

South Hams Development Management Committee



Title:	Agenda										
Date:	Wednesday, 14th August, 2019										
Time:	10.00 am										
Venue:	Council Chamber - Follaton House										
Full Members:	<p style="text-align: center;">Chairman Cllr Brazil</p> <p style="text-align: center;">Vice Chairman 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										
Interests – Declaration and Restriction on Participation:	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.										
Committee administrator:	Kathy Trant Specialist- Democratic Services 01803 861185										

1. Minutes

1 - 18

To approve as a correct record and authorise the Chairman to sign the minutes of the meeting of the Committee held on 17 July 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) 1430/19/FUL

19 - 26

Erection of 16 metal self-storage units as part of farm diversification scheme.

Barn, Higher Easton Farm, St Anns Chapel, Devon

(b) 1291/19/HHO

27 - 34

Householder application for rear extension and modifications (retrospective),

36 Above Town, Dartmouth, Devon

(c) 1548/19/OPA	35 - 40
Outline application (all matters reserved) for construction of a single storey dwelling with garage, and alterations to existing vehicular access. "Land adjoining Westerland Dale", Westerland, Marldon, Devon.	
(d) 1386/19/OPA	41 - 54
Construction of 2no.residential dwellings on an infill site, formerly Whiteoaks camp site. "Whiteoaks", Davids Lane, Filham	
(e) 0620/18/FUL	55 - 66
Provision of an agricultural workers dwelling. Borough Farm, East Allington, Totnes	
(f) 2134/19/FUL	67 - 70
Erection of a monument to commemorate the 150th Anniversary of lifeboat based at Salcombe. "Cross Gardens", Onslow Road, Salcombe, Devon	
(g) 2132/19/FUL	71 - 74
Proposed erection of monument. "The Quay", Car Park, Kingsbridge, Devon	
7. Planning Appeals Update	75 - 76
8. Planning Performance Indicators	77 - 80

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

Members in attendance			
* 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:
Cllrs Baldry, Bastone, Pearce and Pennington

Officers in attendance and participating:

Item No:	Application No:	Officers:
All agenda items		Head of Development Management Practice, Planning Senior Specialist, Planning Specialists, Deputy Monitoring Officer, Specialist Democratic Services
	3193/18/ARM	Devon County Council (DCC) Highways Officer; DCC Flood Risk Manager

DM.12/19 MINUTES
The minutes of the meeting of the Committee held on 19 June 2019 were confirmed as a correct record and signed by the Chairman.

DM.13/19 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 R Foss declared a personal interest in application **3620/18/FUL**: Change of use to woodland to allow Tree Tents for the purpose of rural tourism – Stokeley Barton Farm, Stokenham, by virtue of an arrangement between a close family member and the South Hams Brewery on the same site. He remained in the meeting and took part in the debate and vote thereon;

Cllr J Brazil declared a disclosable pecuniary interest in application **4061/18/FUL**: Erection of single storey building to provide employee welfare and catering facilities – Wash Barn, Buckfastleigh, by virtue of a close family member being employed as a chef on the site. He left the meeting for the duration of this item;

Cllrs J Brazil, M Long, R Foss and D Brown declared a personal interest in applications **1505/19/FUL**: Erection of new industrial units and associated parking – Development site at SX740394; **1522/19/FUL**: New two storey Harbour Master Depot facility including workshop, office, welfare and storage areas – The Creek Car and Boat Park, Gould Road, Salcombe; and **1523/19/FUL**: 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 Undertaking, Fore Street, Salcombe, by virtue of being Members of Salcombe Harbour Board and they remained in the meeting and took part in the debates and votes thereon;

Cllr J Hodgson declared a personal interest in application **1214/19/ADