqm of PV panels along with 3no. rooflights. Also featured on this elevation will be a number of PPC aluminium framed windows and vents required as a result of the proposed internal uses.

At ground floor level the proposal will feature its main entrance to the building served by a ramped access, covered by a flat entrance canopy with standing seam metal finish. The entrance itself will comprise of glazed double doors. At this level the external materials will comprise facing blockwork with interval roman brick coursing to lower level wall finish.

The eastern elevation will see a lesser amount of glazing when compared to the western elevation yet will include a large double-height PPC roller shutter door to serve the main workshop and a similar roller shutter door which will serve the dirty prep room.

A Juliet balcony will serve the first floor office providing extended viewing opportunities of Batson Creek at this level along with a smaller rear access to the building at ground floor level.



The southern elevation will provide for an additional Juliet balcony / vents and the north elevation only one other vent. A large VHF aerial will be erected from the building and will likely be a permanent feature given its necessity. The frame of the building will include a metal-clad extruded profile and windows. Externally the proposed site will also include a boat wash down facility and this is not uncommon for the site area's existing use.

The building will measure 7.45m at the eaves and 10.1m at ridge level height. Its footprint will measure 246sqm and its length 18.6m. As such, the building will be of a noticeable size, scale and massing and would be visible from the road, car park and estuary. Longer views will be possible from vantage points along Island Street end of Salcombe which is in part a conservation area. The site lies within the South Devon AONB and affects the setting of a Grade II\* listed building: Snapes Manor, across the estuary. The site is therefore considered sensitive.

Paragraph 172 of the NPPF states that 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 in relation to these issues.

The proposed design is considered functional and sympathetic to other existing buildings within the immediate vicinity. No elements of the proposal are considered excessive and / or unnecessary for the proposed operations.

This is particularly pertinent for the introduction of glazing at first floor level for Juliet balconies, vents and glazing. Where possible, the proposal has sought to reduce glazing / solar panel introduction on the eastern roof plane given the presence of a listed heritage asset and to mitigate visual impacts / glare from vantage points to the more open expanse across the creek and beyond.

At present, the site has an unkempt commercial appearance with a number of RORO containers and other marine related equipment within the proposed site area. The proposal will see the removal of said containers with the replacement of a permanent structure and this is considered a positive improvement, with some existing uses that may generate noise / disturbances on-site being consolidated undercover.

The wider site is used for dinghy / boat storage which includes the presence of rigging and masts. To the south east of the site, there lies a number of buildings with similar pitched roof designs within Fish Quay. It is also noted that an application for 5no. industrial buildings is proposed by SHDC: the design and palette of materials / colours has informed this application to ensure consistency and in an effort to conserve and enhance the AONB and respect the character and appearance of the wider conservation area.

When viewed from the north east / east, the proposal would project above said buildings, yet will be read amongst the backdrop of the immediate vicinity which includes larger, bulkier maritime / industrial designed buildings along Island Street. The positioning of the proposed building is deemed to both reflect and respond to the positioning of the large buildings along Island Street as best as possible so as to mitigate its prominence and visual impacts.

The proposal would undoubtedly exist as a prominent feature when viewed from the north east / east – where the front elevation would face vantage points – however, it is considered that the context of the wider area would ensure the proposal would not exist as an alien addition and with the use of sympathetic material and considerate siting of windows,

balconies and PV panels, the proposal would respect the character and appearance of the area.

Alone, the proposal is not deemed acceptable by virtue of its excessive height and prominence along Batson Creek. However, the immediate context and heights, scale and natures of nearby buildings both on-site and along Island Street would ensure the proposal is accepted within the landscape, and its prominence mitigated.

Overall, the proposal is likely to give rise to some visual impacts and harm upon the AONB and conservation area. However, it is noted that the building is a commercial building, set in a quasi-commercial setting, within the existing boat park, but also surrounded by open rural views. The building would respond to an identified local need for the improved operation of the Salcombe Harbour Master to ensure the safety of all water users and ease of operations during busy peak times. The needs of the harbour master in undertaking such tasks are noted and reflected in the design of the proposal. As such the proposal would provide for clear social benefits to the Salcombe area which may have resultant economical benefits as a result of the improved functioning of the Salcombe marine areas.

On balance, it is considered that the proposal would take an existing site that houses alien and unsightly containers and provide a suitable response to an identified need whilst providing a proposal that would conserve and enhance the area through this improvement whilst using sympathetic materials and a scale and built form that responds suitably well to other buildings within the local context.

In addition, the council's landscape officer maintains no objections to the proposal.

As such, the proposal is considered acceptable in terms of design and visual impacts and would conserve and enhance the special qualities of the South Devon AONB and would conserve the character and appearance of the Salcombe Conservation Area. The proposal is therefore not considered likely to give rise to any significant, detrimental visual impacts and would accord with JLP Policies DEV20, DEV23 and DEV25.

### **Historic Environment:**

Historic England has made the following comments on this application:

This application is for a new Harbourmaster's depot and office to be located on the car park at Batson Quay, which is an open area of land next to Batson Creek, just outside the town centre of Salcombe. Its primary use is for boat and car parking and boat repair, providing combined facilities for both leisure and fishing boats. The land is largely undeveloped with buildings other than some modest functional twentieth century buildings at its southeast end which are used in conjunction with the commercial fishing and boat repair operations.

Whilst the site itself currently has a functional character and limited historic significance, it has a close visual relationship with the historic settlement of Salcombe, to which it provides a foreground in views towards the town from Batson Creek. In these views, the grade II\* listed parish Church is a prominent and elevated landmark, and none of the current activities or structures on the Quay impede views towards the church or out from it.

Across the Creek from the Quay is a grade II\* listed manor house, Snapes Manor, which faces directly across the river towards the Quay and the town of Salcombe, and whose design was clearly intended to take advantage of the commanding views provided by its elevated position. We have previously expressed concern at the potential harmful impact on

the setting of Snapes Manor of substantial new buildings being constructed on Batson Quay.

We have been involved in pre-application discussions regarding this building which is intended to fulfil a number of commercial and administrative functions in relation to the activities of the Harbourmaster. The functional requirements relating to boat repair require it to be of significant height and bulk. The design overall, is of a reasonably traditional form, whilst using some contemporary materials and detailing, and is not unacceptable in its immediate setting which is of quite a functional nature. The building's impact on the wider visual context is important, though, given nearby listed buildings, and proximity to the area of outstanding natural beauty.

Because of the importance of the visual relationship between Snapes Manor and the parish church of Salcombe we requested the production of a photomontage illustrating the appearance of the proposed building from both those sites. The purpose of that exercise was to assess whether the development would cause any harmful visual impact on their setting. Judging from those images, it appears that from Snapes Manor the building would be seen against the general urban backdrop of Salcombe town. Whilst it would still appear as a substantial building, it should not actually impede views from the Creek towards the church. As long as its external materials are of subdued appearance, it should not be too obtrusive in wider views towards the town.

The impression given by the image taken from the churchyard is somewhat different, though, in that the new building would be seen against the backdrop of the undeveloped creek, without any other buildings around it to disguise its bulk and massing. From this position its size would make it quite an intrusive feature within the picturesque view towards Snapes Manor, although it would not necessarily block views of the Manor House itself.

This visual impact might cause a degree of harm to the setting of both the church and Manor which we feel it would be beneficial to mitigate if possible. Options for mitigation might include lowering the ridge height of the building or re-positioning it so that it intruded less on views towards the creek.

We are aware that there are practical constraints on the position of the building in relation to vehicle movements around it and the use of the public car park, as well as constructional issues in building near to the Quay edge. Positioning the building further inland might, however, help integrate it better, visually, with the town and mean that it intrudes less on views across the creek.

The need for adequate height within the building, to allow vessels to be repaired inside it, was explained to us at our site visit. Options for reducing its height might therefore be limited, but should still be explored before being discounted. For example, could an inspection pit be provided for repairing the boat hulls, similar to in a motor vehicle garage, as an alternative to allowing sufficient height for boats to be raised above ground level for inspection and repair? If so, that could potentially allow for some reduction in the ridge height of the building.

If it is demonstrated to your Authority's satisfaction that no significant mitigation of the building's bulk is possible without seriously compromising its ability to fulfil its function, then we would advise that paragraph 196 of the NPPF should be applied in coming to a decision. This advises that where a proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal.

**Recommendation:**

Historic England has some concerns regarding the application on heritage grounds which could be addressed by design modifications. We consider that the issues and safeguards outlined in our advice need to be addressed in order for the application to meet the requirements of paragraph 190 of the NPPF, but if that is not possible then the balancing judgement set out in paragraph 196 should be applied to the application.

In determining this application you should bear in mind the statutory duty of section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest which they possess.

Your authority should take these representations into account in determining the application. If there are any material changes to the proposals, or you would like further advice, please contact us. Please advise us of the decision in due course.

In response to the above representation, Historic England has confirmed its satisfaction with the applicant's recent response titled: Harbour Depot – Response to Historic England's consultation response 27 June 2019 which concludes:

'The Harbour Depot has been carefully designed to meet the operational needs of the Harbour Authority and is an essential development to secure the long-term future of the harbour authority service to Salcombe. The proposal have responded to the context and architectural styles of Salcombe and offers significant public benefit in ensuring the safety of all harbour users. Salcombe thrives from the benefit of having a well-managed harbour and this facility secures the future of the provision of this service.

**Officers Response:****Heritage Impacts:**

In considering this application and assessing potential impacts of the development proposal against surrounding heritage assets the following policies, principles, guidance and recent case law have been considered: Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act, Section 16 of the NPPF including paragraphs; 189,190, 193, 195, 196 & 197 The National Planning Practice Guidance (NPPG) particularly the Section: Conserving and Enhancing the Historic Environment. The Historic England guidance: The Setting of Heritage Assets – Historic Environment Good Practice Advice in Planning: 3.

**Preamble:**

The Applicant sought early engagement with both the Council's Heritage Specialist and colleagues from Historic England (Regional Inspector) through the adopted Pre-Application process. An initial site meeting was held where the Applicant and their advisors described the functional requirement for the new facility, the locational requirements and discussed the design parameters. During this initial phase of assessment three key heritage assets were identified as potential receptors which might be impacted upon by the development proposals. These were Snapes Manor (a grade II\* listed Manor House), Holy Trinity Church (the grade II\* listed Parish Church) and the wider Conservation Area.

During this initial stage Officers noted that the site of the new proposed building comprised a working quay with a large area of car parking immediately adjacent. There are a number of existing buildings in close proximity which serve a functional purpose with regards

commercial and leisure boating, fishing and other marine-based activities. The sense of a working quayside was tangible as one walked the site and immediate area.

During discussion that followed Officers requested further information in the form of photomontages to depict the relationship between the new Harbourmaster's Depot and the identified heritage assets.

### **Assessment of impact of the development proposal on surrounding identified heritage assets.**

Snapes Manor represents a most impressive former medieval Manor House, reputedly dating from the 12<sup>th</sup> century (list description) although most of which is seen today represents an 18<sup>th</sup> century re-fashioning of the earlier house. It occupies a most commanding position clearly designed to take advantage of the views across the estuary to Salcombe. From assessment made from within the grounds of Snapes Manor (grounds immediately adjacent to formal front façade) and with the aid of the produced photomontage Officers are content that the proposed development will not result in a harmful impact to the setting of this highly graded listed building. The new development if allowed would appear to sit against the backdrop of the established townscape behind it and although a substantial building would sit relatively comfortably in the context of the rising hillside immediately to the rear. The important interrelationship between Snapes Manor and the Parish Church would appear to be maintained when viewed from Snapes Manor looking back across the intended and delivered view of the Town.

This assessment of impact when viewed from Snapes Manor and surrounding environs is also pertinent with regards the potential impact on the Town's adopted Conservation Area. The proposed new Depot building (albeit large) compliments in both proffered palette of materials and architectural form the many wharf-like buildings that sit immediately behind (in a visual context when viewed from a northerly direction) within Island Street and beyond. As long as a clear steer towards quality materials, reflecting the local vernacular is adhered to then there is no reason why the proposed building should impact negatively on the wider Conservation Area.

With regards to the potential impact on the setting of the Holy Trinity Church Historic England have offered some initial comment further to a requested photomontage taken from the churchyard looking back across the estuary toward Snapes Manor. Within Historic England's advice it stated that based on this information the development "...might cause a degree of harm.." and as such asked the question to the Applicant (and their advisors) as to whether any potential harm could be mitigated against through re-design. Although it was acknowledged...."that there are practical constraints on the position of the building in relation to vehicle movements around it and the use of the public car park, as well as constructional issues in building near to the Quay edge.."

In order to address some of the questions as raised by Historic England the Applicant's advisors have offered a detailed response (dated 10<sup>th</sup> June 2019) which is based on further analysis together with the production of more photomontages. Within this supplementary document some of the technical issues around positioning and the height of the building are addressed and Officers have no reason to doubt the validity of the response.

Officers have also undertaken a further contextual visual assessment when viewed from the Church across the site to the creek and Snapes Manor. It is interesting to note that when viewed from the western public entrance into the site of the Church and its churchyard there

are very limited (if any) views of the site. As one walks around the Church starting at the western tower in a clockwise direction views only begin to open up of the site and the proposed development as one approaches the end of the north aisle returning along the back of the Church (east). Views offered onto the development are often interrupted by the established evergreen trees and surrounding built environment. Nevertheless at certain junctures particularly along the eastern pathway the new Depot will be clearly seen from the churchyard, however evidence suggests that the visual interrelationship between the Church and Snapes Manor will not be unduly impinged upon.

There will no doubt be an impact on the setting of the Church by virtue of the visual interrelationship between areas within the churchyard and the new Depot building however Officers note that currently whilst there is a not a large building on site this is a site of working functionality with associated infrastructure and vehicular movements and boat storage of a comparable height (to the proposed Depot) surrounded by a rather utilitarian car park.

Great weight must be given to the desirability of preserving listed buildings and their settings and where a potential harmful impact has been identified, the harm should be weighed against the public benefits of the proposal in the planning balance in accordance with NPPF paragraph 196. NO OBJECTION.

On balance, the benefits of the proposed development outweigh the impact on heritage assets and as such weigh in favour of the development. As such, the proposal accords with JLP Policy DEV21 and the NPPF (2019).

#### **Neighbouring Amenity:**

There are no dwellings adjacent to nor near the application site. The occupiers of Snape Manor have raised concerns about noise impact from the development. It is considered that there is adequate distance (200m) between the sites such that significant adverse impact on residential amenity as a consequence of noise is unlikely.

The operation of the proposal and opening of roller shutter doors during any works undertaken within the building may give rise to some noise nuisances and this may have the potential to be amplified to then travel across Batson Creek as a result of the buildings positioning.

In any event, should any instances of noise disturbances be experienced, then powers exist within Environmental Health Legislation to control this.

Noise can be deemed to impact the setting of a Listed Building, however, no objection has been received from Heritage Specialists in this respect.

As such, the proposal accords with JLP Policies DEV1 and DEV2.

#### **Highways / Parking / Access:**

The county highways authority maintains no objection to the proposal subject to the submission of a Construction Management Plan.

As such, it is considered that the access, parking and turning arrangements are satisfactory and there will be no significant adverse impacts on the safety and convenience of highway users.

## **Flood Risk:**

The Environment Agency has objected to the proposal on the following grounds:

We object to the proposed development on the grounds that the development poses a significant hazard to life and an unacceptable risk to property. The reason for this position and advice is provided below.

Your Authority will need to be content that the flood risk Sequential Test has been satisfied in accordance with current Government guidance within the National Planning Policy Framework (NPPF) if you have not done so already. As you will be aware, failure of the Sequential Test is sufficient justification to refuse a planning application.

**Reason** – This site is entirely within Flood Zone 3, identified by Environment Agency flood maps as having a high probability of flooding, with a current Danger for Most (Significant Hazard). The current Flood Risk Assessment (FRA) has calculated the Tidal 200yr level at the end of the design lifetime (60yr) as 4.59mAOD. The proposed raised area of the ground floor Finished Floor Level (FFL) of 3.45mAOD, gives an internal flood depth of 1.14m of moving water (by the wave action). This represents an Extreme Hazard - “Danger to All” (including the emergency services), technical note - FD2320. The workshop proposed level will have an internal flood depth of 1.69m deep, and again represent an Extreme Hazard - “Danger to All” (including the emergency service). Recent work has identified that by the year 2050, it is highly likely that this site will be flooded once or twice a year by the Spring/Autumn ‘spring high tides’ to depth around 1m deep. They could be flooded over a 1 to 3 day period, twice a day.

Indeed MHWS tides are predicted to be 2.67mAOD, so any wave action over 0.23m will flood the workshop area, perhaps as frequently as every two weeks throughout the year. This will cause a lot of damage and disruption to the operation of the workshop and harbour master offices.

We appreciate that the raising of the workshop level is difficult and could not match the design flood level. However, every effort must be made to raise the workshop FFL as high as technically possible. Even a 0.1 to 0.3m will make a large difference, and the necessary minor slopes for access could be easily accommodated outside the building. The rest of the ground floor proposed at 3.45mAOD, can easily be raised, given the space in the ceilings at both the ground and upper floor, without affecting the overall height of the building.

Flood Resilience measures must be included to above the design flood level height (4.59mAOD), e.g. raising electrical fittings above this height. Although the Flood warning and evacuation plan can reduce the risk to life to people, it does not reduce the flood damage to workshop/facilities and disruption to operation of the Harbour Master.

If you are minded to approve this application, please contact us again. Your authority will need to confirm that you fully understand the flood risks, the consequence of flooding to the workshop, harbour master facilities and operations with the future frequent flooding and agree that FFLs cannot possibly be raised any higher than currently proposed.

## **Overcoming our objection**

The applicant may overcome our objection by submitting further information to address the deficiencies outlined in this letter.

In addition to the above and following the submission of revised documentation, the EA has provided the following revised representation:

“Further to the additional flood risk information and revised drawing 1508.16 IA Hd ZZ DR A 0401 rev P5, we can now withdraw our previous flood risk objection.

The new design has taken into account the current and future flood risks, the requirements of the proposed buildings, planning & technical limitations and proposed the best flood mitigation measures. The revised design has raised the work force area to 3.55mAOD, and provided sound reasons why this cannot be raised any further (ridge height constraints etc). This combined with flood resistant and resilience measures, awareness of the flood hazards, and an evacuation plans reduces the flood damage and hazards to an level that is acceptable.

The Council will still need to be satisfied that the Sequential Test has been carried out and passed, if not already done so”.

Paragraph 163 of the NPPF states that when determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere. Where appropriate, applications should be supported by a site-specific flood-risk assessment. Development should only be allowed in areas at risk of flooding where, in the light of this assessment (and the sequential and exception tests, as applicable) it can be demonstrated that:

- a) within the site, the most vulnerable development is located in areas of lowest flood risk, unless there are overriding reasons to prefer a different location;
- b) the development is appropriately flood resistant and resilient;
- c) it incorporates sustainable drainage systems, unless there is clear evidence that this would be inappropriate;
- d) any residual risk can be safely managed; and
- e) safe access and escape routes are included where appropriate, as part of an agreed emergency plan.

The accompanying FRA confirms that the proposal, by virtue of its location, is at risk from tidal flooding and deems the proposed depot as a ‘less than vulnerable’ use is considered acceptable in Flood Zone 3.

With regard to the sequential test, the proposal seeks to develop a brownfield site which is fixed in its location; in addition, there are no allocated employment sites within Salcombe that are outside of the Flood Zones. The maritime nature of the proposed building requires a site that is located in very close proximity to the water and that is likely to be within an identified flood risk zone.

As such, the development is considered to pass the sequential test as the location is ideal to serve its intended purposes to manage harbourside activities; the land is owned by SHDC and is readily available to develop.



With regard to exception test, it is considered that the wider benefits of providing employment / harbour master services uses on a brownfield site outweigh the flood risk. The FRA has demonstrated that the development will be safe for its lifetime taking into account the vulnerability of its users. Safe access and escape routes are available and any residual risk can be safely managed through the existing Flood Evacuation Plan for the area.

The development is considered compatible with flood risk zone at the site, therefore is not subject to the exception test.

The proposal will also adopt the following mitigation measures:

- Raised floor levels, where possible;
- Incorporation of flood resistant and resilient measures within the new block;
- Provision of site evacuation via Gould Road and safe refuge within upper floor space;
- Subscribe to the EA's early flood warning service to enable evacuation of the site before the occurrence of flooding; and
- Develop and adopt a site-specific Flood Evacuation Plan (FEP) to ensure timely and safe evacuation of the site.

Master employees will have prepared for a flood and will not be occupying the building during the flood (as documented within the FRA's emergency plan).

We can confirm that the building design has incorporated flood resilient measures within the construction and material selection to minimise the impact of a flood event. In addition, the applicant has raised on half of the ground floor to try and improve the level of flood resilience.

As such, the application satisfies the sequential and exception tests as set out in the NPPF and the benefits of the development outweigh any potential risk; as such the application is considered to be acceptable in terms of flood risk.

The proposal for the Harbour Master Depot Facility is an appropriate use within a flood zone as it is reasonable to assume that the risks associated with a Flood Zone 3 flooding event can be suitably managed in a non-residential property. A key aspect here is the predictability of the event and the early warning systems that are proposed.

### **Ecology / Biodiversity:**

Natural England has provided comments on this application whom confirm no objections subject to a condition requiring the submission of a Construction and Management Plan (CEMP) in order to mitigate against damage or destroying the interest features for which Salcombe to Kingsbridge Estuary SSSI. As such, a suitable condition will be attached to any planning permission granted.

The application is accompanied by an Ecology Report which confirms the following recommendations:

- The submission of a CEMP, Surface Water Drainage Strategy and Pollution Prevention Strategy in advance of any commencement of works to avoid any potential water quality impacts on these designated sites.

- The installation of bird and bat boxes on bricks on the proposed building. A bat and bird enhancement strategy should therefore be prepared for the site.
- The lighting strategy for the proposed development should be reviewed by a suitably qualified ecologist with a view to minimising any potential impact on the Salcombe to Kingsbridge Estuary SSSI and LNR.
- A further ecological consultation should be sought if the scope of the proposed works change significantly or if the onset of the work is delayed by more than 12 months from the date of the accompanying survey.

No trees are present on site. As such, subject to the compliance with proposed conditions the application is considered acceptable in terms of impacts upon trees and ecology. The proposal therefore accords with JLP Policies DEV26.

### **The Planning Balance:**

It is considered that the social and economic benefits of the proposal would outweigh any adverse environmental harm and as such, subject to compliance with suitable conditions, planning permission should be granted.

**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**

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  
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  
DEV27 Green and play spaces  
DEV28 Trees, woodlands and hedgerows  
DEV29 Specific provisions relating to transport

### **Neighbourhood Plan:**

The Salcombe Neighbourhood Plan is 'Made' by the LPA. The Council must make the NP if it considers that it is compatible with EU obligations and does not breach the European Convention on Human Rights and has no powers to amend the content. The NP forms part of the Development Plan.

The relevant policies of the Salcombe Neighbourhood Plan include: Policy SALC Env1; Env5; Env6; B1; EM1 and T1.

In light of the above assessment, the application is considered to accord with the Salcombe Neighbourhood Plan.

### **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: 1508.16-IA-HD-ZZ-DR-A-0401-P5 - proposed sections received by the Local Planning Authority on 3 July 2019 and 1508.16-IA-HD-ST-DR-A-0200 - existing site plan, 1508.16-IA-HD-ST-DR-A-0202 - proposed site plan, 1508.16-IA-HD-ST-DR-A-0201 - proposed block plan, 1508.16-IA-HD-GF-DR-A-0302 - proposed ground floor plan, 1508.16-IA-HD-01-DR-A-0312 - proposed first floor plan, 1508.16-IA-HD-RF-DR-A-0320 - proposed roof plan and 1508.16-IA-HD-ZZ-DR-A-0501 - proposed elevations, all received by the Local Planning Authority on 14 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.

3. No development shall commence until a schedule of materials and finishes, and samples of the materials to be used in the construction of the external surfaces, including roofs, have

been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out only in accordance with the details so approved.

Reason: To enable the Local Planning Authority to consider the details of the materials.

4. Prior to the occupation of any part of the development hereby permitted, all parking spaces shall have been constructed and laid out in accordance with the details set out on the approved drawings. All approved parking spaces shall be kept free from any other form of obstruction and shall thereafter be used solely for the parking of motor vehicles, unless otherwise agreed in writing with the Local Planning Authority.

Reason: To ensure adequate on site parking facilities are provided in the interests of public safety and convenience and to safeguard the amenities of the locality.

5. The development hereby permitted shall be carried out in accordance with the submitted Flood Risk Assessment and Flood Evacuation Plan with appendices received by the Local Planning Authority on 3 June 2019 and the supplementary Flood Risk Assessment and drawing number 1508.16 IA Hd ZZ DR A 0401 rev P5 - proposed sections, both received by the Local Planning Authority on 3 July 2019, and the development shall thereafter be retained in accordance with these details unless otherwise agreed in writing with the Local Planning Authority.

Reason: To ensure that the flood risks associated with the development can be adequately mitigated.

6. The development hereby permitted shall be carried out in accordance with the Outline Construction and Environmental Management Plan dated April 2019 and this shall be fully 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 ensure that the associated environmental impacts of the development can be adequately mitigated.

7. No development shall commence until a Pollution Prevention Strategy to address and mitigate pollution run off from the site during the operational phase has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out only in accordance with the details so approved.

Reason: In the interests of the prevention of pollution and damage to the Salcombe to Kingsbridge Site of Special Scientific Interest.

8. The recommendations, mitigation and enhancement measures of the Preliminary Ecological Appraisal, by First Ecology dated April 2019, shall be fully 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.

9. Prior to commencement of any part of the site the Planning Authority shall have received and approved a Construction Management Plan (CMP) including:

(a) the timetable of the works;

- (b) daily hours of construction;
- (c) any road closure;
- (d) hours during which delivery and construction traffic will travel to and from the site, with such vehicular movements being restricted to between 8:00am and 6pm Mondays to Fridays excluding nursery drop off/pick up times inc.; 9.00am to 1.00pm Saturdays, and no such vehicular movements taking place on Sundays and Bank/Public Holidays unless agreed by the planning Authority in advance;
- (e) the number and sizes of vehicles visiting the site in connection with the development and the frequency of their visits;
- (f) the compound/location where all building materials, finished or unfinished products, parts, crates, packing materials and waste will be stored during the demolition and construction phases;
- (g) areas on-site where delivery vehicles and construction traffic will load or unload building materials, finished or unfinished products, parts, crates, packing materials and waste with confirmation that no construction traffic or delivery vehicles will park on the County highway for loading or unloading purposes, unless prior written agreement has been given by the Local Planning Authority;
- (h) hours during which no construction traffic will be present at the site;
- (i) the means of enclosure of the site during construction works; and (j) details of proposals to promote car sharing amongst construction staff in order to limit construction staff vehicles parking off-site
- (k) details of wheel washing facilities and obligations
- (l) The proposed route of all construction traffic exceeding 7.5 tonnes.
- (m) Details of the amount and location of construction worker parking.
- (n) Photographic evidence of the condition of adjacent public highway prior to commencement of any work;

Reason: To ensure that adequate on site facilities are available for all traffic attracted to the site during the construction period, in the interest of the safety of all users of the adjoining public highway.

10. No part of the development hereby permitted shall be commenced until details of the percolation testing to DG 365 and the detailed design of the surface water drainage management system has been submitted to, and approved in writing by, the Local Planning Authority. The design of this surface water drainage management system will be in accordance with the principles of sustainable drainage systems, and must prioritise the use of soakaways as a first choice. Suds to be designed for a 1:100 year event plus 40% for climate change. If the Local Planning Authority concludes that the method of drainage approved as part of this permission is undermined by the results of the percolation tests, a mitigating drainage alternative shall be agreed with the Local Planning Authority and thereafter installed, 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.

## INFORMATIVES

1. This authority has a pro-active approach to the delivery of development. Early pre-application engagement is always encouraged. In accordance with Article 35(2) of the Town and Country Planning Development Management Procedure (England) Order 2015 (as amended) in determining this application, the Local Planning Authority has endeavoured to work proactively and positively with the applicant, in line with National Planning Policy Framework, to ensure that all relevant planning considerations have been appropriately addressed.
2. The responsibility for ensuring compliance with the terms of the approval rests with the person(s) responsible for carrying out the development. The Local Planning Authority uses various means to monitor implementation to ensure that the scheme is built or carried out in strict accordance with the terms of the permission. Failure to adhere to the approved details can render the development unauthorised and vulnerable to enforcement action.
3. If your decision requires the discharge of conditions then you must submit an application for each request to discharge these conditions. The current fee chargeable by the Local Planning Authority is £116 per request. Application forms are available on the Council's website.

## PLANNING APPLICATION REPORT

**Case Officer:** Jeffrey Penfold  
Thurlestone

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

**Application No:** 1523/19/FUL

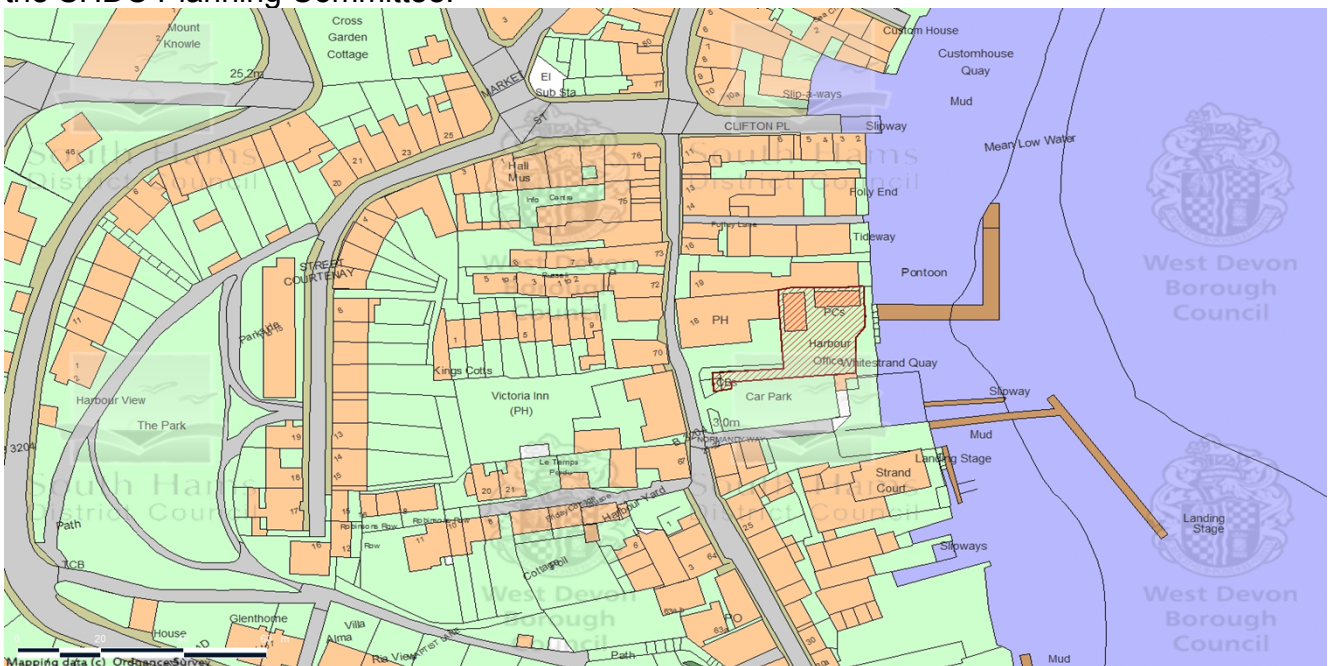
**Agent/Applicant:**  
Mr Ray Tynar  
Inspire Architects Ltd  
Glove Factory Studios  
Brook Lane  
Holt  
BA14 6RL

**Applicant:**  
Mr Dan Field - South Hams District Council  
Follaton House  
Plymouth Road  
Totnes  
TQ9 5NE

**Site Address:** Salcombe Harbour, Dock And Harbour Undertaking, Fore Street,  
Salcombe, TQ8 8BU

**Development:** Replacement of the existing Harbour Master facilities and extension to the existing Public Conveniences, including the provision of welfare facilities for marine users

**Reason item is being put before Committee:** SHDC application requires consideration by the SHDC Planning Committee.



**Recommendation:** Conditional Approval.

**Conditions:**

- Time Limit
- Approved Plans
- Materials to be Approved
- Obscure Glazing
- Drainage
- CEMP

Ecology Report  
Construction Management Plan  
Contaminated Land  
Flood Mitigation Measures (EA)  
Pollution Prevention Strategy  
Lighting Strategy  
Surface Water Drainage Strategy.

**Key issues for consideration:**

Principle / Sustainable Development  
Design, Visual Impacts and the South Devon AONB  
Historic Environment  
Neighbouring Amenity  
Highways / Parking / Access  
Ecology / Biodiversity  
Drainage / Flooding.

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**Site Description:**

The application site comprises the existing Whitestrand Public Conveniences and Harbour Master Facility, located within the Whitestrand Car Park in Salcombe. The application site is accessed directly off Fore Street to Whitestrand Carpark entrance. The site is also directly accessed from the Whitestrand pontoon to the east which serves both marine users and local ferry services. A large operational slip-way is also located to the immediate south of the application site which appears to be in use and used often for the launching and landing of small boats.

The character of the area is that of commercial use and the wider site area includes coffee shops, bars / pubs, take-aways and small gift shops. The topography of the site is relatively flat yet the access to the slipway does require some slight level change. The proposal is not considered to be in close proximity to the slipway however. The proposal would also require the loss of 1no. standard car parking space within the car park.

The application site is located within the South Devon AONB, the Salcombe Conservation Area and within Flood Risk Zone 3. The application site is located next to the Grade II listed King's Arms Hotel and in close proximity to the Victoria Inn – located further to the west.

**The Proposal:**

The application proposes the replacement of the existing satellite Harbour Master Facility and public conveniences at Whitestrand which are considered to be in need of replacement to improve the operational capability of the Harbour Master Authority and provide improved public conveniences.

Whitestrand pontoon represents a key arrival point into Salcombe and the intention is to promote / improve the appearance of the town with an appropriate gateway to the area.

The existing Harbour Master Facility at Whitestrand is a satellite office that works in connection with the main harbour master facility currently located in Island Street. The Whitestrand facility currently provides a base to address the extra demand for harbour master services and general



visitor assistance during the peak period of April to September. The new proposal will provide much improved public welfare facilities and seeks to address the lack of marine user facilities at Whitestrand, providing visiting yachtsmen and women with welfare and laundry facilities.

The current harbour master facilities at Island Street are no longer considered suitable for vessel maintenance and operational duties and therefore, the proposal is to relocate the Island Street facilities to Batson Creek – an application for this proposal has been submitted to and is being considered by the council under ref: 1522/196/FUL.

The application proposes the erection of a single storey building which will utilise and extend upon the existing public conveniences. The southern-most part of the proposal will be used as the main entrance to the building and will feature a metal-clad profiled canopy. The building will also include large metal signage and horizontal timber cladding on its southern elevation. Also proposed to the west of the application site are a number of external lockers and cycle space.

### **Consultations / Representations:**

#### **Representations from Residents**

No comments have been received.

#### **Representations from Internal Consultees:**

**Environmental Health:** No objection, subject to compliance with a condition concerning contaminated land.

**Trees:** No objection on arboricultural merit.

**Highways:** No objection, subject to the following condition:

1. Prior to commencement of any part of the site the Planning Authority shall have received and approved a Construction Management Plan (CMP) including:
  - (a) the timetable of the works;
  - (b) daily hours of construction;
  - (c) any road closure;
  - (d) hours during which delivery and construction traffic will travel to and from the site, with such vehicular movements being restricted to between 8:00am and 6pm Mondays to Fridays inc.; 9.00am to 1.00pm Saturdays, and no such vehicular movements taking place on Sundays and Bank/Public Holidays unless agreed by the planning Authority in advance;
  - (e) the number and sizes of vehicles visiting the site in connection with the development and the frequency of their visits;
  - (f) the compound/location where all building materials, finished or unfinished products, parts, crates, packing materials and waste will be stored during the demolition and construction phases;
  - (g) areas on-site where delivery vehicles and construction traffic will load or unload building materials, finished or unfinished products, parts, crates, packing materials and waste with confirmation that no construction traffic or delivery vehicles will park on the County highway for loading or unloading purposes, unless prior written agreement has been given by the Local Planning Authority;
  - (h) hours during which no construction traffic will be present at the site;
  - (i) the means of enclosure of the site during construction works; and

- (j) details of proposals to promote car sharing amongst construction staff in order to limit construction staff vehicles parking off-site
- (k) details of wheel washing facilities and obligations
- (l) The proposed route of all construction traffic exceeding 3 tonnes.
- (m) Details of the amount and location of construction worker parking.
- (n) Photographic evidence of the condition of adjacent public highway prior to commencement of any work;

**DCC Flooding** – no response.

**Landscape / AONB:** 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; 127, and 170, 172 & 173;
- The National Planning Practice Guidance (NPPG) particularly Section 8-001 to 8-006 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 172, due to small scale and context.

### **Landscape comments**

The site is located within the busy quayside of central Salcombe. Officers are satisfied it will have no detrimental or harmful impacts on the special qualities of the South Devon AONB or wider landscape character, which is conserved.

No objection.

### **Heritage:**

In considering this application and assessing potential impacts of the development proposal against surrounding heritage assets the following policies, principles, guidance and recent case law have been considered:

Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act, Section 16 of the NPPF including paragraphs; 189,190, 193, 195, 196 & 197 The National Planning Practice Guidance (NPPG) particularly the Section: Conserving and Enhancing the Historic Environment. The Historic England guidance: *The Setting of Heritage Assets – Historic Environment Good Practice Advice in Planning: 3.*

### **Preamble**

The Applicant sought the advice and guidance of Officers at an early pre-application stage. An on-site meeting was held and an assessment of the development proposals offered. The initial scheme offered a bold architectural response, a scheme that perhaps was too ambitious in both scale and architectural composition. Officers felt that such an approach sat ill-at-ease in the context of the site and the immediate environs especially when assessed in terms of potential impact on the surrounding identified heritage assets, namely the adopted Conservation Area and the adjacent 18<sup>th</sup> century grade II listed Kings Arms Hotel. Officers encouraged the Applicant to engage further with Architects to consider the special

architectural and historic qualities of the immediate environment and to use this consideration to inform a design approach that complimented those special qualities and sat comfortably amongst them.

### **Assessment of impact of the development proposal on surrounding identified heritage assets.**

The current buildings that facilitate the Harbour Master's Office and the Public Conveniences are not buildings that offer a positive contribution to the special character and appearance of the surrounding Conservation Area. At best they might be described as single storey functional buildings at the end of Whitestrand Car Park. In fact this area has been identified in the adopted 'Conservation Area Character Appraisal' as an area with '*scope for improvement*' a point further highlighted within the associated 'Conservation Area Management Plan'. The potential to redevelop the current rather non-descript buildings should therefore been seen as an opportunity to enhance the area through a sympathetic well-informed design approach which will not only offer betterment over and above the existing built form but will enhance the wider area as well.

Officers note that the proffered design-approach has been informed by gaining an understanding of the special interest of the adjacent listed Kings Arms Hotel and an appreciation of the potential impacts of a building in such close proximity.

Overall, this latest scheme offers a set of proposals that if built should assist in enhancing this part of the Conservation Area, an enhancement delivered through an appropriate architectural response embracing an acceptable palette of materials.

It is recommended that the quality of the materials to be used in the development (if allowed) should be secured through the appropriate use of planning conditions. NO OBJECTION.

### **Representations from Statutory Consultees**

#### **Environment Agency:**

We have no objection to the proposed development, subject to the inclusion of a condition on any permission granted relating to flood risk mitigation measures. The reason for this position and advice is provided below.

**Reason –** The development is located within flood zone 3, identified by Environment Agency flood maps as having a high probability of flooding. We consider that a flood risk betterment is proposed with the replacement and extension of existing facilities.

The site is at risk of flooding, and with wave action has a chance of flooding between 10-20% each year. This frequency will increase with the effects of sea level rise. The flood resilience measures described within the Flood Risk Assessment (FRA) need to be applied to the 4.5mAOD level (i.e. 1.3m above the proposed Finished Floor Level (FFL) of 3.2mAOD). This should including placing all electrical fuse boxes, switches and permanent equipment above the risk level. Flood boards should be not more than 0.6m high, unless the building is structural designed to take the weight of water above this height.

#### **Condition – Implementation of Flood Mitigation Measures**

The development shall be carried out in accordance with the submitted flood risk assessment (ref: 6831, dated May 2019) and the following mitigation measures it details:

- Finished Floor Level of 3.20mAOD outlined in paragraph 3.11

- Flood resistant and resilient construction measures as outlined in paragraph 3.13 to a level of 4.5mAOD.

These mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the scheme's timing/phasing arrangements. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

Reason – To decrease the severity of impacts of flooding to the proposed development.

**Natural England** – No objection, subject to compliance with a condition concerning the proposed mitigation measures within the CEMP.

**Historic England** – No objection.

### **Marine Management Organisation:**

Please be aware that any works within the Marine area require a licence from the Marine Management Organisation. It is down to the applicant themselves to take the necessary steps to ascertain whether their works will fall below the Mean High Water Springs mark.

The Marine Management Organisation (MMO) is a non-departmental public body responsible for the management of England's marine area on behalf of the UK government. The MMO's delivery functions are; marine planning, marine licensing, wildlife licensing and enforcement, marine protected area management, marine emergencies, fisheries management and issuing European grants.

#### Marine Licensing

**Activities taking place below the mean high water mark may require a marine licence in accordance with the Marine and Coastal Access Act (MCAA) 2009.** Such activities include the construction, alteration or improvement of any works, dredging, or a deposit or removal of a substance or object below the mean high water springs mark or in any tidal river to the extent of the tidal influence. You can also apply to the MMO for consent under the Electricity Act 1989 (as amended) for offshore generating stations between 1 and 100 megawatts in England and parts of Wales. The MMO is also the authority responsible for processing and determining harbour orders in England, and for some ports in Wales, and for granting consent under various local Acts and orders regarding harbours. A wildlife licence is also required for activities that that would affect a UK or European protected marine species.

#### Marine Planning

As the marine planning authority for England the MMO is responsible for preparing marine plans for English inshore and offshore waters. At its landward extent, a marine plan will apply up to the mean high water springs mark, which includes the tidal extent of any rivers. As marine plan boundaries extend up to the level of the mean high water spring tides mark, there will be an overlap with terrestrial plans which generally extend to the mean low water springs mark. Marine plans will inform and guide decision makers on development in marine and coastal areas. On 2 April 2014 the East Inshore and Offshore marine plans were published, becoming a material consideration for public authorities with decision making functions. The East Inshore and East Offshore Marine Plans cover the coast and seas from Flamborough Head to Felixstowe. For further information on how to apply the East Inshore and Offshore Plans please visit our Marine Information System. The MMO is currently in the

process of developing marine plans for the South Inshore and Offshore Plan Areas and has a requirement to develop plans for the remaining 7 marine plan areas by 2021.

Planning documents for areas with a coastal influence may wish to make reference to the MMO's licensing requirements and any relevant marine plans to ensure that necessary regulations are adhered to. For marine and coastal areas where a marine plan is not currently in place, we advise local authorities to refer to the Marine Policy Statement for guidance on any planning activity that includes a section of coastline or tidal river. All public authorities taking authorisation or enforcement decisions that affect or might affect the UK marine area must do so in accordance with the Marine and Coastal Access Act and the UK Marine Policy Statement unless relevant considerations indicate otherwise. Local authorities may also wish to refer to our online guidance and the Planning Advisory Service soundness self-assessment checklist.

### Minerals and waste plans and local aggregate assessments

If you are consulting on a mineral/waste plan or local aggregate assessment, the MMO recommend reference to marine aggregates is included and reference to be made to the documents below:

- The Marine Policy Statement (MPS), section 3.5 which highlights the importance of marine aggregates and its supply to England's (and the UK) construction industry.
- The National Planning Policy Framework (NPPF) which sets out policies for national (England) construction minerals supply.
- The Managed Aggregate Supply System (MASS) which includes specific references to the role of marine aggregates in the wider portfolio of supply.
- The National and regional guidelines for aggregates provision in England 2005-2020 predict likely aggregate demand over this period including marine supply. The NPPF informed MASS guidance requires local mineral planning authorities to prepare Local Aggregate Assessments, these assessments have to consider the opportunities and constraints of all mineral supplies into their planning regions – including marine. This means that even land-locked counties, may have to consider the role that marine sourced supplies (delivered by rail or river) play – particularly where land based resources are becoming increasingly constrained.

If you require further guidance on the Marine Licencing process please follow the link <https://www.gov.uk/topic/planning-development/marine-licences>

### **Salcombe Town Council:**

Objection as the siting of the harbour master office would create a serious pinch point for foot traffic to access Whitestrand pontoon and the view would be obscured. The removal of railings would also create a major hazard where there was a dangerous step and there was a loss of three parking spaces. The proposed entrance to the toilet block would be through a dark corridor with the potential of push bikes hampering access when attached to the bike racks.

One of the main reasons given by District for the expensive bench seats being installed in Whitestrand was that they could be rotated so that they could be turned for people to watch events being held on Whitestrand. With this proposal they would now look at a building.

Whitestrand was a very emotive area for Salcombe residents, as District Council had discovered previously, and Town Council therefore requested that any proposed development should be the subject of a public consultation but this has been ignored.

The concerns with this proposal were explained to an officer at a meeting on 26 March but Town Council comments had been totally ignored and therefore it was requested that these plans be withdrawn, a variation produced, and public consultation held.

### **South West Water:**

Proposal: Replacement of the existing Harbour Master facilities and extension to the existing Public Conveniences, including the provision of welfare facilities for marine users.

With reference to the planning application at the above address, the applicant/agent is advised to contact South West Water if they are unable to comply with our requirements as detailed below.

### **Asset Protection**

Please find enclosed a plan showing the approximate location of a public sewer in the vicinity. South West Water will need to know about any building work over or within 3 metres of a public sewer or lateral drain. We will discuss with you whether your proposals will be affected by the presence of our apparatus and the best way of dealing with any issues as you will need permission from South West Water to proceed.

The applicant/agent is advised to contact the Developer Services Planning to discuss the matter further.

### **Clean Potable Water**

South West Water is able to provide clean potable water services from the existing public water main for the above proposal.

### **Foul Sewerage Services**

South West Water advises a Planning Condition to emphasise that: Foul drainage from the Development (and no other drainage) shall be connected to the public foul or combined sewer.

Reason: To ensure the discharge of drainage from the Development shall not be prejudicial to the public sewerage system and ensure there are adequate public foul sewerage facilities to receive foul water flows, in order to safeguard the public and environment.

### **Surface Water Services:**

The statutory Water and Sewerage Undertaker supports the Planning Policy Guidance for Flood Risk & Coastal Change statement. To accompany its planning application, the applicant must demonstrate how its proposed development will have separate foul and surface water drainage systems and not be detrimental to existing infrastructure, the public and environment (and that any provisions for protecting infrastructure have been agreed with SWWL as service-provider). The applicant should demonstrate to your LPA that its prospective surface run-off will discharge as high up the hierarchy of drainage options as is reasonably practicable (with evidence that the Run-off Destination Hierarchy has been addressed, and reasoning as to why any preferred disposal route is not reasonably practicable):

1. Discharge into the ground (infiltration); or where not reasonably practicable, Provide written evidence as to why Infiltration devices, including Soakaways, Swales, Infiltration Basins and Filter Drains do not meet the design standards as specified in either H3

Building Regulation standards for areas less than 100m<sup>2</sup>. Soakaways serving larger areas must meet the design standard specified in BS EN 752-4 (para 3.36) or BRE Digest 365 Soakaway Design.

2. Discharge to a surface waterbody; or where not reasonably practicable, Provide written evidence for refusal of discharge consent from owner of water body (Environment Agency, Local Authority, Riparian Owner etc)

3. Discharge to a surface water sewer, highway drain, or another drainage system; or where not reasonably practicable, Provide written evidence for refusal of discharge to drainage system (Highway Authority, Environment Agency, Local Authority, Private ownership)

4. Discharge to a combined sewer.( Subject to Sewerage Undertaker carrying out capacity evaluation)

South West Water will carry out a hydraulic capacity review of the combined sewerage network before permission will be granted to discharge to the combined sewer.

### **Officer's Response:**

In response to South West Water's representation, the applicant / architect has confirmed that it will seek a build over agreement once planning permission is secured. The relevant sections of this report should be referred to for the responses made to the Town Council's comments.

### **Relevant Planning History:**

None of relevance.

## **ANALYSIS**

### **Principle / Sustainable Development:**

The application site falls within the development boundary of Salcombe where the principle of development is acceptable, subject to all other material planning considerations.

The proposal would also fall to be considered under JLP Policy Dev14 'Maintaining a flexible mix of employment sites' which states:

A flexible supply of employment land and premises will be maintained to support investment and expansion of existing businesses as well as for the inward investment of high-value businesses, particularly but not exclusively those involved in the marine sector, advanced manufacturing and knowledge based industries. The following provisions will apply:

1. Change of use of existing employment sites (including vacant sites whose lawful use is for employment purposes) will only be allowed where the following applies:

i. The proposal is specifically provided for by the local plan to deliver wider strategic objectives, or

ii. There are overriding and demonstrable economic, regeneration and sustainable neighbourhood / communities benefits from doing so, or

iii. There is no reasonable prospect of a site being used for employment use in the future.

2. The following categories of site will be specifically protected:

i. Sites that have clear future potential to support the future expansion of existing businesses.

ii. Employment sites with access to wharves and/or deep water facilities, quays and pontoons, which will be protected for marine related uses appropriate to the site and location.

3. Employment sites will be protected from inappropriate neighbouring development that will adversely affect the employment operations taking place on the site'.

Sub paragraph 2 (ii) to JLP Policy DEV14 is considered relevant in this instance given the application site's location. The proposal, by virtue of its proposed use, will therefore be protected for a marine related use which is deemed appropriate to the site and location given the proposal's use by visiting yachtsmen and women. The need for the proposal also concerns the existing Harbour Master Facility and public conveniences at White Strand which are deemed to be in need of replacement in order to improve the operational capability of the Harbour Master Authority and provide improved public conveniences.

No concerns are raised in respect of the principle of the proposed uses given no changes are proposed. As such, the proposal accords with JLP Policy DEV14.

### **Design, Visual Impacts and the South Devon AONB:**

The application proposes the retention of the existing single storey building which currently houses the public conveniences. Said structure measures 2.8m at eaves level, 3.9m at ridge level height with a footprint of 56sqm. This element of the proposal will retain its use as a convenience facility yet will be converted as part shower block and part public toilet. The shower block will be solely for the use by the visiting yachtsmen and women. Access to the shower block is achieved from the east with a separate access being provided to the public conveniences to the west.

The building extends to the west, with the original roof not being extended upon, instead, the building will be continued westwards with a flat roof to include a replacement for the now lost public conveniences.

To the south of this extended building, a single storey, flat roofed extension projects 9.2m at its maximum, yet by virtue of its irregular shape will taper to 7.1m. This element will serve as a replacement harbour master's office and feature a flat-roof with a maximum height of 3.3m.

Paragraph 172 of the NPPF states that 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 in relation to these issues.

When viewed from the south, the retention of the existing structure to the rear with its original pitched roof and stone walls will likely prove effective in mitigating the dominant, contemporary design of the new entrance structure to the south. Alone, the new structure would likely fail to respond well to the character and appearance of the area, yet when combined with the original, public convenience building to the rear, an element of the original



character and appearance of the vicinity is maintained whilst being used as an effective juxtaposition to introduce a new and contemporary design.

The alterations in roof types does introduce an inconsistent design. However, the dominant, original building to the rear ensures that with its ridge level height being maintained, the proposed new element will exist as a subordinate, yet associated development that allows for a clear distinction between the shower / toilet uses to the rear and the more modern office and official uses to the front of the building. No concerns are raised with regard to the main overall design of the proposal. It is also noted that when viewed from the south, the proposal would sit well with the design of the neighbouring Grade II listed building in ensuring the existing situation is somewhat maintained and roof types (in part) corresponding.

Concern is raised in respect of the proposal's impacts on views to the main street during events. It is possible for members of the public to sit in other locations to view and engage in events and in absence of a specific focal point or structure that may experience harm / obstruction as a result of the proposal's introduction / siting, it is difficult to apply any significant weight to this concern in this instance. In any case, the proposal is not considered to be of an excessive bulk or massing so as to significantly disturb views to the main street. It is also noted that the proposal would not extend beyond the existing building line and this is discussed further within the Highways / Access section of this report.

The proposed materials include the retention of the existing slate roof toilet block with stone ridge tiling also retained on this element. The front elevation will introduce PPC aluminium framed screen with integrated glazed double doors along with a metal-clad profiled canopy with recessed downlights above the main entrance. This element will also be clad in horizontal timber cladding which is reflective of the character of the immediate vicinity and noted that other buildings nearby have opted for a similar option.

The shower block will be accessed via a PPC aluminium framed external door with timber panelled door leaf and will feature provision for an electrical plant and dedicated access door.

The proposed shower block will be accessed via a somewhat restricted pathway which forms after a small cycle parking and locker area. Concern has been raised in respect of the safety of this element and the potential to invite anti-social behaviour during the evening. Officers do not discount that the proposal would likely introduce a secluded area when compared to the large expanse of the car park, however, the width of the entrance to the toilets is proposed at 5.03m which tapers down to 2.05m. The tapered effect of the design ensures this element of the proposal would avoid an overly cramped access and provides for ease of movement for two-way pedestrian traffic. Overall, this element is considered to be of a suitable width.

The recessed nature of the toilet area is deemed to serve a purpose in re-siting the public toilets away from the street scene and avoiding street furniture being placed in pedestrianised areas. Both of which are deemed to promote a simpler and uncluttered design which avoids doors opening and queues forming unnecessarily in an already busy through-fare location.

The front elevation of this element will include signage and a set of glazed double doors providing access into the main foyer area. The orientation of the front elevation is intentional so as to represent a gateway to Salcombe from persons arriving from sea.

A replacement VHF antennae is also proposed to project from the roof of the harbour master office and is considered necessary for communication purposes.

The council's landscape officer also maintains no objections to the proposal.

The proposal provides for a suitable response to the varying uses proposed and would exist as a contemporary gateway entrance to the area of Salcombe. The proposed development would be considered an improvement upon the existing situation and given the proposed materials are deemed to respond positively to the local area, the proposal is not considered likely to have a significant adverse impact on this part of the AONB and any adverse impacts will be outweighed by the social and economic betterment the proposal is likely to give rise to. As such, the proposal is considered to accord with JLP Policies DEV20, DEV23 and DEV25.

### **Historic Environment:**

The subject property is located in close proximity to a Grade II listed building – The King's Arms Hotel and in close proximity to the Victoria Inn – located further to the west.

As such, the application is subject to s. 16 (2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) which requires local planning authorities to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses and gives local planning authorities the duty to pay special attention to the desirability of preserving or enhancing the character or appearance of that area respectively.

JLP Policy DEV21 seeks to preserve or enhance the quality of the historic environment. With regard to the nearby located heritage asset, it is noted that a number of external additions have been erected to the heritage asset than when viewed in its current state against the proposed development would not be worsened as a result of its implementation.

The retention of the existing structure to the rear with its original pitched roof and stone walls will likely prove effective in mitigating the dominant, contemporary design of the new entrance structure to the south. Alone, the new structure would likely fail to respond well to the character and appearance of the area, yet when combined with the original, public convenience building to the rear, a degree of original character is retained and the appearance of the vicinity is maintained whilst being used as an effective juxtaposition to introduce a new and contemporary design. The proposal is therefore considered acceptable in design terms and is considered a positive addition to the area with considerate materials.

As such, the proposal is considered likely to give rise to less than substantial harm upon the setting of the Grade II listed building and this harm would likely be outweighed by the improved public benefits of the proposal and the resultant economic benefits.

The site is within the setting of the Salcombe Conservation Area, however due to its siting, scale, proposed materials and retention of existing features that contribute to the wider area, and having regard to the existing quality of the immediate environment, the proposed development is not considered likely to have any significant, detrimental harm upon the conservation area.

In addition, the council's heritage officer makes the following comments, raising no objections:

### **Heritage Impacts**

In considering this application and assessing potential impacts of the development proposal against surrounding heritage assets the following policies, principles, guidance and recent case law have been considered:

Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act, Section 16 of the NPPF including paragraphs; 189,190, 193, 195, 196 & 197 The National Planning Practice Guidance (NPPG) particularly the Section: Conserving and Enhancing the Historic Environment. The Historic England guidance: *The Setting of Heritage Assets – Historic Environment Good Practice Advice in Planning: 3*.

### **Preamble**

The Applicant sought the advice and guidance of Officers at an early pre-application stage. An on-site meeting was held and an assessment of the development proposals offered. The initial scheme offered a bold architectural response, a scheme that perhaps was too ambitious in both scale and architectural composition. Officers felt that such an approach sat ill-at-ease in the context of the site and the immediate environs especially when assessed in terms of potential impact on the surrounding identified heritage assets, namely the adopted Conservation Area and the adjacent 18<sup>th</sup> century grade II listed Kings Arms Hotel. Officers encouraged the Applicant to engage further with Architects to consider the special architectural and historic qualities of the immediate environment and to use this consideration to inform a design approach that complimented those special qualities and sat comfortably amongst them.

### **Assessment of impact of the development proposal on surrounding identified heritage assets.**

The current buildings that facilitate the Harbour Master's Office and the Public Conveniences are not buildings that offer a positive contribution to the special character and appearance of the surrounding Conservation Area. At best they might be described as single storey functional buildings at the end of Whitestrand Car Park. In fact this area has been identified in the adopted 'Conservation Area Character Appraisal' as an area with '*scope for improvement*' a point further highlighted within the associated 'Conservation Area Management Plan'. The potential to redevelop the current rather non-descript buildings should therefore be seen as an opportunity to enhance the area through a sympathetic well-informed design approach which will not only offer betterment over and above the existing built form but will enhance the wider area as well.

Officers note that the proffered design-approach has been informed by gaining an understanding of the special interest of the adjacent listed Kings Arms Hotel and an appreciation of the potential impacts of a building in such close proximity.

Overall, this latest scheme offers a set of proposals that if built should assist in enhancing this part of the Conservation Area, an enhancement delivered through an appropriate architectural response embracing an acceptable palette of materials.

It is recommended that the quality of the materials to be used in the development (if allowed) should be secured through the appropriate use of planning conditions. NO OBJECTION.

As such, the proposal is considered to have an acceptable impact on the character and appearance of the building and not impact the special architectural or historic significance of the Grade II listed buildings.

As such, the proposal complies with JLP Policies DEV21, the NPPF (2019) and the statutory tests for impacts upon listed buildings.

Special attention has been paid to the statutory test of preserving the listed building or its setting or any features of special architectural or historic interest which it possesses and the statutory test of preserving or enhancing the character and appearance of the conservation area under sections 16 and 72 respectively of the Planning (Listed Building and Conservation Areas) Act 1990, which it is accepted is a higher duty. It has been concluded that the development would preserve the listed building and the character and appearance of the Conservation Area, and so the proposal accords with section 16 of the Act.

### **Neighbouring Amenity:**

The siting of the proposal will ensure that no loss of privacy will be experienced as a result of the proposal's implementation, above and beyond that currently experienced. No concerns are raised in respect of the proposal's use given this will not alter beyond that which currently exists.

The proposal is not sited next to any habitable buildings and no loss of daylight and / or sunlight will likely be experienced. The windows serving the northern elevation of the proposal will need to be obscurely glazed for privacy reasons and a suitable condition will be attached to any permission to ensure this.

The removal of the existing harbour master's office and replacement with a similar, single storey building is not considered likely to give rise to any significant, detrimental amenity impacts upon the living conditions of neighbouring parties.

It is noted that a row of windows will serve the northern elevation of the proposal and if permitted, a condition will be attached to any permission granted to ensure these windows are obscurely glazed.

It is always necessary for developments to take into account the residential amenity of neighbours and impact on the environment. In this case, the proposal complies with the principles of good neighbourliness and the protection of existing residential amenities.

As such, the proposal would not lead to any materially harmful impact on residential amenity by way of loss of light, loss of outlook, loss of privacy or overbearing impact. It would therefore accord with JLP Policies DEV1 and DEV2 and the requirements of the NPPF.

### **Highways / Parking / Access:**

The county highways authority maintains no objection to the proposal subject to the submission of a Construction Management Plan.

Concerns have been raised in respect of the proposed siting of the building which is likely to create a pinch point.

The architect has confirmed that the width of the White Strand pontoon currently measures 2.05m. The proposed narrowest point between the new building and the existing benching area / bollard is 3.475m. Given that this is considerably wider than the pontoon access, it is

not considered that this represents a pinch point. In addition, it has been confirmed that a section of existing handrail will likely mitigate against the creation of a pinch point.

The application proposes the total loss of 2no. car parking spaces: 1 x standard car parking space; and 1 x police bay. The frequency of attendance means that it is likely that the police and Harbour Master will be able to share the retained bay. The location of one of the accessible parking bays has been relocated to the area formally occupied by the police bay. Therefore, the provision of accessible parking bays has not been reduced. As the police bay is not for public use, this scheme represents the loss of 1 standard parking bay and this is considered a negligible loss when weighed against the wider benefits of the proposal.

As a means of mitigation for this loss, the proposal includes the provision of a 3no. cycle parking spaces which will be rotated by 45 degrees so as to avoid impacting the access to the proposed public conveniences.

### **Ecology / Biodiversity:**

The accompanying Ecology Report dated April 2019 provides the following recommendations:

The advance consultation meeting with Natural England recommended the following:

- The production of a CEMP, Surface Water Drainage Strategy and Pollution Prevention Strategy in advance of the commencement of works to avoid any potential water quality impacts on these designated sites.
- In addition to the above, NE also recommended the installation of bird and bat boxes or bricks on the proposed buildings. A Bat and Bird Enhancement Strategy should therefore be prepared for the site.
- The lighting strategy for the proposed development should be reviewed by a suitably qualified ecologist with a view to minimising any potential impact on the Salcombe to Kingsbridge Estuary SSSI and LNR.
- The Ecology Report provides clear instructions and recommendations with regard to Bats and Birds which must be followed. These include:
  - o A Dusk Emergence Strategy and a pre-dawn re-entry survey should be undertaken to determine the presence or likely absence of roosting bats.

Subject to the compliance with the recommendations of the Ecology Report, the application is deemed to accord with JLP Policy DEV26.

### **Drainage / Flooding:**

#### **Environment Agency position**

We have no objection to the proposed development, subject to the inclusion of a condition on any permission granted relating to flood risk mitigation measures. The reason for this position and advice is provided below.

**Reason** – The development is located within flood zone 3, identified by Environment Agency flood maps as having a high probability of flooding. We consider that a flood risk betterment is proposed with the replacement and extension of existing facilities.

The site is at risk of flooding, and with wave action has a chance of flooding between 10-20% each year. This frequency will increase with the effects of sea level rise.

The flood resilience measures described within the Flood Risk Assessment (FRA) need to be

applied to the 4.5mAOD level (i.e. 1.3m above the proposed Finished Floor Level (FFL) of 3.2mAOD). This should including placing all electrical fuse boxes, switches and permanent equipment above the risk level.

Flood boards should be not more than 0.6m high, unless the building is structural designed to take the weight of water above this height.

### **Condition – Implementation of Flood Mitigation Measures**

The development shall be carried out in accordance with the submitted flood risk assessment (ref: 6831, dated May 2019) and the following mitigation measures it details:

- Finished Floor Level of 3.20mAOD outlined in paragraph 3.11
- Flood resistant and resilient construction measures as outlined in paragraph 3.13 to a level of 4.5mAOD.

These mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the scheme's timing/phasing arrangements. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

Reason – To decrease the severity of impacts of flooding to the proposed development.

### **Other Matters:**

With regard to comments raised in respect of the application's public consultation, with the use of the building largely being retained, consultation has been limited to stakeholder engagement through the wider masterplan process.

At the last meeting, held in 2018, the stakeholder group was advised that the next time the proposal would be visible would be through a planning application. As such, officers are satisfied that members of the public / stakeholders have been provided with an opportunity for consultation and that opportunity has now passed.

**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**

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  
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  
DEV27 Green and play spaces  
DEV28 Trees, woodlands and hedgerows  
DEV29 Specific provisions relating to transport

### **Neighbourhood Plan:**

The Salcombe Neighbourhood Plan is 'Made' by the LPA. The Council must make the NP if it considers that it is compatible with EU obligations and does not breach the European Convention on Human Rights and has no powers to amend the content. The NP forms part of the Development Plan.

The relevant policies of the Salcombe Neighbourhood Plan include: Policy SALC Env1; Env5; Env6; B1; EM1 and T1.

In light of the above assessment, the application is considered to accord with the Salcombe Neighbourhood Plan.

### **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: 1508.15-IA-WS-ST-DR-A-0200 - existing site location plan, 1508.15-IA-WS-ST-DR-A-0201 -

proposed site location plan, 1508.15-IA-WS-GF-DR-A-0300 - existing ground floor plan, 1508.15-IA-WS-GF-DR-A-0302 - proposed ground floor plan, 1508.15-IA-WS-ZZ-DR-A-0500 - existing elevations, 1508.15-IA-WS-ZZ-DR-A-0501 - existing elevations, 1508.15-IA-WS-ZZ-DR-A-0502 - proposed elevations and 1508.15-IA-WS-ZZ-DR-A-0503 - proposed elevations, all received by the Local Planning Authority on 14 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.

3. No development shall commence until a schedule of materials and finishes, and samples of the materials to be used in the construction of the external surfaces, including roofs, have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out only in accordance with the details so approved.

Reason: To enable the Local Planning Authority to consider the details of the materials.

4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re enacting this Order) the windows hereby approved on the north elevation of the building shall be glazed in obscure glass, be fixed closed, and thereafter so maintained.

Reason: To protect the amenity and privacy of residents of adjoining property.

5. Foul drainage from the Development (and no other drainage) shall be connected to the public foul or combined sewer.

Reason: To ensure the discharge of drainage from the Development shall not be prejudicial to the public sewerage system and ensure there are adequate public foul sewerage facilities to receive foul water flows, in order to safeguard the public and environment.

6. The development hereby permitted shall be carried out in accordance with the Outline Construction and Environmental Management Plan dated April 2019 and this shall be fully 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 ensure that the associated environmental impacts of the development can be adequately mitigated.

7. The recommendations, mitigation and enhancement measures of the Preliminary Ecological Appraisal, by First Ecology dated April 2019, shall be fully 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.

8. Prior to commencement of any part of the site the Planning Authority shall have received and approved a Construction Management Plan (CMP) including:

- (a) the timetable of the works;
- (b) daily hours of construction;
- (c) any road closure;



(d) hours during which delivery and construction traffic will travel to and from the site, with such vehicular movements being restricted to between 8:00am and 6pm Mondays to Fridays excluding nursery drop off/pick up times inc.; 9.00am to 1.00pm Saturdays, and no such vehicular movements taking place on Sundays and Bank/Public Holidays

unless agreed by the planning Authority in advance;

(e) the number and sizes of vehicles visiting the site in connection with the development and the frequency of their visits;

(f) the compound/location where all building materials, finished or unfinished products, parts, crates, packing materials and waste will be stored during the demolition and construction phases;

(g) areas on-site where delivery vehicles and construction traffic will load or unload building materials, finished or unfinished products, parts, crates, packing materials and waste with confirmation that no construction traffic or delivery vehicles will park on the County highway for loading or unloading purposes, unless prior written agreement has been given by the Local Planning Authority;

(h) hours during which no construction traffic will be present at the site;

(i) the means of enclosure of the site during construction works; and (j) details of proposals to promote car sharing amongst construction staff in order to

limit construction staff vehicles parking off-site

(k) details of wheel washing facilities and obligations

(l) The proposed route of all construction traffic exceeding 7.5 tonnes.

(m) Details of the amount and location of construction worker parking.

(n) Photographic evidence of the condition of adjacent public highway prior to commencement of any work;

Reason: To ensure that adequate on site facilities are available for all traffic attracted to the site during the construction period, in the interest of the safety of all users of the adjoining public highway.

9. 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.

10. The development shall be carried out in accordance with the submitted flood risk assessment (ref: 6831, dated May 2019) and the following mitigation measures it details:

- Finished Floor Level of 3.20mAOD outlined in paragraph 3.11
- Flood resistant and resilient construction measures as

outlined in paragraph 3.13 to a level of 4.5mAOD.

These mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the scheme's timing/phasing arrangements. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

Reason – To decrease the severity of impacts of flooding to the proposed development.

11. No development shall commence until a Pollution Prevention Strategy to address and mitigate pollution run off from the site during the operational phase has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out only in accordance with the details so approved.

Reason: In the interests of the prevention of pollution and damage to the Salcombe to Kingsbridge Site of Special Scientific Interest.

12. Prior to the commencement of the development hereby authorised details of any external lighting (including security lighting) to be erected, placed or operated on the site shall be submitted to and approved in writing by the Local Planning Authority. 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.

13. No part of the development hereby permitted shall be commenced until details of the percolation testing to DG 365 and the detailed design of the surface water drainage management system has been submitted to, and approved in writing by, the Local Planning Authority. The design of this surface water drainage management system will be in accordance with the principles of sustainable drainage systems, and must prioritise the use of soakaways as a first choice. Suds to be designed for a 1:100 year event plus 40% for climate change. If the Local Planning Authority concludes that the method of drainage approved as part of this permission is undermined by the results of the percolation tests, a

mitigating drainage alternative shall be agreed with the Local Planning Authority and thereafter installed, 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.

### **INFORMATIVES**

1. This authority has a pro-active approach to the delivery of development. Early pre-application engagement is always encouraged. In accordance with Article 35(2) of the Town and Country Planning Development Management Procedure (England) Order 2015 (as amended) in determining this application, the Local Planning Authority has endeavoured to work proactively and positively with the applicant, in line with National Planning Policy Framework, to ensure that all relevant planning considerations have been appropriately addressed.
2. The responsibility for ensuring compliance with the terms of the approval rests with the person(s) responsible for carrying out the development. The Local Planning Authority uses various means to monitor implementation to ensure that the scheme is built or carried out in strict accordance with the terms of the permission. Failure to adhere to the approved details can render the development unauthorised and vulnerable to enforcement action.
3. If your decision requires the discharge of conditions then you must submit an application for each request to discharge these conditions. The current fee chargeable by the Local Planning Authority is £116 per request. Application forms are available on the Council's website.
4. The applicant is reminded that a separate application under the Advertisement Regulations will be required for any proposed signage and that any signage shown on the approved drawings does not form part of this approval.

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## PLANNING APPLICATION REPORT

**Case Officer:** Jacqueline Houslander  
Yealmpton

**Parish:** Yealmpton **Ward:** Newton and

**Application No:** 0075/19/FUL

**Agent/Applicant:**

Mr Mark Evans  
Cedar House  
Membland  
Newton Ferrers, Plymouth  
PL8 1HP

**Applicant:**

Mr Tyran Botha  
8 Church Park Road  
Yealmpton  
PL8 2EY

**Site Address:** Site of former WI Hall, Ford Road, Yealmpton, PL8 2NA

**Development:** READVERTISEMENT (Revised Plans Received) Proposed revisions to design of single dwelling (self build) following extant permission 0579/16/FUL

**Reason application is at Planning Committee:**

Councillor Baldry requested that the application be heard by the planning committee for the following reasons

1. As the Report shows this is a site of significant flooding. It is my understanding that Yealmpton and Brixton Women's institute surrendered the site because they could no longer afford the increased insurance and they did not have the funds for a third restoration of the premises.
2. Under these circumstances a drainage report pre planning approval is needed.
3. The Environment Agency give strong advice against building on the site. The previous Committee decided to ignore this advice. I would like to find out if the new Committee are of a similar mind.
4. The design is out of keeping in the AONB.
5. I note that DCC Highways are not objecting. I find it surprising that they agree a road access onto the main Ford Road. There is an access onto the minor road known as Bold venture. I think this single access is a safer option.



## Recommendation: Approval

### Conditions (list not in full)

1. Time limit
2. Accord with plans
3. Samples of materials
4. Removal of pd rights
5. No mud and stones
6. Parking and turning to be laid out prior to occupation.
7. Tree protection
8. Removal of pd for windows in first floor south west and south east elevation
9. Updated emergency evacuation plan required prior to occupation.
10. Space under house to be kept permanently void
11. Parking area to be retained as a parking area.
12. Unsuspected contamination
13. Foul drainage
14. Surface water drainage

**Key issues for consideration:** Whether the location is acceptable for a dwelling; neighbour amenity; highways; drainage, flood risk

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**Site Description:** The site is the location of the former WI Hall in Yealmpton. The hall no longer exists and the site is therefore currently slightly overgrown, but has no buildings on it. The site is long and narrow. The site is relatively flat and slightly overgrown and unkempt at the moment. There are two residential properties adjacent to the site, Applegarth to the south and Boldventure Cottage to the south east.

The site lies within the South Devon Area of Outstanding Natural Beauty and is also within Flood Zone 3.

### The Proposal:

To erect a two storey 3 bedroom dwelling, with garden, parking / turning area. The proposed dwelling is a contemporary approach but with elements which do reflect the dwellings in the locality. The proposed dwelling has a pitched roof and a projecting element to the road, which is clad in timber and zinc. The materials proposed are grey zinc roof covering, render walls on the ground floor and timber on the first floor. The finished floor level of the proposed dwelling is above the level of the 1:100 flood event levels.

### Consultations:

- County Highways Authority: The Highway Authority has no objections subject to the following conditions.  
No mud, stones water or debris shall be deposited on the public highway at any time.  
Reason - In the interests of highway safety.  
2. The parking and turning hardstanding areas required by this permission shall be laid out, completed and maintained for those purposes prior to commencement of the building.  
REASON: To ensure the provision of adequate facilities within the site for the traffic attracted to the site.
- Environmental Health Section (Emergency Planner) Previously my understanding was that there was two principle risks to the site one which was in relation to surface water run-off and then the risk from river flooding. I seem to remember a pedestrian access being put

into the rear garden area, the applicant in effect proved that safe access and egress at time of flooding could be achieved by evacuating between these two flood events. The current application does not benefit from this advice which states that safe access and egress cannot be achieved, and on this basis I have to recommend refusal.

- Upon receipt of a revised Flood risk information, indicating that there will not be a stay put policy, but indicating that there is a safe emergency access and egress route available

Environmental Health comments: Based on the revised statement bringing the risk in line with the extant planning permission I am happy that the site can be safely evacuated between the two flood windows. On this basis safe access and egress can be achieved. I also note the predicted flood level of 300mm with 0 velocity, according to FD2320 flood guidance this would be viewed as a danger to some, but in exceptional circumstances such as a medical emergency help could still be provided to the future occupants.

We will need the same condition in relation to the need for a flood evacuation plan to be submitted prior to occupation,

- Town/Parish Council: Council object to this application on the grounds that it is totally out of keeping with adjacent properties and that it has no place in the AONB. Secondary concern is that it is anyway too close to the pavement.

After the plans were revised the Parish Council had no objections to the proposal.

#### Drainage: Objection

Based on the information provided we would object to the current proposal on the grounds of insufficient information. As such we would recommend that the application is not decided until these issues have been overcome.

#### **Observations and comments**

This is a small scale minor development for the construction of a single dwelling which is located within flood zone 3. A development of this scale requires a workable drainage scheme that prioritises the use of infiltration drainage in accordance with best practice SuDS design, (CIRIA C753). The NPPF requires that all residual flood risk for the developments within the flood zone 2/3, is managed so it is safe from flooding over its lifetime without increasing risk elsewhere and where possible reduces flood risk overall.

**The Environment Agency (EA) are lead consultee on Tidal and Fluvial flooding so our advice to LPA would be to ensure that EA are consulted to confirm that the mitigation measures are appropriate for this application.**

The proposed surface water drainage scheme is for the use of a soakaway but percolation testing to DG 365 and design details have not been provided. It has been acknowledged that the proposed development is likely to reduce the overall impermeable area however the application site is located within the flood zone 3, which requires the drainage situation to be improved to bring it up to current standards. Therefore a drainage assessment will be required to ensure a workable drainage solution is possible.

#### **Overcoming the objection**

To overcome the objection the applicant will need to provide the details of the most sustainable drainage scheme. Design steps are 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 Greenfield runoff rate. This must be calculated in accordance with CIRIA C753. Full details of the flow control device will be required.

If the calculated Greenfield runoff rate is too small to be practically achievable, then a maximum offsite discharge rate of 1.0l/s can be considered. Which is achievable in most cases with suitable pre-treatment and shallower storage depth.

5. A scaled plan showing full drainage scheme, including design dimensions and invert/cover levels of the soakaway/attenuation features, within the private ownership.

Additional percolation information was submitted and the objection was lifted and conditions for full details to be submitted at reserved matters stage.

Arboricultural officer: No objection subject to a tree protection plan.

Environment Agency: Our position remains as outlined under the previous planning permission (0579/16/FUL) that we consider that this site is not an appropriate location for a new dwelling because it is located in an area of high flood risk. However, we recognise that your Authority has previously taken a different position and that there is an extant permission in place for this site. In light of this, we have reviewed the amendments proposed to the design and advice that the flood risk to this proposal is the same as the extant permission. Therefore, should you be minded to approve this application, we recommend that you include conditions on the following matters to help ensure that flood risks are minimised as much as possible:

- 1) Flood warning and evacuation procedure.
- 2) Removal of permitted development rights.
- 3) The protection in perpetuity of the void below the 1 in 100 year flood level.

The reasons for this position and additional advice on flood risk is set out below.

#### Reasons – Flood Risk

The site is located in Flood Zone 3 (high risk of flooding). The proposal is for a new residential dwelling on the site of a demolished village hall. The flood risk vulnerability classification of the proposal is 'more vulnerable' rather than the previous 'less vulnerable' and as such should be subject to the flood risk sequential test. However, we acknowledge that there is already an extant planning permission for this site for a residential dwelling.

#### Summary of flood risk

Whilst the site is located within Flood Zone 3 (high risk of flooding), flood defences are estimated to protect the site from flooding to between the 1 in 30 and 1 in 50 year flood event. However, if the flood defences are overtopped or if they fail, flood depths of up to 1m in depth are predicted to surround the proposed dwelling in the 1 in 100 year return period flood event. This includes an allowance for the effects of climate change on increasing peak



river flows over the lifetime of the development. The flood water is also likely to be fast flowing.

#### Recent Flood History

The site was flooded twice in 2012 up to depths of approximately 600mm when the flood defences were overtopped.

#### Proposed flood mitigation measures

The proposal has incorporated flood mitigation measures into the design in the form of habitable floor levels being proposed to be set at a suitable height above the 1 in 100 year return period flood level. This is acceptable. A non-habitable void is proposed below the 100 year flood level which is designed to flood so that flood storage capabilities will not be reduced.

#### Access and egress to and from the site

Regardless of the elevated floor levels, it is expected that there should also be safe access/egress available to and from the property during a flood event.

Paragraph 7-038 of the Planning Practise Guidance is clear that access and egress needs to be part of the consideration of whether new development will be safe. We do not consider that safe access /egress can be achieved at this site.

Safe access/egress is expected to be available up to and including the 1 in 100 year return period flood event. During a flood of this magnitude, water depths surrounding the property would be in the region of 1m deep and fast flowing. Based on Defra/Environment Agency guidance, this presents a Hazard Rating of a 'Danger for all' which is the most severe rating.

We note that a 'stay put' approach is being proposed during floods. While we acknowledge that this could be viable, this does not eliminate the risks and our expectation is that occupants and emergency services should be able to safely enter or leave a dwelling during times of flooding. Based on our understanding of the risks at this site, we consider that this would not be possible.

You should refer this matter to your Emergency Planner before determining the application.

#### Flood warning

The Environment Agency provides a flood warning service for this area based on levels within the River Yealm. This should provide sufficient warning for the occupants of the proposed dwelling to evacuate the site prior to flooding occurring. However there is always the risk of the flood defences failing which would result in a rapid inundation of the site, potentially without much prior warning.

#### Flood insurance

It is important that applicants/developers consider whether their proposals will be eligible for insurance against flood damages. The Flood Re scheme is a joint Government and insurance industry initiative to help property owners find affordable insurance in areas at risk of flooding. The scheme only applies to dwellings built before 2009.

#### **Representations:**

##### **Representations from Residents**

Comments have been received and cover the following points:

##### Object

Too many openings on to Ford Road, due to its proximity to Boldventure access to Ford Road. Why is the access from Boldventure road rather than Ford Road.  
The site is within Flood Zone 3, the EA should have the opportunity to review the full FRA. Given that the EA objected to the previously approved consent, they should comment on this proposal.  
The design is not at all in keeping with the surrounding houses.  
Design is still not acceptable.

#### Support

Glad to see the site will finally be developed.  
Site has been unused since the flooding at the end of 2012.  
An appropriately proportioned family dwelling seems a reasonable use of the land, which at present is somewhat unsightly.  
A good design which appears to address a lot of the previous concerns.

#### **Relevant Planning History:**

62/1889/14/F: FUL

Proposal Erection of 2no. dwellings

Site Address Site of WI Hall Ford Road Yealmpton PL8 2NA

Decision Withdrawn: 28 Aug 14

0579/16/FUL

Erection of a detached house on land previously used for WI hall

Decision: Approved 8/8/16

#### **ANALYSIS**

##### Principle of Development/Sustainability:

The principle of the development must be considered against policies SPT1 which is the strategic policy for the JLP and promotes the delivery of sustainable development in line with the NPPF 2019. Part 3 of the policy promotes the effective use of land and re use of previously developed land. This site is previously developed land and so as such the use of it is accepted in this policy.

TTV1 prioritises growth through a hierarchy of sustainable settlements and identifies the hierarchy in the policy. Yealmpton is identified in the JLP as a smaller town and key village. The strategic objective for these towns and villages is to deliver an appropriate level and mix of new homes that responds positively to local housing needs and improves long term sustainability. The JLP has allocated certain sites for development in these settlements. However the application currently before us is not on one of these sites, but would be described as a windfall site.

TTV2 promotes the delivery of sustainable development and seeks to locate housing where it will enhance or maintain the vitality of rural communities. In this case the site lies within the village and on previously developed land and as such the principle of development on this site would help enhance the vitality of rural communities

Policy DEV8 seeks to ensure that local housing need is met in the Thriving Towns and Villages policy Area. It encourages a mix of housing sizes, types and tenures appropriate to the area and supported by a local housing evidence.

The policy identified particular groups where housing need has been identified:

i. Homes that redress an imbalance within the existing housing stock.

- ii. Housing suitable for households with specific need.
- iii. Dwellings most suited to younger people, working families and older people who wish to retain a sense of self-sufficiency.

In reviewing data for Yealmpton, the highest proportion of houses is for 4+ bedroom dwellings, followed by 3 bedroom dwellings, 2 bed dwellings and then 1 bed dwellings. The South Hams average as a whole shows the highest proportion of dwellings being 3 bedroom dwellings. It could be argued that the main need in Yealmpton is for 1 bed dwellings, however there is an extant consent on this site for a 3 bedroom dwelling and one 3 bedroom dwelling will not increase the number of 3 bedroom dwellings to any great extent and so it could be accepted based on the current figures. In addition policy DEV 8 has as its priorities working family housing. This proposed dwelling it is suggested would meet that need. The proposal is therefore in compliance with Policy DEV8

Design/Landscape:

Yealmpton lies within the South Devon Area of Outstanding Natural Beauty. The AONB landscape must be given great weight in the decision making process. Proposals must conserve and enhance the natural beauty under policy DEV25 in the PSWDJLP. In this case the site lies within the built up area of the village and therefore natural beauty is not prevalent in the built up area. It is more urban and any landscaping is associated with gardens and parks which are deliberately manicured or managed which would not be considered natural. The site is in an area where there are dwellings of various sizes, with manicured gardens and as such there is no natural beauty to impact upon. It is considered therefore that the proposal will not harm the AONB landscape, albeit it cannot also be demonstrated that it conserves and enhances the landscape.

In terms of design, there have been some concerns expressed about the modern design of the proposed dwelling. Suggesting that it does not relate to the existing development in the area. However it is considered that there is not one specific dwelling design in this area. The centre of Yealmpton in the conservation Area has particular characteristics, however the surrounding areas are a mix of dwelling types, ages and styles. There is a large detached older style property along Boldventure Drive. A number of detached and semi-detached dwellings further along Ford Road of varying ages and more recent bungalows and two storey properties along Riverside walk, built circa 1980's. It has also been noted that the proposal is very close to the road. However the previous WI hall actually abutted the back of the pavement.



As can be seen from the above photograph, the WI hall was a utilitarian building which did not relate at all to any of the dwellings surrounding it, albeit it was single storey. The fact that the site has been empty for some time has allowed the local community to become used to an empty site and therefore the imposition of a two storey dwelling on the site now seems excessive.

A previous proposal was granted for this site in 2016, which was also for a 2 storey 3 bedroom dwelling. Any decision on this planning application must acknowledge that the 2016 consent is a material consideration in this case.

The proposed dwelling is contemporary in design, which is a cause for concern for some people. It retains a pitched roof, in line with the other dwellings in the immediate and wider areas; it also proposes a central feature along with the property on Boldventure road and the gable features on the dwelling to the west, along Ford Road.

In terms of materials the render ground floor is found within the locality. The timber cladding and the zinc roof however are not. The use of these materials are becoming more commonplace in contemporary design. However the zinc roof is a grey roof and so is in accordance with the primarily grey roofs in the area. The timber initially will stand out when first added, because of its colour. However cedar cladding does grey quite quickly and so as such will be less obvious and more recessive. It is considered that the proposal moves the proposed property away from the neighbours and its scale is appropriate in relation to the properties around it. The materials are of a high quality and will weather in a positive way, It is considered that we should not seek to stifle high quality contemporary design (NPPF) and

as there is already an eclectic mix in the area then the design should be supported and is considered in compliance with DEV20 in the Joint Local Plan.

The previous extant permission, provided for a 2 storey 3 bedroom house, which had pitched and hipped roof structure, which would have appeared to have a reduced massing. However whilst there are the odd one or two houses ( the property to the south east and on the opposite side of the road) in the area with a pitched and hipped roof, it is certainly not the predominant roof form, but rather pitched roofs with gable ends, as per the current proposal. The previous consent indicated the dwelling to be much closer to the property to the south and south east, whereas the current proposal has been moved further away from both properties. The impact on the neighbouring properties has therefore been reduced.

As such the current proposal provides a benefit to the neighbours and is the same sized property just with a different design approach. As the extant consent is still valid, the dwelling approved could be constructed on the site. It is considered that the current proposal is a better configured site layout with a design of the 21<sup>st</sup> century and so should be supported.

Neighbour Amenity: What this proposal does which the previously approved and extant permission on the site does not do is takes the proposed dwelling away from the neighbouring properties. The previous approval was approximately 5.5 metres from the cottage to the rear (wall to wall) and approximately 8 metres from the property to the south east. Whereas, this proposal is still relatively close to the cottage at the rear, but is not directly in front of it as with the extant consent and is 12 metres from the adjacent property to the south east.

The main aspect of the house is towards Ford Road and Boldventure road and away from the two residential properties to the south and south east. The height of the dwelling proposed is the same as Applegarth so there is not likely to be an overbearing issue. The end elevation of Boldventure cottage faces the proposal site and there is also some vegetation along this boundary. There are some windows in the north elevation of Applegarth, however the proposal site has its main windows to the east and west. It is not anticipated that there will be issues with regards to loss of privacy.

Highways/Access: The proposal shows access to be from Boldventure Road, with sufficient turning and parking on site to accommodate 2 cars. Access will be via Boldventure Road and also off Ford Road, to allow cars to enter and leave in a forward direction. The Highway Authority have no objection to the proposal provided 2 conditions are added to any planning consent.

Drainage: The site lies in an area known to be at risk of flooding and is in flood zone 3. As such policy DEV35 in the Plymouth and South West Devon Joint Local Plan is relevant, as are para.'s 157 to 163 in the NPPF 2019.

In relation to DEV35, it seeks to discourage development in areas at the highest risk of flooding and advocates applying the sequential test (as outlined in the NPPF 2019). Development will be resisted in such areas if there are reasonably available sites appropriate for the proposed development.

In this case the proposed development has been designed so that the building has all living space at a minimum height of 14.010 AOD to avoid potential flooding issues. There is a void

beneath the building with apertures around the plinth of the building to allow water to flow freely during a flood event. Galvanised steel grilles will be fitted within the apertures to make the space secure.

The policy context does however require that a sequential approach is taken to the development. It can be determined that the proposal does not satisfy the requirements of a Sequential test, as there are sites in the wider area that could accommodate a dwelling that are not subject to flood risk. However what also be acknowledged is that there is an extant consent on the site and the site is surrounded by other residential development, without the under build proposed on the application. Residential use of the site is therefore established and the ability of the previous consent to be implemented outweighs the rigid application of the sequential test.

As such the exception test must be applied. The exception test has two parts and both must be met to allow for the development to proceed. The first part of the test requires that the development provides wider sustainability benefits to the community that outweigh flood risk. In this case the redevelopment of this brownfield site, returning it to an economically viable use rather than an overgrown piece of brownfield land is of benefit to the local area and with the requirements of the Environment Agency added to any consent, it is considered that the benefits of developing the site in an economically viable way outweigh the flood risks.

The second part of the Exception test requires that safe access and egress can be provided during a flood event for the lifetime of the development. This includes a forewarning procedure and a safe evacuation route for residents. This is particularly important for those groups who are most vulnerable: the young, elderly disabled and with a chronic medical condition, as 'a stay put' flood solution, waiting for the flood waters recede, may expose them to significant risk. Following extensive consideration between the applicant's representatives, the Environment Agency and the Council's Emergency Planners it has been established that it is possible to put in place a conditional regime which provides adequate warning and safe evacuation from the site in a future flood event, On this basis the Council's Emergency Planners have withdrawn their earlier objection. This satisfies the second part of the Exception Test.

It is therefore considered that the proposal satisfies Policy DEV35, subject to the necessary conditions.

The Council's Drainage engineers also had an objection to the proposal, on the basis that the percolation testing had not been carried out. However the information was subsequently forwarded and the drainage objection was satisfied and the standard pre commencement conditions were requested to be added to the consent

#### Conclusion

The proposal meets the relevant planning policies for this type of development in this location and so as such the proposal is supported.

***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  
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  
DEV23 Landscape character  
DEV25 Nationally protected landscapes  
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 11, 157 – 163, 172, 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

**Neighbourhood Plan:** There is currently no Neighbourhood Plan in place for Yealmpton.

#### **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.

#### **Proposed Planning 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: 1101-941-0001 Site Location Plan; 1101-942-0010 Rev B proposed site layout; 1101-942-0011 Rev A Proposed floor plans and elevations; 1101-942-0012 Rev B Proposed street elevations and section.

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. 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.

4. The development hereby approved shall be carried out in such a manner as to avoid damage to the existing trees and hedgerows as shown on the plans, including their root systems, or other planting to be retained as part of the landscaping scheme, by adopting the following:

(i) All trees to be preserved should be marked on site and protected during any operations on site by a fence.

(ii) No fires shall be lit within the spread of the branches of the trees

(iii) No materials or equipment shall be stored within the spread of the branches of the trees

(iv) Any damage to the trees shall be treated with an appropriate preservative.

(v) Ground levels within the spread of the branches of the trees shall not be raised or lowered in relation to the existing ground level, or trenches excavated, except in accordance with details shown on the approved plans.

Reason: To protect the existing trees and hedgerows in order to enhance the amenities of the site and locality.

5. Notwithstanding the provisions of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 as amended (or any Order revoking, re-enacting or further amending that Order), all windows at first floor level and above on the southern and western elevations shall be obscure glazed prior to first occupation and shall be permanently maintained as such.

Reason: In the interests of amenity to prevent overlooking of neighbouring residential property

6. Prior to first occupation of the residential elements of the premises an emergency plan will be produced detailing the trigger points for evacuation, safe routes to safe harbourage, and contact details for emergency responders within the community. This plan once approved will be made available to future residents in the welcome pack of sale.

Reason: In order to ensure that an emergency plan is in place for residents to follow in the event of a flood.

7. Notwithstanding the provisions of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 as amended (or any Order revoking, re-enacting or further amending that Order), no development of the types described in Schedule 2, Part 1,



Classes A-H of the Order, including the erection of extensions, porches, garages or car ports, the stationing of huts, fences or other structures shall be carried out on the site, other than that hereby permitted, unless the permission in writing of the Local Planning Authority is obtained.

Reason: To protect the appearance of the area to ensure adequate space about the buildings hereby approved and in the interests of amenity.

8. No mud, stones water or debris shall be deposited on the public highway at any time.

Reason - In the interests of highway safety.

9. The parking and turning hardstanding areas required by this permission shall be laid out, completed and maintained for those purposes prior to commencement of the building.

Reason: To ensure the provision of adequate facilities within the site for the traffic attracted to the site.

10. The void areas shown below the dwelling on Plan Number. 1101-942-0011 Rev A Proposed floor plans and elevations Below the finished floor level 14.010 shall be kept permanently void and clear of obstruction. They shall not be used for storage or incorporated into the habitable part of the house.

Reason: To ensure flood risk is not increased elsewhere.

11. The parking area hereby approved shall be retained as a parking area unless otherwise agreed in writing with the Local Planning Authority.

Reason: To ensure there is adequate off road parking for the dwelling approved.

12. 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.

### 13. PRIOR TO COMMENCEMENT

Prior to the commencement of the development hereby approved, details of the disposal of foul water shall be submitted to and approved in writing by the Local Planning Authority and the approved foul water system shall be installed prior to occupation of the dwelling(s). Following its installation the approved scheme shall be permanently retained and maintained thereafter.

Reason: To safeguard the amenities of the locality and to ensure that the development is adequately drained. A pre-commencement condition is considered necessary to safeguard the environment in the interests of the amenities of the area.

#### 14. PRIOR TO COMMENCEMENT

Prior to the commencement of the development, details of the surface water design including percolation test results and supporting calculations shall be submitted to and approved in writing by the local planning authority. Details of maintenance and management responsibility for the drainage system must be submitted to and approved in writing by the local planning authority prior to commencement on site. Such approved drainage details shall be completed and become fully operational before the development first brought into use. Following its installation the approved scheme shall be permanently retained and maintained thereafter. Surface water drainage systems design and installation shall be accordance with CIRIA C697 The SuDS Manual and CIRIA C698 Site Handbook for the Construction of SuDS.

Reason: To safeguard the amenities of the locality and environment and to ensure that the development is adequately drained. A pre- commencement condition is considered necessary to safeguard the environment in the interests of the amenities of the area.

## PLANNING APPLICATION REPORT

**Case Officer:** Adam Williams  
Littlehempston

**Parish:** Marldon **Ward:** Marldon and

**Application No:** 0750/19/FUL

**Agent/Applicant:**

Mr Steve Bryan  
Ashfield Gables  
Ashfield Road  
Torquay  
TQ2 6HE

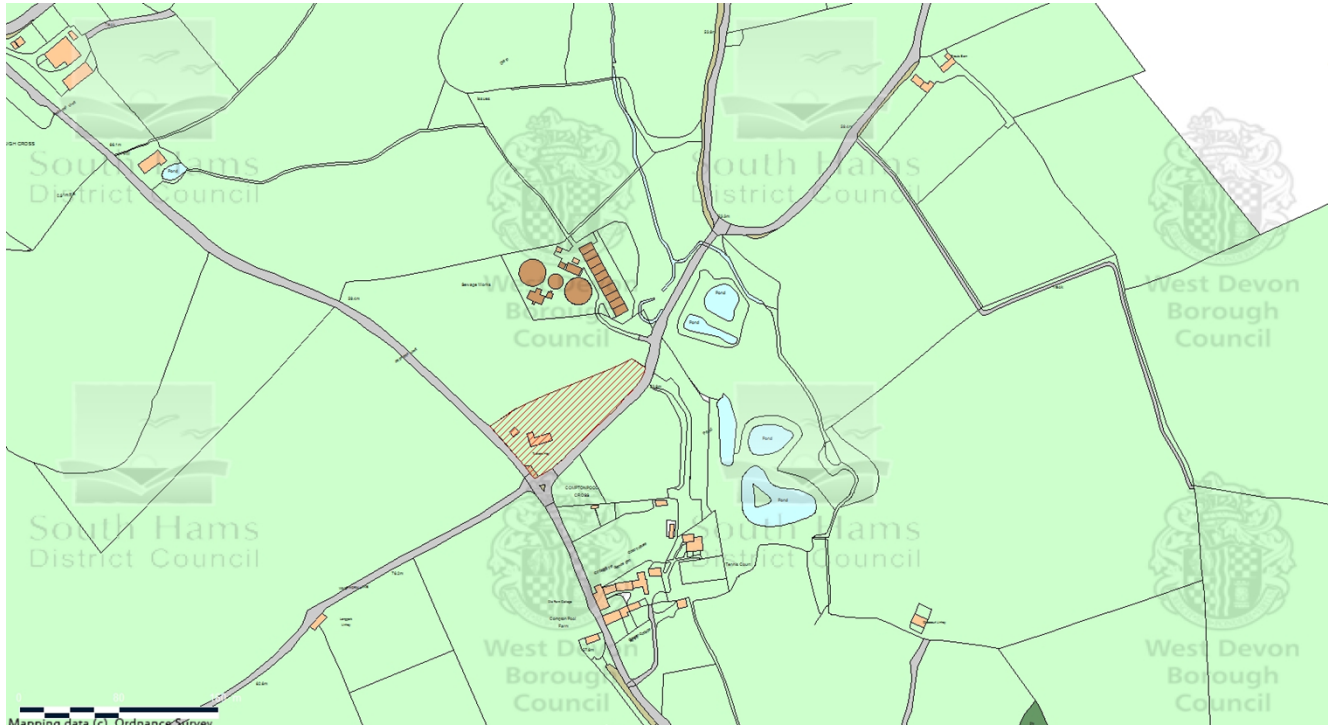
**Applicant:**

Mr B Sanderson  
Tuckers Hay  
Compton  
Marldon  
Devon  
TQ3 1TB

**Site Address:** Tuckers Hay, Compton Pool Cross, Compton, Marldon, TQ3 1TB

**Development:** Demolition of existing outbuilding; Erection of detached building to provide 2 bed annexe unit and closure of existing vehicular access of provision of new vehicular access.

**Reason item is being put before Committee** *Cllr Pennington considers that there are specific personal circumstances that provide sufficient justification for the proposals that need to be considered by committee*



**Recommendation: Refusal**

**Reasons for refusal**

1. The unit of accommodation, having regard to its size and various habitable rooms would result in a unit of accommodation capable of self-containment and would otherwise result in a separate unit of accommodation in an otherwise unsustainable location divorced from nearby services and facilities, this is contrary to Joint Local Plan Policies SPT1, SPT2, TTV1, TTV2 and DEV10 and the National Planning Policy Framework.

**Key issues for consideration:**

Principle, amenity, access, whether the unit of accommodation in ancillary

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**Site Description:**

The site is located north of Marldon and comprises a large two storey dwelling accessed of Gropers Lane. The site has spacious grounds and a single story outbuilding adjacent to the driveway. A collection of converted building are located 127m to the south, some dwelling and some holiday accommodation (Compton Pool Farm)

**The Proposal:**

Demolition of existing outbuilding; Erection of detached building to provide 2 bed annexe unit and closure of existing vehicular access of provision of new vehicular access.

**Consultations:**

- County Highways Authority – standing advice
- Town/Parish Council – recommend approval
- SHDC Drainage - Based on the information provided we would support the current proposal. Sufficient information has been provided to demonstrate a workable scheme, the final design will need to be agreed with the LPA. Therefore if permission is granted please include the following conditions to finalise the drainage design.  
Observations and comments  
Full details of the foul drainage have been submitted and includes written consent from SWW. Sufficient surface drainage details have been provided to confirm an ‘in principle’ scheme can be accommodated on site. Testing and calculations have not been provided to support the scheme so this information will be required by condition.

**Representations:**

None

**Relevant Planning History**

3628/18/HHO Mr B Sanderson

Householder application for proposed ground/first floor extension Conditional Approval  
Tuckers Hay Compton Pool Cross Compton Marldon TQ3 1TB 13 November 2018

34/0990/79/4 Unknown

Change of use of self-contained wing to holiday accommodation Conditional Approval  
Tuckers Hay Compton Marldon Unknown/historic

**ANALYSIS**

## **Principle of Development/Sustainability:**

Policy DEV10 concerns high quality housing, point 4 specifically reference annexes stating

*4. Residential annexes will be supported where they are within the same curtilage and ownership as the principal dwelling. Annexes should be clearly ancillary to the principal dwelling via a functional link, with no separate demarcation or boundary.*

In this instance the proposals will result in a separate building (albeit linked by a small covered space) with 2 bedrooms (one labelled as 'guest'), kitchen facilities, bathroom and garage, although within the same ownership, the proposals will result in what is essentially a self-contained dwelling with all the facilities necessary to allow someone to occupy it as a separate unit of accommodation.

The site is outside of a settlement boundary with Marlton its closest settlement, Torquay is beyond this but outside of the district's administrative area.

For a new dwelling, in terms of Policy Hierarchy, the Joint Local Plan seeks to direct development to main towns and sustainable settlements which re-enforce its settlement hierarchy in order to provide sustainable development in rural areas. Policy TTV27 is concerned with housing in rural areas relating to proposals for residential development on sites adjoining or very near to an existing settlement. Given the distance to Marlton the site cannot be said to be adjoining or very near to an existing settlement, it then turns to Policy 26 which concerns more remote development, it reads;

### *Policy TTV26*

#### *Development in the countryside*

*The LPAs will protect the special characteristics and role of the countryside. The following provisions will apply to the consideration of development proposals:*

*1. Isolated development in the countryside will be avoided and only permitted in exceptional circumstances, such as where it would:*

- i. Meet an essential need for a rural worker to live permanently at or near their place of work in the countryside and maintain that role for the development in perpetuity; or*
- ii. Secure the long term future and viable use of a significant heritage asset; or*
- iii. Secure the re-use of redundant or disused buildings and brownfield sites for an appropriate use; or*
- iv. Secure a development of truly outstanding or innovative sustainability and design, which helps to raise standards of design more generally in the rural area, significantly enhances its immediate setting, and is sensitive to the defining characteristics of the local area; or*
- v. Protect or enhance the character of historic assets and their settings.*

*2. Development proposals should, where appropriate:*

- i. Protect and improve public rights of way and bridleways.*
- ii. Re-use traditional buildings that are structurally sound enough for renovation without significant enhancement or alteration.*
- iii. Be complementary to and not prejudice any viable agricultural operations on a farm and other existing viable uses.*
- iv. Respond to a proven agricultural, forestry and other occupational need*

*that requires a countryside location.*

*v. Avoid the use of Best and Most Versatile Agricultural Land.*

*vi. Help enhance the immediate setting of the site and include a management plan and exit strategy that demonstrates how long term degradation of the landscape and natural environment will be avoided.*

In the absence of justification of exception the proposals are not sustainable development. Officers are aware this has been proposed as an annexe and are understanding of the personal circumstances of the applicants, but in land use terms, this unit is not a functional annexe for the reasons outlined so far. The LPA cannot support what is a self-contained two bedroom bungalow which is in no way a functional annexe as it has everything inside to be self-contained, conditions or unilateral undertaking have been proposed by the applicants, however officers are mindful that conditions and S106's related to a proposal like this can be easily lifted at a later stage and do not offer sufficient protection to retain the building as an annexe in perpetuity nor would the authority be able to adequately monitor if the unit is being occupied as ancillary accommodation only.

#### **Design/Landscape:**

The proposals seek to demolish and existing outbuilding and construct a new annexe upon its footprint. The single storey nature of the design is unassuming in its form, utilising traditional materials and features such as render and slate and pitch and gable roofing. Given the existing poor quality outbuildings and enclosed nature of the site the proposals will not cause a detrimental impact upon the landscape or the setting of the house and its grounds.

#### **Neighbour Amenity:**

Although the proposals are presented as an annexe to the Tuckers Hay, the proposal does amount to a new dwelling. The two buildings are related around an existing hardstand, Tuckers Hay has ample amenity space with its spacious grounds and the new unit would have access to discrete amenity space to its rear which is largely out of view from Tuckers Hay. There are no other residential dwellings nearby and as such the impacts to amenity are considered to be negligible.

#### **Highways/Access:**

The proposals feature the closure of the existing vehicular access and provision of new vehicular access to the north west, the location of the access point is pre-existing, some fencing and overgrowth will be removed to facilitate a wider visibility splay.

The new proposed access point as a difficulty with visibility to the right hand side as you would leave it due to the bend and some protruding hedge, the other side has suitable visibility.

The existing access is considered to be dangerous by the applicant, having visited the site traffic speeds are quite high and visibility of emerging traffic from users existing the nearby junction is poor. Although the proposed access has a small visibility issue it would result in a better situation than they have now. Officers discussed this with DCC highways and it was concluded that if there is betterment, this is a judgement that can be made on balance despite the proposed access not being fully compliant with standing advice.

#### **Planning Balance**

Although the access features of the proposals are acceptable, the annexe by virtue of its size and numerous habitable rooms would result in a unit of accommodation that is capable of

self-containment and cannot be said to be truly ancillary in accordance with Joint Local Plan Policy DEV10.

***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  
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  
DEV23 Landscape character  
DEV26 Protecting and enhancing biodiversity and geological conservation  
DEV28 Trees, woodlands and hedgerows  
DEV29 Specific provisions relating to transport

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:

## **Neighbourhood Plan**

**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

**Case Officer:** Adam Williams

**Parish:** Totnes **Ward:** Totnes

**Application No:** 1214/19/ADV

**Agent/Applicant:**

Mrs Samantha Branch - Visit  
Totnes/Totnes Council  
5 Ramparts Walk  
Totnes  
TQ9 5QH

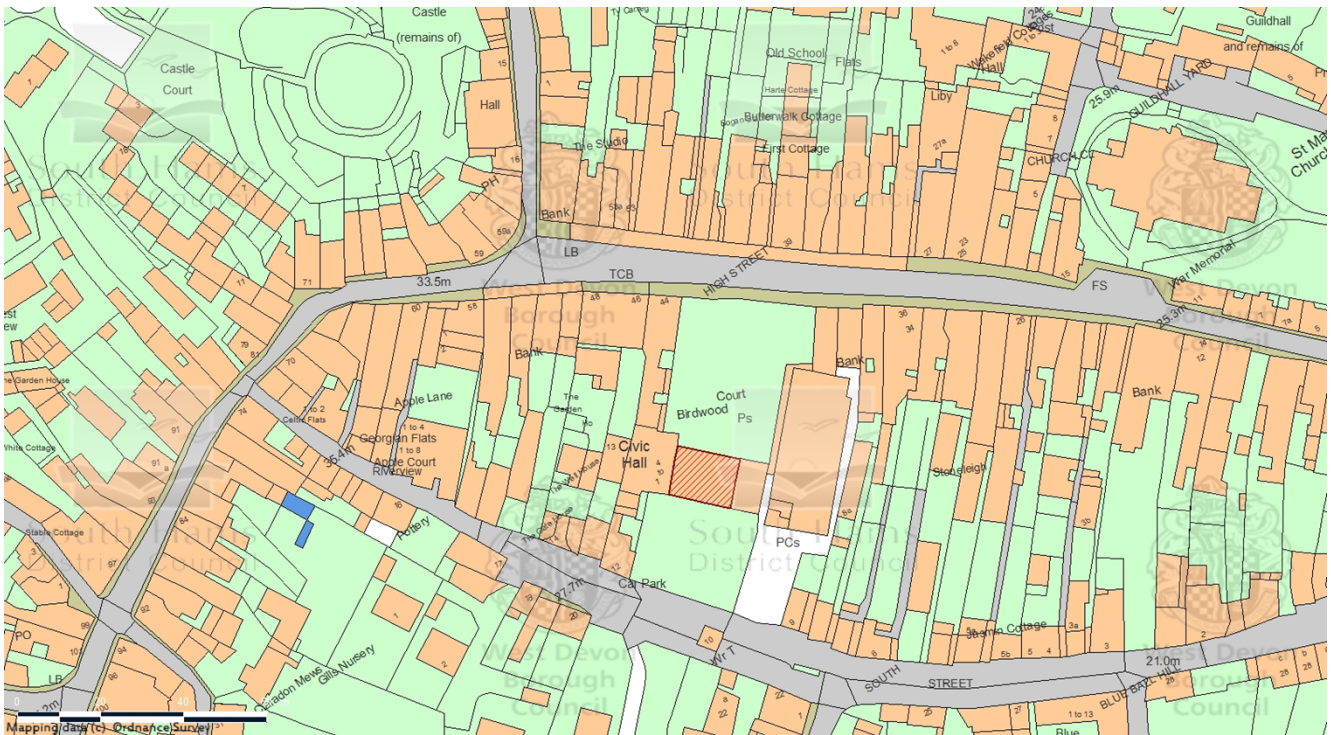
**Applicant:**

Mrs Samantha Branch - Visit Totnes/Totnes  
Council  
5 Ramparts Walk  
Totnes  
TQ9 5QH

**Site Address:** Totnes Tourist Information, Civic Hall, Market Square, Totnes, TQ9 5SG

**Development:** Application for consent to display advertisement sign under ramp of civic hall

**Reason item is being put before Committee –** *the building is owned by South Hams District Council*



**Recommendation:** *delegated approval to Head of Development Management subject to the receipt of revised plans that clarify the precise position of the fascia sign*

**Conditions**

1. Time limit
2. Accord with plans
3. No illumination
4. Standard advert conditions

**Key issues for consideration:**

Main considerations are amenity and public safety in terms of Advert Regulations 2007. Impact upon the setting of a listed building and Totnes CA.

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**Site Description:**

The site is located on the southern side of the High Street, to the north of South Street within the Totnes Town Centre Zone and Primary Shopping Area. It comprises the Totnes Town Council Civic Hall, a 3 storey building which dates from 1960 with a pedestrianised area at ground floor level under the building which leads from the car park immediately to the south and Birdwood Court to the rear, a public square which leads through to the High Street. The south elevation of the building (where the works are proposed) faces directly onto the car park. The site is located within the Totnes Conservation Area, and there are numerous listed buildings within close vicinity of the site.

**The Proposal:**

Advertisement consent for 1 x fascia Totnes Tourist Information sign measuring 1.07m high and 2.47m wide

The application did include a movable café style banner but this was rescinded from the proposals and wont form part of this determination

**Consultations:**

- County Highways Authority – no comments
- Town/Parish Council - support
- Others

**Representations:**

None as of writing this report

**Relevant Planning History**

56/2344/13/AD Totnes Town Council

Advertisement consent for one fascia sign Conditional Approval

Civic Hall Market Square Totnes Devon TQ9 5SF 11 October 2013

56/2336/13/F Totnes Town Council

Application for replacement double-glazing to mural room. Replacement of extractor fan with small double-glazed window (non-opening) with obscure glass as part of bar/kitchen refurbishment Conditional Approval

Civic Hall Market Square Totnes Devon TQ9 5SF

56/1198/93/3: FUL

Civic Hall Square Totnes.

Conditional approval: 23 Sep 93

**ANALYSIS**

In assessing applications for consent to display an advertisement, the acceptability of the proposal should be assessed in relation to amenity (i.e. general characteristics of the locality, including the presence of any feature of historic, architectural or cultural interest etc) and public safety (i.e. highway, CCTV), taking into account material provisions of the development plan and any other relevant factors.

The Civic Hall dates from 1960 and although it is not the most highly regarded building in the town, it is very prominent from some viewpoints and is distinctive in its architecture and building materials, including slate hanging. The main close-up views of the southern elevation are from the inner relief road and the main car park. More distant views are afforded from the southern approach to the town along the A381. The closest listed building to the site is number 12 South Street, directly in front of the western portion of the building.

The site is located within the commercial town centre where there is an abundance of advertisements one would expect to see in a commercial area. The sign would be an appropriate size for the scale of the building, in a suitable location just below the crest on the northern elevation on a wooden panel, and its simple design and colours (black, white with some coloured branded lettering and small social media logos) and materials (Foamex with flush vinyl lettering) would harmonise well with the muted colours of the building. The sign would be flush with the wall and non-illuminated.

All new signs will be non-illuminated which is to be expected in this historic part of the town centre. The proposals are considered to be both sensitive and appropriate for the building within its primary shopping frontage setting and as such accord with both local and national conservation plan policies and policies controlling the use of adverts and signage.

#### **Public Safety**

There are no issues relating to public safety given the modest size and location of the sign. In terms of the moveable barrier this will be placed near the access staircase to the east and with it being conditioned to be removed outside of opening hours and the months suggested by the application (April to October) this is not considered to compromise public safety

***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**

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.**

DEV1 Protecting health and amenity  
DEV17 Promoting competitive town centres  
DEV18 Protecting local shops and services  
DEV19 Provisions for local employment and skills  
DEV20 Place shaping and the quality of the built environment  
DEV21 Development affecting the historic environment

Other material considerations include the policies of the National Planning Policy Framework (NPPF) and guidance in Planning Practice Guidance (PPG).

**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(s)

Sign Proposed to Front elevation of Civic Hall - received by the Local Planning Authority on 30/05/2019

Site location plan – received by the Local Planning Authority on 30/05/2019

Proposed Elevation - received by the Local Planning Authority on 03/07/2019

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.

3. Notwithstanding the details illustrated on plan ref 'sign proposed to Front elevation of Civic Hall' received by the LPA on 30/05/2019', there shall be no illumination of any signage hereby approved.

Reason: To preserve the character and appearance of the conservation area the listed buildings.

4. 1. Any advertisements displayed, and any site used for the display of advertisements, shall be maintained in a clean and tidy condition to the reasonable satisfaction of the Local Planning Authority.

2. Any structure or hoarding erected or used principally for the purpose of displaying advertisements shall be maintained in a safe condition.
3. Where an advertisement is required under these Regulations to be removed, the removal shall be carried out to the reasonable satisfaction of the Local Planning Authority.
4. No advertisement is to be displayed without the permission of the owner of the site or any other person with an interest in the site entitled to grant permission.
5. No advertisement is to be sited or displayed so as to obscure, or hinder the ready interpretation of any road traffic sign, railway signal or aid to navigation by water or air, or so as otherwise to render hazardous the use of any highway, railway, waterway (including any coastal waters) or aerodrome (civil or military).

Reason: Standard condition under the provisions of the above mentioned Regulations.

5. Prior to its installation, precise details of the appearance of the fascia sign hereby approved shall be submitted to and approved in writing by the Local Planning Authority

Reason: in the interests of visual amenity

#### **INFORMATIVES**

1. This authority has a pro-active approach to the delivery of development. Early pre-application engagement is always encouraged. In accordance with Article 35(2) of the Town and Country Planning Development Management Procedure (England) Order 2015 (as amended) in determining this application, the Local Planning Authority has endeavoured to work proactively and positively with the applicant, in line with National Planning Policy Framework, to ensure that all relevant planning considerations have been appropriately addressed.
2. The responsibility for ensuring compliance with the terms of the approval rests with the person(s) responsible for carrying out the development. The Local Planning Authority uses various means to monitor implementation to ensure that the scheme is built or carried out in strict accordance with the terms of the permission. Failure to adhere to the approved details can render the development unauthorised and vulnerable to enforcement action.

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## PLANNING APPLICATION REPORT

**Case Officer:** Lucy Hall  
Gifford

**Parish:** Churchstow **Ward:** Loddiswell and Aveton

**Application No:** 1383/19/FUL

**Agent/Applicant:**

BBH Chartered Architects Ltd  
BBH Chartered Architects Ltd  
Creek House  
1 Island Street, Salcombe  
TQ8 8DP

**Applicant:**

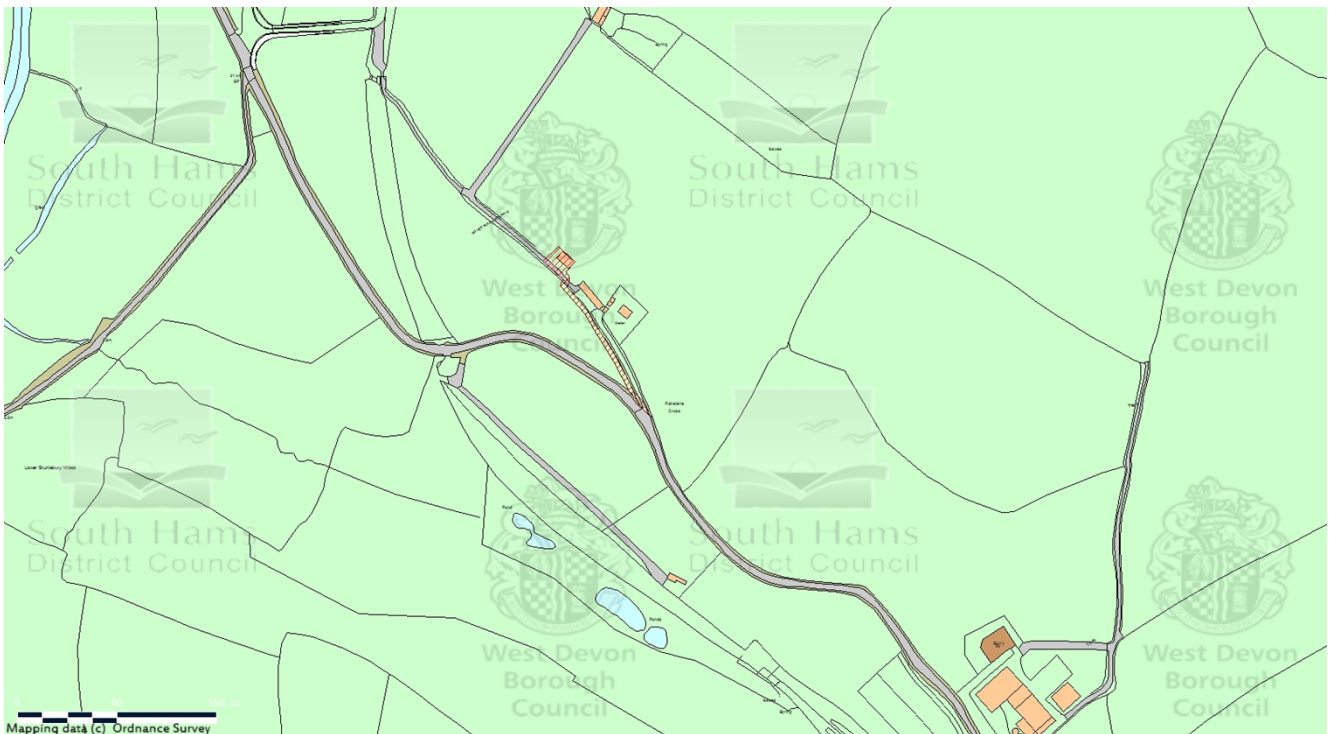
Mrs E Perraton  
C/O Agent

**Site Address:** Redundant Barn, Gratton Farm, Loddiswell, Devon, TQ7 4DA

**Development:** Associated operational development to allow for change of use of building to flexible use (C1), following 0565/18/PAU

**Reason item is being put before Committee**

Small development which will benefit the local community by offering employment  
Development is sympathetic to the local environment  
Development will be screened by existing trees  
Building will deteriorate if not developed



## **Recommendation: refusal**

### **Reasons for refusal**

The conversion by reason of the introduction of glazed openings and additional built features including the terrace would depart from the agricultural character of the site causing harm the intrinsic rural quality of the landscape area and its surroundings, and thereby the character of the South Devon Area of Outstanding Natural Beauty contrary to policies SPT12, TTV26, DEV2, DEV20, DEV23, DEV25 of the Plymouth and South West Joint Local Plan (2014-2034), National Planning Policy Framework, including but not limited to paragraph 172 and the advice contained within the South Devon AONB Management Plan.

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### **Site Description:**

The site is located off a private track to the north of Rakelane Cross, situated around 570m to the north west of Sorley and 440m south east of Aune Valley Meat. The site relates to an existing a pole barn, which is open on all sides, comprising of 8 upright poles and a steel roof. The site is located at the end of an existing drive, near to a neighbouring barn undergoing conversion into residential dwellings.

The site is located within the countryside and South Devon AONB.

### **The Proposal:**

The application seeks planning permission for operational development to allow for the change of use of the building to a hotel/guesthouse (use class C1) as consented under permitted development (0565/18/PAU).

The proposal involves cladding the whole building in dark standing seam metal sheeting and introducing a series of openings. The proposal also includes engineering works to the front of the building to provide a raised terrace, steps and ramp which would provide the main entrance to the building.

Accommodation would be provided over two levels with an open plan lounge/dining/bar area, kitchen/store, office/staff room and main lobby at ground floor. The open plan lounge would open onto a raised terrace which would be constructed off the south west elevation. Four bedrooms, all with en-suites are proposed at first floor.

A parking area for four vehicles would be provided to the front (south west) and side (north-west) of the building.

### **Consultations:**

- County Highways Authority                      no comments, refer to standing advice
- Environmental Health Section                      no comments received
- Parish Council                                      no comments received within statutory consultation period
- Landscape (verbal discussion)                      objection



## **Representations:**

The Council has received one letter of support for the proposal. The comments received can be summarised as follows:-

- Proposal will benefit the local economy by creating job opportunities
- Proposal is well designed and complimentary to the surrounding landscape/AONB
- Proposal will make good use of a tired and derelict agricultural building
- Proposal accords with local and national planning policy

## **Relevant Planning History**

0271/19/FUL, Associated operational development to allow for change of use of building to flexible uses following 0600/19/PAU, Redundant Barn, Gratton Farm – conditional approval

0600/19/PAU, Notification for prior approval for proposed change of use of agricultural building to flexible use (Class B1 and B8) (Class R), Redundant Barn, Gratton Farm – prior approval not required

0565/18/PAU, Application for prior approval for proposed change of use of agricultural building to flexible use (Class R) (resubmission of 4379/17/PAU), Redundant Barn, Gratton Farm – prior approval not required

4379/17/PAU, Application for proposed change of use of redundant agricultural barn to flexible use (class R), Redundant Barn, Gratton Barn – refusal

3604/17/FUL, Conversion of redundant agricultural barn to dwelling, Redundant Barn, Gratton Farm – refusal

## **ANALYSIS**

Principle of Development/Sustainability:

This proposal is to undertake the operational development required to support the change of use of the site to a hotel/guesthouse (use class C1) allowed under prior notification decision 0565/18/PAU. The principle of the use is therefore already established, and material to this application is whether the proposed operational development is acceptable in particular having regard to the location of the site within the South Devon AONB.

Design/Landscape:

The site is located within the South Devon Area of Outstanding Natural Beauty. AONB's are among the areas within the NPPF afforded the highest status of protection in relation to landscape and scenic beauty and this is reinforced through JLP. Policy DEV25 and subparagraph 8 of the policy requires within the protected landscape to amongst a number of other criteria 'conserve and enhance' the natural beauty of the protected landscape with particular reference to their special qualities and distinctive characteristics or valued attributes.

Planning permission was refused in 2017 under application reference 3604/17/FUL for the conversion of the building to a dwelling. The proposal involved cladding the whole building in vertical natural larch timber cladding, designed to weather naturally allowing the building to gently assimilate itself into the landscape. A series of openings were proposed and internal accommodation was arranged over two levels. The subsequent appeal was dismissed on the grounds that the site was essentially considered to be unsustainable for the provision of a

new dwelling and because of the effect of the proposal on the character and appearance of the South Devon AONB. The latter was considered in detail in paragraphs 4 – 7.

*4. The area is a rolling landscape with wide, expansive views. The nearby settlement of Loddiswell and other larger settlements are generally hidden from views around the site and there is a scattering of farmsteads, of which Gratton is one. This gives the area an undeveloped agricultural character, dominated by the landscape.*

*5. Despite being raised on the hillside, the buildings at Gratton are not particularly visible at close range, the topography, trees and hedgerows screening most views from the road that passes the site entrance. However, there are views from the access towards the site where the barn is seen in the context of the farmhouse and a much lower concrete block barn that has permission to be converted to dwellings. The adjoining barn nestles against the hillside, whereas the appeal building, is taller and, when viewed from the site access, breaks the line of the hillside beyond. Even so, the open nature of the appeal barn gives it a lightweight and unobtrusive appearance. Whilst being somewhat dilapidated it does not detract from the character and appearance of the area being a clear part of the agricultural landscape. There is no substantive evidence that further decay, if the building were left unconverted, would significantly change this.*

*6. Whilst the proposed simple, utilitarian design and use of natural materials would retain some of the character of the existing building, it would become a considerably more solid structure that would be much more prominent in any views towards it, despite its modest size relative to some farm buildings. The architectural design and detailing is of a high standard and well-conceived, high quality materials could be secured through the use of conditions and integrated storage solutions may reduce the presence of domestic paraphernalia around the building. However, whether or not there would be significant light spillage at night, the design with expanses of glazing would be clearly residential and rather than enhancing its rural setting would be a fundamental, harmful change from the existing undeveloped, agricultural character.*

*7. The change in character would cause harm to the natural scenic beauty of the AONB which brings the proposal into conflict with Policy CS9 of the South Hams Core Strategy 2006 (CS) which seeks to ensure the conservation and enhancement of AONBs. It would also conflict with Policy DEV27 of the emerging Plymouth & South West Devon Joint Local Plan 2014-2034 (JLP) which shares these broad aims. Whilst there are limited views of the appeal site in the wider area, in accordance with paragraph 172 of the National Planning Policy Framework (the Framework), relating to the conservation and enhancement of AONBs, I must give this harm great weight in my decision.*

Planning permission has subsequently been allowed on the site for operational development in association with the use of the building for use classes B1/B8 (reference 0271/19/FUL). The use was allowed under permitted development and the operational development included the installation of insulated dark brown corrugated metal sheet panels on the elevations with dark-grey corrugated metal sheet panels with some translucent sheets on the roof. With regards to the impact of the proposal on the character and appearance of the AONB, the following extract is from the officer report: -

*It is considered that although the barn will be enclosed, the choice of materials will retain a modern agricultural appearance in the primarily agricultural setting. There are limited windows proposed, with two at ground floor level on the south west elevation and two (one at ground floor and one at first floor) on the south east elevation. It is considered that these*

*limited number of windows will not create significant impacts to the visual setting of the building. A large roller door and pedestrian entrance are proposed on the north-west elevation. This is considered acceptable, with the roller door being a feature that could readily be placed on an agricultural building. Although the appearance of the barn itself is changing, the design is attempting to retain the appearance of an agricultural building and will not be significantly harmful to the existing street scene, agricultural setting or the AONB in accordance with Policies TTV31, DEV2, DEV20, DEV23 and DEV25 of the Joint Local Plan.*

The proposal scheme which forms the subject of the current application by contrast would depart from the agricultural character and appearance of the barn. In the context of the extant approved scheme, the dark standing seam metal sheet cladding which would cover the external façade, is considered to be appropriate. However, the introduction of glazed openings combined with new built features including the terrace, steps and ramp area would be clearly residential features and rather than enhancing the rural setting would be a fundamental, harmful change from the existing undeveloped rural character which would neither conserve nor enhance the AONB, contrary to adopted policies. The introduction of the glazed openings and a terrace area which invites an evening dining use would negatively impact on the landscape setting of the site with the potential for light pollution. Rural tranquillity and dark skies are part of the vision (4.2) for the AONB as outlined within the Management Plan 2014-2019, and so the inevitable light spill would harm the existing dark landscape.

The proposal would also conflict with JLP Policy DEV2 which amongst a number of other criteria requires development proposals to limit the impact of light pollution on local amenity, intrinsically dark landscapes and nature conservation.

#### Neighbour Amenity:

No neighbour issues are envisaged and the separation distance between the nearest neighbour is considered to be adequate in the context that using the site for C1 has been accepted. The proposal could create an un-neighbourly relationship if the bar/dining area was open to non-paying hotel guests but this could be addressed with a planning condition that restricts the users of these areas.

#### Highways/Access:

While the response received from the Highway Authority on the proposal did not raise any comments and referred to standing advice, the case officer has subsequently discussed the proposal with the Highway Authority. In the context of the authorised B1/B8 use of the site the highway authority have not raised a highway safety objection to the proposed use of the site for C1 as a hotel/guesthouse. With regards to parking, the proposal allocates four parking spaces to the front and side of the building. Due to the site constraints and restrictive curtilage the parking spaces are positioned at an angle. On the basis that the Authority does not have any guidance on parking requirements for the proposed use the Highway Authority have advised that it would be unreasonable to refuse the application for a shortfall in parking provision.

#### Other Matters:

The site is not located within any specific ecological protection zones and the application was accompanied by a bat and bird nesting survey. The submitted survey advised very low possible for bats or birds to be found nesting within the existing building due to the exposed nature of its design. It was noted that there are potential nesting sites in any surrounding bramble patches. The report includes a number of recommendations and a condition could be applied to ensure they are adhered to.

The site is not within Flood Zone 2 and 3 and is not within a Critical Drainage area and is thus considered low risk. It is proposed to dispose of surface water via a sustainable drainage system and foul via package treatment plant. While the principle of this is acceptable the final design would need to be agreed via condition.

Recommendation – refusal

***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
- SPT3 Provision for new homes
- SPT4 Provision for employment floorspace
- SPT5 Provision for retail development
- SPT6 Spatial provision of retail and main town centre uses
- SPT7 Working with neighbouring areas
- SPT8 Strategic connectivity
- 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
- SPT13 Strategic infrastructure measures to deliver the spatial strategy
- SPT14 European Protected Sites – mitigation of recreational impacts from development

PLY61 Strategic infrastructure measures.  
TTV1 Prioritising growth through a hierarchy of sustainable settlements  
TTV2 Delivering sustainable development in the Thriving Towns and Villages Policy Area  
TTV26 Development in the Countryside  
DEV1 Protecting health and amenity  
DEV2 Air, water, soil, noise, land and light  
DEV15 Supporting the rural economy  
DEV20 Place shaping and the quality of the built environment  
DEV23 Landscape character  
DEV25 Nationally protected landscapes

Other material considerations include the policies of the National Planning Policy Framework (NPPF) including but not limited to paragraphs 172 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.

**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.

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## PLANNING APPLICATION REPORT

**Case Officer:** Lucy Hall

**Parish:** Brixton **Ward:** Wembury and Brixton

**Application No:** 0670/19/ARM

**Agent/Applicant:**

Mr Jason Battle - Studiojb Architectural Services Ltd  
Unit A1  
Apollo Court  
Neptune Park, Plymouth  
PL4 0SJ

**Applicant:**

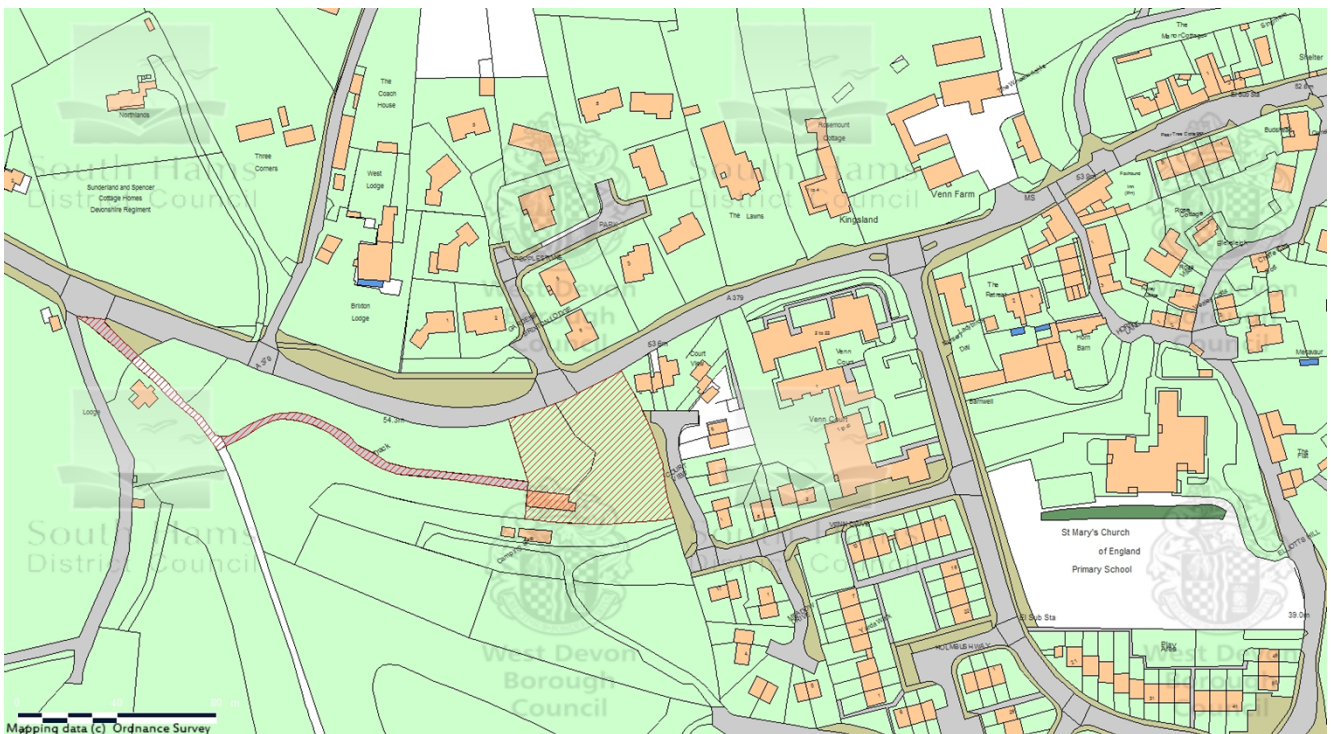
Mr Johnny Fraser  
Top Floor Apartment  
3 Woodlands Terrace  
Greenbank  
Plymouth  
PL8 2AT

**Site Address:** Land Adjacent to Cofflete Lodge (South A379), Brixton, PL8 2AT

**Development:** Application for Approval of Reserved Matters following Outline Approval 2481/16/OPA

**Reason item is being put before Committee**

Given the valid representations put forward by Brixton Parish Council, and the new view of the Tree Officer.



**Recommendation:** conditional approval

**Conditions (full list at the end of the report)**

1. Accord with plans
2. Natural slate
3. Natural stone
4. Weatherboarding
5. Joinery

6. Ducts, flues, vents, etc
7. Render
8. Boundary treatment
9. Tamar ZOI Mitigation
10. Tree Protection and Arboricultural Method Statement

**Site Description:**

The application site is an area of broadleaf woodland, which is subject to a blanket Tree Preservation Order (TPO). It is located on the western edge of the village of Brixton and contains an existing village Scout Hut. Access to the site is via a meandering tree line private driveway off to the A379. Court View, residential road, lies to the east of the site, Brixton. Camp Site to the south, the A379 to the north (Brixton Lodge Garden beyond) and open countryside to the west.

The site is located within the South Devon Area of Outstanding Natural Beauty and falls within the 12KM radius of the Tamar Zone of Influence for new residences having a recreational impact on the Tamar European Marine Site (comprising Plymouth Sound and Estuaries SAC and Tamar Estuaries Complex SPA).

**The Proposal:**

The application seeks the approval of reserved matters following outline approval (ref 2481/16/OPA). This application was a hybrid application with full planning consent approved for the erection of a new scout hut on a nearby parcel of land, and outline permission given for the demolition of the existing scout hut and the erection of two dwellings.

With regards to the outline consent all matters were reserved with the exception of access which is to be taken from an existing wooded track that leads off the A379 past Brixton Lodge to the west of the site. The outline consent also allowed for the removal of a large oak tree within the woodland, referred to as 'T17' on the tree protection plan.

The proposed detached dwellings would sit fairly centrally within the site, with their frontages orientated towards the access track. Parking and turning would be provided to the front of the buildings with gardens concentrated to the rear.

Plot 1 would be situated on the southern side of the site, where the existing scout hut is located. The dwelling would take the form of a rectangular two storey block with wrap around single storey element to the south east and south west elevation. The external palette includes natural stone, Cedar timber cladding and render to the walls, aluminium framed openings and natural slate to the roof. Internal accommodation includes a bathroom and 3 bedrooms, including the master room which would contain an en-suite to the first floor and a study/4<sup>th</sup> bedroom, kitchen, utility and open plan lounge/dining to the ground floor.

Plot 2, which also the form of a two storey rectangular block with wrap around single storey element. The external palette is the same as for plot 1 and the internal layout is similar with 3 bedrooms including master suite and bathroom at first floor and at ground floor 4<sup>th</sup> bedroom, office, utility and open plan kitchen/dining/living area.

**Consultations:**

- County Highways Authority                      no objections
- Environmental Health Section                      no comments received



- Brixton Parish Council objection

*1. The proposal to build these 2 houses is entirely dependent on the dismantling the old scout hut and the building of a new Scout Hut in the field adjacent to the campsite for which there planning permission has been granted. The plan is for the new scout hut to be built and available for use by Brixton Scouts before the existing scout hut is dismantled for this housing development. There is no reference to this plan in the paperwork either text or drawings submitted for consultation with an indication of timescales etc . Until this matter is clear and resolved BPC object to this application as the priority is for the Scouts to have a new venue which is up and running before the old one is dismantled and this is all part of the plan for the 2 applications.*

*2. For the development of 2 detached houses there are no indications of how foul and water drainage are planned to be addressed. Will there be a mains sewerage connection or septic tanks and how will surface water be addressed?*

*3. There is no indication of a footpath allowing access from the south side of the A379 through/around the property to the adjacent dwellings. There has been a footpath in use through the grounds of this site for probably 20 years and it is the only way to allow safe access from the bus stop at Cofflete Lodge to the residential area adjacent to Steer Point Road. . Brixton Parish Council recommends that this access is retained for safety and community benefit and that a new route for the footpath is clearly indicated on the plans – possibly to the north side of the properties (parallel to the A379 and inside the tree line/hedgerows), so as to continue to allow pedestrian access to the residential road ‘Court View’, Steer Point Road etc,. Highways have commented on the small pedestrian gates on the eastern side of the plans for the two new properties but there is no indication of public right of way or a permissive path in accessing these gates – planned use of these gate*

*4. The felling of the established oak tree could be avoided by minor tree surgery to top out one branch.*

- Drainage no objection
- Ecology no comment
- Tree Specialist objection

#### **Representations:**

No comments received from third parties

#### **Relevant Planning History**

2481/16/OPA, Full application for the erection of a Scout Hut. Outline application for the demolition of Brixton Scout Hut and erection of two dwellings (access to be considered), Brixton Scout Hut And Brixton Football Pitch, Brixton, PL8 2NY – conditional approval

#### **ANALYSIS**

Principle of Development/Sustainability:

While the principle of erecting two new dwellings on the site has already been established and accepted by the Local Planning Authority, since the outline permission was consented there has been a change in the Council's policy position following the adoption of the Plymouth and South West Devon Joint Local Plan (JLP) in March. The Council is also able to demonstrate a 5 year land supply. The current proposal will be assessed against the policies contained within the JLP.

With regards to the outline permission for the dwelling all matters, except for access were reserved and the consent did allow the removal of a large oak tree which is referred to as 'T17' on the tree protection plan. The proposal scheme involves the removal of this tree.

#### Housing Mix:

The proposal includes two sized detached 4 bed units. JLP Policy DEV8 in trying to address the existing housing imbalance within the TTV policy area requires new developments to provide an appropriate housing mix that does not perpetuate existing imbalances. However in this case evidence does not indicate that the proposed development would not meet local need.

#### Design/Landscape:

The site lies within the AONB which is afforded the highest status of protection in relation to landscape and scenic beauty and where there is a policy requirement for development to conserve and enhance the natural beauty of the protected landscape. The Council's landscape specialist did not raise any objection at outline to the principle of residential development within the site stating: -

*'The sites are both discreet and visually well contained by topography and vegetation, though both are constrained to some extent through the attractive parkland landscape to the south and the Woodland TPO to the north. The context of existing residential development in Brixton and the existing caravan site gives a reasonable context of low density built form... Though there would be some localised impacts upon landscape character and the AONB, given the existing settlement context and limited extent of these effects, they would not be considered sufficient to result in an objection under adopted policies CS9 and DP2 which seek to conserve and enhance landscape character.'*

In the context of the outline consent which allows for a residential use of the site, the proposal dwellings which are simple in their form are considered to be well designed and the proposed palette of external materials has the opportunity to really enhance the appearance and finish of the buildings. The scale of the buildings are generous and the addition of the single storey wrap around additions helps to break up the visual mass. Appropriate conditions are recommended to ensure a high quality of design is achieved.

The addition of boundary fencing around the site is an unwelcome addition and officers would prefer an alternative treatment such as a soft, natural boundary which was appropriate to its semi-rural context. The case officer has discussed this with the applicant who is open to considering an alternative treatment for the boundaries. An appropriate condition is therefore recommended.

One of the fundamental issues with the proposal at outline was the impact on the protected trees and the removal of a large oak tree, which is referred to as T17 on the Tree Protection Plan. The applicants argued that without its removal it would not be possible to provide a layout which enabled the delivery of the two dwellings, which were necessary for viability reasons to enable the provision of a replacement scout hut. The council sought advice from

an independent tree consultant regarding the removal of the oak. The following is an extract from the previous officer report: -

*A subsequent report and associated tree protection and planting plan produced by Devon Tree Services which sought to address the concerns was submitted. Within this report it is noted that the woodland is dominated by sycamore, much of which forms thin regenerated growth, in addition to beech, ash, hawthorn and oak. The age of the trees vary from early mature to mature and physiological. Structural condition is rated as poor to good. Collectively it is considered the woodland represents a significant landscape value. A number of category 'U' trees are proposed for removal. The majority of these of sycamore, many of which are noted to have regenerated into low quality stems in poor condition and are not considered a material constraint to the development. Notable removals are limited to 3 mature B2 category trees. It is noted T17 (Oak) falls within the likely footprint of the dwelling so retention would not be possible, and to provide a reasonable garden T27 (sycamore) and T28 (ash) are recommended for removal. The Council's independent tree consultant has not raised any objections to the removal on the basis 'the level of replanting proposed is high and will mitigate for the loss of centralised tree cover in the long-term'. However, additional information is requested with regards to additional proposed planting and the overall management of the woodland.*

The matter was debated at length by committee members who ultimately decided to consent the proposal on the basis of the benefits to the community with the replacement the scout hut.

In accordance with the outline consent the proposal relies on the removal of T17. The current RM application has been considered by the Council's Tree Specialist who has raised objection on the basis the proposal would conflict with JLP Policy DEV28. The following is an extract from the response which sets out the main issue: -

*'The dominant tree within the woodland is a large mature English oak tree (T17 within the report) described in the supporting report as having substantial dieback in the upper crown. During the site visit dated 22/05/2019 only moderate dieback to one upper crown limb was noted and the remainder of the tree was observed to be in good health and structural condition. External assessment of the woodland noted T17 to be readily visible above the lower storey ash and sycamore layer. The supporting report is outside of its 1 year indemnity period (lapsed Feb 2018) and therefore reduced weight is apportioned to its description of the dominant tree classification. My assessment of T17 Oak using the criteria within BS5837:2012 would be to ascribe an A1 category, given it is the dominant tree within the woodland as an essential contributory element of the varied amenity attributes as presently contributed by the woodland.'*

He goes onto say while *'further trees within this discrete area of the woodland are of lesser constraint given their canopies do not dominate individually and targeted removal, with suitable mitigation planting, would be of lesser visual harm to the wider landscape. Overview study of the layout within the proposed unit layout plan indicates a requirement to fell T17. Given the fixed unit numbers of 2 against the space available and the poorer quality adjacent trees it is considered that T17 could be retained as an enhancing feature within the development. This would ensure retention of the long term visual contributions to the local and importantly wider landscape whilst enhancing the internal sylvan setting of the development as a high quality single stemmed tree of significant life expectancy. Options to retain T17 as part of a circular driveway with no dig surface treatment below would allow*

*further space to be available for the amenities of any new occupant and assist in further layout options.'*

The case officer and the Tree Specialist met with the applicant to see if there was a way to address the issues and notwithstanding the outline permission find an alternative scheme which allows T17 to be retained. Unfortunately the parties were not able to agree a way forward and the applicant advised that the application should be determined in accordance with the details submitted.

Notwithstanding the concerns raised by the Council's Tree Specialist, on the basis that the outline consent allows for the removal of the tree, it would be unreasonable for the Council to now refuse the reserved matters on the basis of this revised information.

If the proposal is to be permitted, the tree specialist recommends an updated tree protection plan is provided to ensure informed retention of constraining tree features and an appropriate condition is recommended to deal with this.

#### Neighbour Amenity:

The proposed does not raise any concerns regarding neighbour amenity between the dwellings or with existing dwellings which are sited at a reasonable distance from the site and screened by existing planting on the boundaries.

#### Highways/Access:

In accordance with the outline consent, vehicular access to the site would be via an existing tree lined track which leads off the A379 past Brixton Lodge. Emerging NP Policy Dev5 requires that residential development should provide at least one parking space for each bedroom with further additional parking spaces for properties with 3 or more bedrooms. The proposal provides 4 spaces for plot 1 and 3 spaces for plot 2. While plot 2 arguably falls short of the policy requirement, the hardstanding to the front of the property offers scope for additional parking if required, and on this basis it is not considered that it would be reasonable to withhold permission for this reason alone. The Highways Authority have not raised any comments on this matter.

The proposal also includes two gates to the rear of the plots to enable pedestrian access to Venn Drive. The Highway Authority has not raised any objections on this basis noting that conditions are imposed at outline to deal with the detail of these links. However the outline permission only requires details of pedestrian links to be provided as a reserved matter. Therefore officers consider that it is appropriate to impose a further condition requiring the access point to be provided and thereafter retained.

The Parish Council have requested that the proposal includes a footpath to enable safe access through the site to the residential areas and beyond. The comments suggest that this should be for the benefit of the wider community with the site currently being used as an access point into Brixton regularly by walkers. However, as confirmed by the applicants at outline stage the existing access is not formal right of way and therefore while it would be desirable to retain an access it would be unreasonable for officers to request it is provided and refuse permission on this basis. This application does not include a footpath link through the site for pedestrians.

#### Other Matters:

Ecology – The Council's Ecologist has does not consider that there is a need for future comments at this stage, noting the findings of the ecology report, woodland management plan and conditions applied at outline.

Since the granting of the Outline application, as part of the evidence base gathering and Duty to Cooperate relating to the Joint Local Plan, a study was undertaken with respect the recreational pressure of residents from new development upon the Tamar European Marine Site (EMS Recreation Study Document 04. Survey of recreational use within the Plymouth Sound and Estuaries European Marine Site: Scoping report and survey results, MBA, March 2017). One result of this being that the Zone of Influence around the Tamar EMS has been clarified and confirmed.

The proposed development site now falls within this ZOI for the Tamar EMS – comprising both the SAC (Special Area of Conservation) and SPA (Special Protection Area) components of the Tamar EMS, and accordingly the recreational pressure of new residents associated with the development will require mitigating to ensure they do not have a significant effect on the Tamar EMS (put another way, without mitigation the new residents in combination with other development could have a likely significant effect on the Tamar EMS, and without mitigation it would not be able to positively conclude a Habitats Regulations Assessment - HRA). As such a condition securing appropriate mitigation is proposed to be attached to any consent as may be issued and its principle has been agreed with the applicant/agent.

The HRA has been undertaken and the conclusions are that the proposal in conjunction with that adjacent will not have an adverse effect on the integrity of the Tamar EMS subject to the mitigation measures being secured by condition.

Drainage – The Council's drainage specialist original objected to the proposal on the grounds of insufficient information. However, pre commencement drainage conditions were imposed at outline stage and therefore it would be unreasonable to withhold permission on the basis that the information has not been provided as part of the current application. The case officer has discussed this matter with the drainage specialist who has subsequently removed the objection.

The parish council have questioned why the application has been submitted while the existing scout hut remains. Condition number 2 of the outline consent requires the new scout hut to be erected and operational for scouting purposes prior to demolition of the existing scout hut and the commencement of works in relation to any dwelling. The condition does not prevent the submission of a reserved matters application and because of this it would unreasonable for the LPA to withhold permission for this reason. The applicant has confirmed in a discussion with the case officer that he is fully aware of the requirements of the condition and will comply but he would like to obtain a permission for the dwellings before undertaking any works.

#### Conclusions

The principle of a residential development on the site with a layout that sees the removal of T17 has already been established with the outline consent. The loss of T17 is unfortunate but the principle has already been established and it would be unreasonable to refuse consent on the basis of its loss. In this context the design and form of the proposal scheme is considered to be acceptable. Conditions are proposed to address matters of highways, appearance and biodiversity.

***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  
SPT3 Provision for new homes  
SPT9 Strategic principles for transport planning and strategy  
SPT10 Balanced transport strategy for growth and healthy and sustainable communities  
SPT12 Strategic approach to the natural environment  
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  
TTV27 Meeting local housing needs in rural areas  
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  
DEV30 Meeting the community infrastructure needs of new homes  
DEV31 Waste management

DEV32 Delivering low carbon development  
DEV33 Renewable and low carbon energy (including heat)  
DEV35 Managing flood risk and Water Quality Impacts

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.

### **Neighbourhood Plan**

The Neighbourhood Plan for Brixton is at an advanced stage and is currently at Regulation 17 where it is being assessed by an appointed independent examiner.

Env1 (AONB)  
Env3 (biodiversity)  
Tpt1 (transport)  
Dev1 (design)  
Dev2 (design)  
Dev4 (low carbon)  
Dev5 (parking)

### **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**

#### **Accord with Plans**

The development hereby approved shall in all respects accord strictly with drawing number(s) P780-100 Rev B (existing and proposed site plans), P780-102 (proposed block site plan), P780-02 (proposed floor plans plot 1), P780-101 Rev B (proposed site layout plan), P780-03 (proposed elevations plot 1), P780-05 (proposed elevations plot 2), P780-04 (proposed floor plans plot 2) received by the Local Planning Authority on 29.03.19.

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.

#### **Natural Slate**

The roofs of the buildings shall be clad in natural slates. Any hips shall be finished with a close mitre or narrow cement fillet rather than hip tiles. Prior to installation roofing specification including the types and sizes of natural slates to be used, together with the type, colour and profile of the ridge tiles shall be submitted to and approved in writing by the Local Planning Authority.

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

#### **Natural Stone**

All areas of new stone walls shall be constructed of natural random stone laid traditionally on its quarry bedding and pointed in a brown mortar finish recessed from the outer face of the walls. A sample panel or 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. Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting this Order), all new stone walls, constructed in accordance with the approved drawings and the terms of this

condition 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.

### **Weatherboarding**

Prior to installation details of the timber cladding shall have been submitted to and agreed in writing with the Local Planning Authority. Notwithstanding the information submitted the cladding shall be retained in its natural state and shall not be painted stained or otherwise treated.

Reason: To ensure that the development displays good design practice in respect of the age and character of the development and to allow the Local Planning Authority to assess the details of the scheme to ensure that their character is maintained.

### **Joinery**

Prior to installation full details of all new joinery have been first submitted to and approved in writing by the Local Planning Authority. Such details shall be at full or half scale and shall include cross-sections, profiles, reveal, surrounds, materials, finish and colour in respect of new windows, doors and other glazed or panels. The work shall thereafter be carried out in accordance with the approved details and shall thereafter be permanently retained in that form unless otherwise agreed in writing with the Local Planning Authority.

Reason: In the interests of the appearance of the development and the surrounding area.

### **Ducts, Flues, Vents, etc**

Prior to installation full details of all ducts, flues, rainwater goods, vents and other external attachments shall have been first submitted to and approved in writing by the Local Planning Authority. The work shall thereafter be carried out in accordance with the approved details and shall thereafter be retained in that form unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of the appearance of the development and the surrounding area.

### **Render**

Prior to installation details of the proposed render type and colour(s) shall be agreed in writing with the Local Planning Authority and shall be applied without the use of metal beads or stops. Movement joints, where required, shall be positioned at changes of direction or directly behind rainwater downpipes.

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

### **Boundary Treatment**

Notwithstanding the information shown on the submitted drawings, which shows fencing around the site and between the properties, prior to occupation of the dwellings full details of an alternative boundary treatment which includes pedestrian access from the rear of the gardens east towards Court View shall have been submitted to and approved in writing by the Local Planning Authority.

The boundary treatment shall be implemented in accordance with the approved details prior to occupation of the dwellings or in accordance with a timetable previously agreed, and shall thereafter be retained/maintained as such for the lifetime of the development.

Reason: The Local Planning Authority do not consider that the fencing reflects the rural character of the site and are seeking an alternative boundary treatment which achieves this. A pedestrian access from the rear of the gardens is required to ensure there is safe and



convenient access into Brixton.

### **Tamar ZOI Mitigation**

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). The applicant should contact the Council for details of the contribution and to arrange payment.

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 adopted JLP Policies SPT12 and DEV26.

### **Tree Protection Plan and Arboricultural Method Statement**

Prior to the commencement of any works on site (including demolition and site clearance or tree works), a Tree Protection Plan (TPP) and an Arboricultural Method Statement (AMS) for the protection of all retained trees, hedges and shrubs, shall be submitted to and approved in writing by the Planning Authority.

The development shall be carried out in accordance with the approved details. The TPP and AMS shall adhere to the principles embodied in BS 5837:2012 and shall indicate exactly how and when the trees will be protected during the development process.

Provision shall be made for the supervision of the tree protection by a suitably qualified and experienced arboriculturalist and details shall be included within the AMS. The AMS shall provide for the keeping of a monitoring log to record site visits and inspections along with: the reasons for such visits; the findings of the inspection and any necessary actions; all variations or departures from the approved details and any resultant remedial action or mitigation measures. On completion of the development, the completed site monitoring log shall be signed off by the supervising arboriculturalist and submitted to the Planning Authority for approval and final discharge of the condition.

**Reason:** To ensure the continued well-being of retained trees in the interests of the amenity of the locality.

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## PLANNING APPLICATION REPORT

**Case Officer:** Lucy Hall

**Parish:** Kingsbridge **Ward:** Kingsbridge

**Application No:** 3552/18/FUL

**Agent/Applicant:**

Mr Andrew Lethbridge  
Andrew Lethbridge Associates  
102 Fore Street  
Kingsbridge  
TQ7 1AW

**Applicant:**

Mr Kris Mahon  
11 Belle Vue Road  
Kingsbridge  
TQ7 1LY

**Site Address:** 129 Fore Street, Kingsbridge, TQ7 1AL

**Development:** Construction of 4no. dwelling houses to the rear of 129 Fore Street, Kingsbridge

### Reason item is being put before Committee

Overdevelopment of the site

Ecological impact and loss of biodiversity

No improvement or enhancement of conservation area

No parking and the impact it would have on loss of parking for residents in the area



**Recommendation:** conditional approval, subject to S106

### Conditions

1. Time Limit
2. Accord with plans
3. Natural Slate
4. Render
5. Joinery
6. Ducts, Flues, Vents

7. Eaves and Verge detail
8. Boundary treatment
9. Refuse storage
10. Obscure glazing to rear windows
11. Removal of PD rights
12. Unsuspected contamination
13. Installation of drainage system
14. Clearance of vegetation
15. Reptile, mitigation and transport strategy
16. Ecological enhancement strategy
17. Construction management plan
18. Archaeology

### **Section 106 contributions**

Financial contributions of £13,152.00 are sought towards the provision of additional secondary education infrastructure at the local school and £9,750 towards improvements to play, sports and recreation facilities at Duncombe Park.

### **Site Description:**

The site is around 0.05 hectares and relates to an overgrown area of land located to the northern end of Fore Street, just south of Knowle House Close within Kingsbridge. There are a number of historic features within the site including stone walls.

Access to the site is via a covered lane under the first floor accommodation of 129 Fore Street, which fronts Fore Street. The site is bordered by stone walls on all sides, with those to the north ranging in heights of between 2.1m and 2.4m high.

The plot is surrounded by a number of residential units including those in Knowle House Close, Richmond Terrace, Fore Street and Duncombe Street. The buildings surrounding the site vary considerably in their age, design and scale. Knowle House Close is a relatively modern housing estate with a mix of two storey buildings, dormered houses and coach houses. The buildings on Fore Street are much older and more substantial in height. There are a number of listed buildings on Fore Street within close proximity to the site including Knowle House to the north and numbers 108 and 109 Fore Street to the west which are Grade II\*.

The site is located within the Kingsbridge Conservation Area and a Critical Drainage Area.

### **The Proposal:**

The application seeks full planning consent for the provision of a single block of 4x 2 storey terrace dwelling houses. There have been a number of revisions made to the scheme since it was originally submitted. The revisions were made to address officer concerns and to reflect changes in planning policy following the adoption of the JLP in March. The description of the proposal reflects the latest revision.

The application proposes a single building which takes the form of a simple rectangular block set under a hip roof. The building measures around 24m by 7.3m providing a footprint of around 175 square metres. The height of the building is 4.9m to the eaves and 6.8m to the ridge.

All of the units comprise two beds with accommodation arranged over two levels. The internal layout proposes an open plan living area to the ground floor with bedrooms and bathroom at first floor.

The building and the main views from within it is orientated towards the south. Garden areas would be located to the front of the building to the south, with an access running along just beyond the porches to provide access to each plot.

External materials includes painted smooth cement sand render to the walls, natural slates to the roofs and uPVC framed openings.

### **Consultations:**

- County Highways Authority                      No objections, conditions recommended
- Environmental Health Section                      recommend unsuspected land contamination condition
- Kingsbridge Town Council                      recommend approval

Recommend approval subject to reptile and amphibian clearance/translocation programme to prepare the site in accordance with the Ecology Survey. Members were mindful of representations received from local residents.

- DCC Education                                      request a financial contribution towards the provision of additional secondary education infrastructure.
- Conservation (verbal discussion)                      no objection
- DCC Archaeology                                      no objections, initial objection withdrawn
- OSSR    no objection subject to S106 to secure financial contribution
- Drainage    no objection
- Ecology    objection
- Historic England                                      no comments

### **Representations:**

The application has been through three rounds of consultation and in response a total of 30 letters of representation all raising objection to the proposed development have been received. The comments received can be summarised as follows: -

- Concerns that the proposal by reason of the height of the proposed dwellings would result in loss of light to numbers 131 and 133 Fore Street.
- Request that a light survey is undertaken.
- Concerns regarding lack of parking within the scheme when there appears to be a lack of on street parking and permits available for parking within the town. Proposal will add pressure to an already congested system.
- Seek assurances that emergency services can access the site and if not does this impact on the ability to obtain a mortgage?

- Seek assurances that the boundary wall between the site and 7a/7b would be protected and a large tree within the 'garden' area immediately to the north would be retained to protect privacy.
- Proposals will result in a cramped and overdeveloped site with little spacing between properties.
- Concerns regarding construction traffic accessing the site
- Proposal will result in disruption to wildlife. Request that large magnolias area retained
- Proposed drainage plan does not comply with SHDC & West Devon Foul Drainage, Flood Risk & Surface Water requirements which requires soakaways to be located 5m from a building and 2.5m from a boundary. As the proposed soakaway locations do not comply consent would be required from the adjoining land owners.
- Proposals will impinge on side entrance of 4 Vine Terrace and amenity of 3A Haven Court
- Not clear whether any of the existing trees are specimen trees which should be preserved within a conservation area.
- Concerns about vulnerability of the high retaining wall adjoining 1 Richmond Terrace and seek reassurances that the developer/owner would have full responsibility for the maintenance and integrity of the surrounding walls.
- Inappropriate development within conservation area, and approval would set undesirable precedent for back-land development. Large garden which provides space and greenery between buildings and enhances the character of the area.
- Increased noise and nuisance to neighbours
- Environmental impact assessment is required before the application can be determined.
- Proposed site is not listed within the Authorities publication 'Considering sites for development in Kingsbridge Parish site information pack'.
- Architectural quality of the design is poor and does not enhance or conserve the conservation area.
- No details regarding bin stores
- Concerns about impact of development on dwellings at Richmond Terrace
- Consider two units within the plot would be more appropriate and would address the concerns
- Site should remain as a green space for the benefit of wildlife and the wider conservation area
- The housing need within the town is already being met on other allocated sites
- Subsequent revisions have not address previous concerns
- Concerns about stability of retaining walls

The current consultation period does not expire until 12<sup>th</sup> July. The case officer will update Members at committee of any additional comments received.

### **Relevant Planning History**

None

### **ANALYSIS**

Principle of Development/Sustainability:

The site lies within the town of Kingsbridge which is listed at one of six main towns within the JLP. JLP Policy TTV1 which sets out a settlement hierarchy priorities growth towards the main towns. The site is located centrally within the town and within easy reach of the services, facilities and transport it offers. Having regard to JLP policies SPT1 and SPT2 the site is considered to be sustainable and thus there is no in principle policy objection with the proposal.

#### Housing Mix:

JLP Policy DEV8 in trying to address the existing housing imbalance within the TTV policy area requires new developments to provide an appropriate housing mix that does not perpetuate existing imbalances. While the applicant recognises that the site lends itself to the provision of one or two generously sized units, the applicant has been keen from the outside to provide smaller units which will be more affordable. Earlier iterations of the scheme included three bed units but the mix was reduced to ensure the units would conform to national described space standards as required by JLP Policy DEV10. The provision of four x 2bed properties does not raise any concerns and accords with JLP Policy DEV8. The 2017 ONS data identifies the greatest need in South Hams being 2 bed units.

#### Design/Landscape:

The proposed design approach has attracted a number of objections from third parties who do not consider that the approach is appropriate and would not preserve or enhance the wider conservation area.

The site lies within the Kingsbridge Conservation Area and within close proximity to a number of listed buildings, all of which are defined as designated heritage assets and which the NPPF affords great weight towards their conservation. Reinforcing the advice contained within the NPPF JLP Policy DEV21 is clear that proposals which affect the historic environment should 'sustain the local character and distinctiveness of the area by conserving and where appropriate enhancing its historic environment.'

The proposed redevelopment of the site was originally explored as part of a pre application. While officers recognised that there were a number of constraints, overall it was felt that the site lent itself well to a residential scheme. The current design approach was encouraged by Officers including the Council's Conservation Specialist. It was felt that a simple, traditional block, situated on the southern or northern edge of the plot was the most appropriate approach for the site as it sits harmoniously within the surrounding historic environment, reflecting the historical linear formation of buildings to the rear of plots seen throughout the town. The external palette was also informed by existing architectural patterns within the historic environment. Materials Conditions are recommended to ensure the development is finished to a high standard.

Officers are satisfied that the proposal preserves and conserves the designated heritage assets.

While the size of the gardens associated with the dwellings are considered to be adequate, they could be comprised with further development. As such it is considered appropriate to remove PD rights.

While the proposal maximises the use of the site, on balance, officers do not consider that the provision of four 2bedroom dwellings represents an overdevelopment of the site.

#### Neighbour Amenity:

Paragraph 127 of the NPPF requires developments to provide a high standard of amenity for existing and future users. This is reinforced through JLP Policy DEV1 which provides that development proposals should safeguard the health and amenity of communities by ensuring new development provides for amongst a number of other criteria satisfactory daylight, sunlight, outlook, privacy. It goes on to say that unacceptable impacts will be judged against the level of amenity generally accepted within the locality.

Concerns have been expressed with regards to the impact that the proposal would have on the amenity of the existing residents with loss of privacy, loss of natural light and increased noise pollution. During the pre-application and lifetime of the current application the case officer has viewed the site from within a number of the surrounding dwellings including properties on Vine Terrace, Fore Street and Knowle House Close to the north.

#### No's 1-4 Vine Terrace

Number's 1-4 Vine Terrace are terrace townhouses located to the south west of the site. The dwellings front onto Fore Street and back onto the site and a large garden. Having visited a number of these properties during the pre app process officers are satisfied that the relationship between the properties and the proposal scheme is acceptable.

Number 4 Vine Terrace is the nearest property to the site. The main outside amenity space is located to the rear and almost adjoins the eastern boundary of the site. The amenity space is elevated to the application site behind a stone wall. While the occupiers of the property can look directly into the application site (when stood at the edge of their garden), due to differences in levels between the garden and the application site, views from the site into the neighbouring plot are considered to be minimal. As such officers are satisfied the privacy of the occupiers of this dwelling would be retained.

The position of the proposal building close to the northern boundary means that it is set back from the garden and the outlook from the neighbour's amenity space would largely be retained. Also with the absence of any windows within the east elevation, the privacy of this property would be retained (an earlier iteration of the scheme include a first floor opening within the east elevation but was removed following officer concerns).

Similarly officers were satisfied during the site visit that the privacy of the adjoining garden to the south of the site would be retained due in part to a good level of screening on the shared boundary.

Due to combination of the separation distance between the plots and the orientation of the proposal dwellings compared with the existing properties on Vine Terrace, loss of privacy resulting from overlooking from first floor windows is not considered by officers to be of concern or result in an un-neighbourly relationship.

Concerns have been raised about potential structural issues to existing neighbouring boundary walls during construction. However, this is a civil matter and not a planning issue.

#### No's 1- 3a Knowle House Close

The northern boundary of the site backs onto the gardens of a number of properties including dwellings on Knowle House Close. The neighbouring plots are elevated to the application and currently views from the rear gardens sweep over the site. The proposed building would sit very tight to the northern boundary. Due to the changes in levels between the sites the first floor of the building would be visible.

The original iteration of the scheme included a bathroom window and long, narrow window to the stairwell at first floor within the rear elevation. Even with obscure glazing, officers were concerned about the relationship between the sites and the perception of feeling overlooked. The rear elevation has subsequently been amended; the stairwell window has been lowered so it is not visible at first floor and while a bathroom window remains to each property, it is now a top hung window rather than a casement. The openings will be fitted with obscure



glass and a restrictor fitted to prevent a wide openings. Officers are satisfied that this change addresses officers previous concerns regarding privacy and a condition will be imposed regarding the details of the bathroom windows.

With regards to the building itself, the proposal drawing shows that the eaves height, when measured from the garden level is around 2m, 1.35 above the height of the existing fence/trellis and the ridge height is around 4m or 3m above the height of the existing fence/trellis.

The gardens to numbers 1 and 2 do not immediately adjoin the site and are set back behind a neighbouring garden. Also the build would not be directly in front of these properties and because of this combined with established planting on the boundary of the plots, officers are satisfied that the proposal would not result in an un-neighbourly relationship.

Numbers 3 and 3a sit much closer to the site and from within the garden spaces the additional mass will have an impact. The existing gardens are small and the new building will have an impact on their amenity. However, on balance Officers do not consider that the harm will be so significant to justify a recommendation of refusal. The existing planting on the boundaries is well established, and although it provides a softer outlook, in places it is similar height as the proposed development.

#### Richmond Terrace

Concerns have been raised about the impact of the development on the occupiers of these properties. However due to the orientation of these properties away from the site combined with the separation distance between the plots officers are satisfied that the proposal would not result in an un-neighbourly relationship.

#### No 131 fore street

Although this property lies to the north west of the site, due to changes in topography, the external amenity space immediately to the rear of the property is at a lower level compared with the site. Concerns have been raised about loss of natural sunlight as a consequence of the development. To address the concerns the building was reduced in size by some 1.5m at its western end. Additionally, the existing flat roof building, located on the northern boundary will be demolished as a result of the development. On balance officers consider that these combination of factors will result in a development which does not cause an unacceptable level of harm to the amenity of these occupiers.

It has been suggested that the applicants undertake a light survey to ascertain what impact the proposal would have on the occupants of existing dwellings. This has not been undertaken and officers could not require it to be as it is not a requirement within the Council's policies when having regard to amenity.

Officers are also satisfied that the increased noise generated from the development will not cause harm to the amenity of the existing residents. This is on the basis that the site is within an established, tight knit residential area.

#### Highways/Access:

The proposal has attracted a number of objections with regards to the absence of parking provision within the scheme and the added pressure to on street parking. While the concerns are noted, the Highways Authority have not raised any objections on the basis that the site is located within the town centre with good access to a range of services and facilities. With no

objections from the Highway Authority it would be unreasonable for planning officers to recommend refusal on reasons relating to the lack of parking.

Within their initial response the Highway Authority requested that the applicant provided a report setting out how construction traffic and deliveries will be managed from the site. The information was subsequently provided and reviewed by the highway authority

#### Drainage:

The site lies within a Critical Drainage Area. The proposal includes full drainage details which demonstrate to the satisfaction of the Council's drainage specialist that a workable drainage scheme can be accommodated on site. The dwellings will connect their foul systems into the existing combined sewer in Fore Street via an existing manhole on the site. South West Water have confirmed that there is sufficient capacity within their system to accommodate the proposal.

With regards to surface water, the existing roof and hard landscaping areas within the site will discharge water into the combined sewer while the run off from the dwellings will be discharged into soakaways within the site. Percolation tests have been carried out which have informed the detailed drainage design and size of the soakaways.

It has been suggested by a third party that because the drainage proposal does not accord with the Council's guidance insofar that it would be sited within 2.5m of a boundary, permission should be sought from the adjoining land owners. The case officer has discussed the matter with the Council's Drainage specialist who has advised that the measurements are intended as best practice and there will be some occasions, such as in this case, where the scheme cannot comply with the requirements.

#### Financial Contributions:

JLP Policy DEV30 requires new housing development to contribute to the delivery of sustainable communities with an appropriate range of community infrastructure. The supporting text advises that it might be necessary to secure the necessary infrastructure through planning obligations.

Devon County Council estimate have identified that the proposal will generate an additional 1.0 primary pupils and 0.6 secondary pupils which will have a direct impact on Kingsbridge primary and secondary education provision. They are satisfied there is capacity of the nearest primary school for the number of pupils, however the nearest secondary school currently does not have capacity for the number of pupils likely to be generated by the proposed development. Therefore, Devon County Council have sought a contribution directly towards additional secondary education infrastructure at the local secondary school that serves the address of the proposed development. The contribution sought is £13,152.00 (based on the DfE extension rate of £21,921 per pupil). This will relate directly to providing education facilities for those living in the development.

With regards to open space, sport and recreation, a financial contribution of £9,750 towards improvements to play, sports and recreation facilities at Duncombe Park is also sought and will be secured via a Section 106.

#### Trees:

A number of concerns have been expressed from third parties regarding the loss of trees on site. The applicants have provided a tree survey which categorises the trees as 'C' Class, with the exception of 'Tree of Heaven' which falls within category 'U'. Category C trees

includes those of low quality and value with an estimated remaining life expectancy of at least 10 years, or young trees with a stem diameter of below 150mm. The associated tree survey suggests that most of the trees on site would be removed. The information has been reviewed by the Council's Tree Specialist who considers that the information provided within the description reflects the status of the trees and that the onsite vegetation is such that it does not significantly constrain the change of use of the land. No objections are raised on arboricultural merit.

#### Ecology:

There have been a number of concerns expressed by third parties regarding the loss of the site for wildlife. The Council's Ecologist has reviewed the proposal and has raised an objection on the basis that the application is clearly leading to a loss of wildlife value which is contrary to policy to the advice contained within the NPPF and JLP Policies. The comments received are as follows: -

*As you might expect from a long established and neglected garden, there is plenty of potential nesting bird habitat and reptile habitat which will all be lost as well as benefits to pollinators. Reptiles will need to be captured and translocated as the proposed scheme would not offer the necessary opportunities for reptiles.*

*In general sites such as this and the habitats they provide are just as important within an urban environment as rural, as both refuges and linking habitats as part of urban wildlife corridors.*

*Realistically, given the proposal it is difficult (if not impossible) to see how this scheme could result in biodiversity net gain. There will of course be opportunities to incorporate bird nesting and bat roosting features, and planting (as yet undefined), but this if anything is reducing biodiversity net loss as opposed to gain and the site is being somewhat sterilised for wildlife (i.e. predominantly lawn and patio). In my opinion the proposal is accordingly not currently policy compliant and even with a prior to commencement Ecological Enhancement Strategy, I do not anticipate the proposal could be policy compliant.*

*Clearly the scale of the impact is limited, locally significant for reptiles, but they will be relocated to suitable habitat. The proposal (subject to the Ecological Enhancement Strategy) could offer value from the site for nesting birds and bats (even improvement for bats) – accordingly whilst not policy compliant the significance of the effect of proposal on wildlife might be considered as relatively low.*

The case officer has discussed the matter further with the Council's Ecologist. While the proposal does not comply with policy, within the planning balance and on the basis of the ecologists own conclusions which considers that there would be a negligible scale of impact from the proposal, officers do not consider this to be a reason to recommend the application for refusal. The ecologist recommends a number of conditions (which could offer value for nesting birds and an improvement for bats) officers recommend are attached to any notice of approval.

#### Archaeology:

The proposed development lies in an area of known archaeological potential on the edge of the historic core of Kingsbridge. The later 19th and early 20th century OS maps show the proposed development site occupied by buildings. Although the age and function of these buildings is unknown they lie in an area known to have been development by the 17th century and could be of similar age. Groundworks associated with the development of this site will

have an impact upon any archaeological or artefactual deposits associated with these buildings. The County Council's archaeologist originally objected to the application on the basis that insufficient information had been provided to enable an understanding of the significance of the heritage assets or of the impact of the proposed development upon these heritage assets. This objection was withdrawn following a visit to the site where it became clear that the site had already been disturbed by its previous use as a builder's yard and partially completed building works. However evidence of the south wall of the buildings shown on the historic maps appears to still exist and as such it is considered that there is potential for the survival of below-ground archaeological and artefactual deposits associated with these buildings and the historic settlement in Kingsbridge. It is therefore recommended that the impact of development upon the archaeological resource here should be mitigated by a programme of archaeological work that should investigate, record and analyse the archaeological evidence that will otherwise be destroyed by the proposed development. An appropriate condition is recommended which will be imposed on any notice of approval.

**Other Matters:**

The Council's Environmental Health Specialist has not raised any objections subject to the provision of a condition regarding unsuspected land contamination.

Concerns have been raised about the impact the development will have on the stability of retaining walls, however this is not a planning matter.

Following concerns raised by third parties the case officer has verbally discussed the proposal with the fire brigade who has advised that they do not wish to comment, noting that this is a matter which would be considered at building regulations stage.

The applicants have provided a statement which confirms how the proposal will satisfy JLP Policy DEV32. Officers are satisfied that this information satisfies the policy requirements.

Recommendation: Conditional approval

***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**

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  
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  
DEV10 Delivering high quality housing  
DEV20 Place shaping and the quality of the built environment  
DEV21 Development affecting the historic environment  
DEV23 Landscape character  
DEV26 Protecting and enhancing biodiversity and geological conservation  
DEV28 Trees, woodlands and hedgerows  
DEV29 Specific provisions relating to transport  
DEV30 Meeting the community infrastructure needs of new homes  
DEV31 Waste management  
DEV32 Delivering low carbon development  
DEV33 Renewable and low carbon energy (including heat)  
DEV35 Managing flood risk and Water Quality Impacts  
DEL1 Approach to development delivery and viability, planning obligations and the Community Infrastructure Levy

Other material considerations include the policies of the National Planning Policy Framework (NPPF) and guidance in Planning Practice Guidance (PPG).

### **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.

### **Time Limit**

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).

### **Accord with plans**

The development hereby approved shall in all respects accord strictly with drawing number(s) ACL.1172.001 (site location plan) received by the Local Planning Authority on 19.12.18 and drawing numbers ACL.1172.202 Rev B (first floor plans), ACL.1172.204 Rev B (elevations), ACL.1172.201 Rev B (ground floor plan), ACL.1172.203 Rev B (site/roof plan) and ACL.1172.205 Rev B (sections) received by the Local Planning Authority on 12.06.19.

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.

### **Natural Slate**

The roofs of the buildings shall be clad in natural slates, fixed in the traditional manner with nails rather than slate hooks. Any hips shall be finished with a close mitre or narrow cement fillet rather than hip tiles. Prior to installation a full roofing specification including the types and sizes of natural slates to be used, together with the type, colour and profile of the ridge tiles shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that the development displays good design practice in respect of the age and character of the development and to allow the Local Planning Authority to assess the details of the scheme to ensure that their character is maintained.

### **Render**

Prior to installation details of the proposed render type and colour(s) shall be agreed in writing with the Local Planning Authority and shall be applied without the use of metal beads or stops. Movement joints, where required, shall be positioned at changes of direction or directly behind rainwater downpipes.

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

### **Joinery**

Notwithstanding the information submitted prior to installation full details of all new joinery have been first submitted to and approved in writing by the Local Planning Authority. Such details shall be at full or half scale and shall include cross-sections, profiles, reveals, surrounds, materials, finish and colour in respect of new windows, doors and other glazed or timber panels. The work shall thereafter be carried out in accordance with the approved details and shall thereafter be permanently retained in that form unless otherwise agreed in writing with the Local Planning Authority.

Reason: In the interests of the appearance of the development and the surrounding area.

### **Ducts, Flues, Vents**

Prior to installation full details of all ducts, flues, rainwater goods, vents and other external attachments shall have been first submitted to and approved in writing by the Local Planning Authority. The work shall thereafter be carried out in accordance with the approved details and shall thereafter be retained in that form unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of the appearance of the development and the surrounding area.

### **Eaves and verge detail**

Prior to installation, constructional details of all eaves and verges shall be submitted to and approved in writing by the Local Planning Authority, together with details of any extract or flue that terminates through the roof cladding. All such extractors shall terminate through in line slate ventilators positioned on non-prominent roofslopes.

Reason: To ensure that the development displays good design practice in respect of the age and character of the development and to allow the Local Planning Authority to assess the details of the scheme to ensure that their character is maintained.

### **Boundary Treatment**

Notwithstanding the information shown on the approved drawings, unless otherwise agreed in writing by the Local Planning Authority, the garden boundaries between the properties hereby approved shall be constructed from reclaimed stone from the site. The 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. Full details including the height and exact location of boundary walls and other boundary treatment (including means of enclosure) shall be submitted to and agreed in writing by the LPA prior to installation. All works shall be carried out in accordance with the agreed details prior to the first occupation of the units.

Reason: To ensure that the development displays good design practice in respect of the age and character of the development and to ensure that local distinctiveness and good design are maintained in the locality.

### **Refuse storage**

Adequate provision shall be made for the storage of refuse, the details of which shall be agreed in writing with the Local Planning Authority and the provision shall be implemented in accordance with the approved scheme before any part of the development is first occupied and thereafter the provision shall be retained in accordance with the approved scheme.

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

### **Obscure glazing to rear windows**

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 all first floor windows within the north elevation (excluding stair windows) shall be glazed in obscure glass, be fixed closed, or fitted with a restrictor that prevents them being opened by more than 15cm, and thereafter so maintained.

Reason: To protect the amenity and privacy of residents of adjoining property

### **Removal of PD rights**

Notwithstanding the provisions of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (or any Order revoking, re-enacting or further amending that Order), no development of the types described in Schedule 2, Part 1, Classes A-H of the Order and Part 2 Class A shall be carried out on the site, other than that hereby permitted, unless the permission in writing of the Local Planning Authority is obtained.

Reason: To protect the character and appearance of the non-designated heritage asset and its surroundings; to ensure adequate space about the dwellings and in the interests of amenity.

### **Unsuspected land contamination**

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

#### **Installation of drainage scheme**

The drainage scheme shall be installed in strict accordance with the approved plans (drawing no: 14582-500 Rev B), 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.

#### **Clearance of vegetation**

Prior to any clearance of vegetation within bird nesting season (March – August inclusive), the area must first be thoroughly check for nesting birds by a suitably qualified ecologist, and if nesting birds are found, works must stop in that area until young birds have fledged.

Reason: To safeguard the interests of protected species.

#### **Adherence to recommendations within ecology report**

The recommendations, mitigation and enhancement measures of the Ecological Report, by Colin N Wills, August 2018 shall be fully implemented prior to the commencement of the use hereby approved and adhered to at all times. Works to masonry should proceed in accordance with mitigation measures detailed in section 4.6 of the Preliminary Ecological Appraisal. 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.

#### **Reptile Mitigation and Translocation Strategy**

Prior to commencement a reptile mitigation and translocation strategy shall be submitted to an approved in writing by the Local Planning Authority. The work shall proceed in accordance with the agreed details.

Reason: To safeguard the interests of protected species.

A pre commencement condition is required so the details can be agreed before work commences.

#### **Ecological Enhancement Strategy**

Prior to commencement an ecological enhancement strategy shall be submitted to an approved in writing by the Local Planning Authority. The work shall proceed in accordance with the agreed details.

Reason: To safeguard the interests of protected species.



**Construction Management Plan**

The construction management plan (dated 07.02.19) shall be strictly adhered to throughout the course of the construction of the development hereby approved.

Reason: In the interests of highway safety.

**Program of Archaeological works**

No development shall take place until the developer has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation (WSI) which has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out at all times in accordance with the approved scheme, or such other details as may be subsequently agreed in writing by the Local Planning Authority.

Reason: To ensure, in accordance with Policy DEV21 in the Plymouth and South West Devon Joint Local Plan 2014 - 2034 and paragraph 199 of the National Planning Policy Framework (2018), that an appropriate record is made of archaeological evidence that may be affected by the development.

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**Agenda Item 7**

**South Hams District Council**  
**DEVELOPMENT MANAGEMENT COMMITTEE 17-Jul-19**  
**Appeals Update from 12-Jun-19 to 4-Jul-19**

**Ward Allington and Strete**

APPLICATION NUMBER : **1940/18/HHO** APP/K1128/D/19/3225544  
APPELLANT NAME: Mr John Peters  
PROPOSAL : READVERTISEMENT (Revised plans) Householder application for extension and alterations to dwelling to form additional bedroom  
LOCATION : 8 Crestway Strete TQ6 0SF  
APPEAL STATUS : Appeal Lodged  
APPEAL START DATE: 08-May-2019  
APPEAL DECISION: Upheld  
APPEAL DECISION DATE: 25-June-2019

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APPLICATION NUMBER : **2908/17/FUL** APP/K1128/W/18/3213309  
APPELLANT NAME: Mr Charles Withers  
PROPOSAL : Erection of 5 new houses  
LOCATION : Home Farm Wood Lane Slapton TQ7 2QX  
APPEAL STATUS : Appeal Lodged  
APPEAL START DATE: 12-December-2018  
APPEAL DECISION: Dismissed (Refusal)  
APPEAL DECISION DATE: 24-June-2019

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APPLICATION NUMBER : **3400/18/FUL** APP/K1128/W/19/3228098  
APPELLANT NAME: Kingswood Homes Ltd  
PROPOSAL : Demolition of buildings and redevelopment of site with 3no. detached dwellings  
LOCATION : Blindwells Hynetown Road Strete TQ6 0RS  
APPEAL STATUS : Appeal Lodged  
APPEAL START DATE: 12-June-2019  
APPEAL DECISION:  
APPEAL DECISION DATE:

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**Ward Blackawton and Stoke Fleming**

APPLICATION NUMBER : **1570/18/VAR** APP/K1128/W/18/3216490  
APPELLANT NAME: Mr D Bradford  
PROPOSAL : Removal of condition 3 (Agricultural Restriction) of planning consent 06/2714/07/F (Erection of agricultural building)  
LOCATION : Field North Of Higher Cotterbury Blackawton To Cotterbury Blackawton Devon  
APPEAL STATUS : Appeal Lodged  
APPEAL START DATE: 29-January-2019  
APPEAL DECISION: Dismissed (Refusal)  
APPEAL DECISION DATE: 13-June-2019

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**Ward Charterlands**

APPLICATION NUMBER : **3965/17/OPA** APP/K1128/W/18/3218474  
APPELLANT NAME: Mr Richard Sanderson  
PROPOSAL : Outline application with some matters reserved for the erection of 12no. dwellings (6 market dwellings and 6 affordable dwellings)  
LOCATION : Proposed Development site at SX 634 479 Sanderson's Field Kingston Devon  
APPEAL STATUS : Appeal Lodged  
APPEAL START DATE: 23-January-2019  
APPEAL DECISION: Dismissed (Refusal)  
APPEAL DECISION DATE: 19-June-2019

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APPLICATION NUMBER : **4022/18/OPA** APP/K1128/W/19/3226585  
APPELLANT NAME: Mr Richard Sanderson  
PROPOSAL : Outline application with some matters reserved for a residential development comprising 9no. homes (6 market and 3 social / intermediate).  
This comprises 7no. two storey and 2no. one storey fully accessible houses (Resubmission of 3965/17/OPA)  
LOCATION : Proposed Development Site at SX 634 479 Sanderson's Field Kingston Devon  
APPEAL STATUS : Appeal Lodged

APPEAL START DATE: 15-April-2019  
APPEAL DECISION: Dismissed (Refusal)  
APPEAL DECISION DATE: 19-June-2019

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**Ward Dartington and Staverton**

APPLICATION NUMBER : **2587/17/FUL** APP/K1128/W/19/3225507  
APPELLANT NAME: Bloor Homes South West  
PROPOSAL : Retrospective application for erection of 1100mm high masonry N1 compliant vehicle restraint barrier designed in accordance with DesignManual for Roads and Bridges (DRMB) relating to road restraint systems[TD19/06] and constructed under the S278 highway improvements approved by Devon County Council as part of the Puddavine Field development.  
LOCATION : Highway land between Nellies Wood View and Dartington Lane on Dartington Devon TQ9 6FP  
APPEAL STATUS : Appeal Lodged  
APPEAL START DATE: 16-April-2019  
APPEAL DECISION: Dismissed (Refusal)  
APPEAL DECISION DATE: 02-July-2019

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**Ward Dartmouth and East Dart**

APPLICATION NUMBER : **1752/18/FUL** APP/K1128/W/18/3213519  
APPELLANT NAME: Mr Clive Jacobs  
PROPOSAL : Proposed demolition of seven bedroom guesthouse (C1) and rebuilding to create 2no. flats (C3A) (resubmission of 2388/17/FUL)  
LOCATION : 51 Victoria Road Dartmouth TQ6 9RT  
APPEAL STATUS : Appeal Lodged  
APPEAL START DATE: 12-December-2018  
APPEAL DECISION: Upheld  
APPEAL DECISION DATE: 03-July-2019

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APPLICATION NUMBER : **2056/18/FUL** APP/K1128/W/19/3220205  
APPELLANT NAME: Venn Homes Ltd  
PROPOSAL : Construction of new single-storey, one bedroom dwelling and associated external works (resubmission of 4370/17/FUL)  
LOCATION : Land adjacent to 12 Newcomen Road Dartmouth Devon TQ6 9BN  
APPEAL STATUS : Appeal Lodged  
APPEAL START DATE: 26-February-2019  
APPEAL DECISION: Upheld  
APPEAL DECISION DATE: 18-June-2019

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**Ward Dartmouth and Kingswear**

APPLICATION NUMBER : **2513/18/FUL** APP/K1128/W/19/3224713  
APPELLANT NAME: Mr NJ Woodhouse & Mrs R Jordan  
PROPOSAL : Proposed subterranean garage  
LOCATION : Land adjacent to Ford Bank Apartments Vicarage Hill Dartmouth Devon  
APPEAL STATUS : Appeal Lodged  
APPEAL START DATE: 10-April-2019  
APPEAL DECISION: Dismissed (Refusal)  
APPEAL DECISION DATE: 27-June-2019

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**Ward Kingsbridge**

APPLICATION NUMBER : **4257/17/OPA** APP/K1128/W/18/3218669  
APPELLANT NAME: Mr & Mrs R Balkwill  
PROPOSAL : Outline application wish some matters reserved for the demolition of existing buildings and the erection of 18 dwelling units (8 affordable) with associated highway access, parking and landscaping  
LOCATION : Selworthy House Warren Road Kingsbridge TQ7 1LB  
APPEAL STATUS : Appeal Lodged  
APPEAL START DATE: 29-January-2019  
APPEAL DECISION: Dismissed (Refusal)  
APPEAL DECISION DATE: 13-June-2019

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**Ward Newton and Yealmpton**

APPLICATION NUMBER : **2046/18/PIP** APP/K1128/W/18/3216796  
APPELLANT NAME: Mrs May

PROPOSAL : Permission in principle for development of 3no. detached houses with garages and provision of 4no. parking spaces and the provision of footpath to link the village of Sparkwell to the Dartmoor Zoological Park  
LOCATION : Proposed development site at SX 581 580 Birchland Farm Birchland Way Sparkwell  
APPEAL STATUS : Appeal Lodged  
APPEAL START DATE: 12-April-2019  
APPEAL DECISION: Dismissed (Refusal)  
APPEAL DECISION DATE: 02-July-2019

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APPLICATION NUMBER : **2748/18/OPA** APP/K1128/W/19/3230262  
APPELLANT NAME: Mr & Mrs D Hansford  
PROPOSAL : Outline application with all matters reserved for demolition of existing derelict self contained annex and replacement with detached dwelling (resubmission of 4105/17/OPA)  
LOCATION : Landfall Court Wood Newton Ferrers PL8 1BW  
APPEAL STATUS : Appeal Lodged  
APPEAL START DATE: 19-June-2019  
APPEAL DECISION:  
APPEAL DECISION DATE:

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APPLICATION NUMBER : **3255/18/FUL** APP/K1128/W/19/3223484  
APPELLANT NAME: London & Western Holdings Plc  
PROPOSAL : Erection of a dwelling with associated access and landscaping  
LOCATION : Land At Sx55294781 Stoke Road Noss Mayo  
APPEAL STATUS : Appeal Lodged  
APPEAL START DATE: 19-March-2019  
APPEAL DECISION: Dismissed (Refusal)  
APPEAL DECISION DATE: 25-June-2019

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**Ward Salcombe and Thurlestone**

APPLICATION NUMBER : **1690/18/HHO** APP/K1128/D/19/3229699  
APPELLANT NAME: Miss Sarah Linton  
PROPOSAL : READVERTISEMENT(Additional Documents) Householder application for conversion and extension to boathouse to form ancillary living accommodation (resubmission of 4205/17/HHO)  
LOCATION : The Old Rectory East Portlemouth TQ8 8PA  
APPEAL STATUS : Appeal Lodged  
APPEAL START DATE: 01-July-2019  
APPEAL DECISION:  
APPEAL DECISION DATE:

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APPLICATION NUMBER : **2211/18/FUL** APP/K1128/W/19/3229714  
APPELLANT NAME: Mr & Mrs M Hill  
PROPOSAL : Conversion of traditional building for building yard to dwelling and extension to store (resubmission of 2408/17/FUL)  
LOCATION : Langworthys Barn West Alvington Devon TQ7 3GZ  
APPEAL STATUS : Appeal Lodged  
APPEAL START DATE: 27-June-2019  
APPEAL DECISION:  
APPEAL DECISION DATE:

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APPLICATION NUMBER : **2748/17/FUL** APP/K1128/W/18/3215145  
APPELLANT NAME: 1st Asset  
PROPOSAL : The demolition of all existing buildings on site while retaining the southern stone boundary wall and concrete quay, erection of circa 265sq m commercial floorspace at ground floor and a 6 bedroom dwelling with guest suite complete with existing access and the creation of five associated parking spaces  
LOCATION : Brewery Quay Island Street Salcombe TQ8 8DP  
APPEAL STATUS : Appeal Lodged  
APPEAL START DATE: 15-March-2019  
APPEAL DECISION: Upheld  
APPEAL DECISION DATE: 19-June-2019

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APPLICATION NUMBER : **2933/18/FUL** APP/K1128/W/19/3230870  
APPELLANT NAME: Mr Peter Fane  
PROPOSAL : READVERTISEMENT (Revised Plans) Demolition of existing dwelling and replacement with new dwelling

LOCATION : Highwood Moulton Road Salcombe TQ8 8LG  
APPEAL STATUS : Appeal Lodged  
APPEAL START DATE: 27-June-2019  
APPEAL DECISION:  
APPEAL DECISION DATE:

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**Ward Stokenham**

APPLICATION NUMBER : **2107/18/OPA** APP/K1128/W/19/3230899  
APPELLANT NAME: Mr Tim Brettell  
PROPOSAL : Demolition of existing building and construction of new replacement dwelling with associated parking relocated on the site  
LOCATION : Millbay Cottage East Portlemouth TQ8 8PU  
APPEAL STATUS : Appeal Lodged  
APPEAL START DATE: 27-June-2019  
APPEAL DECISION:  
APPEAL DECISION DATE:

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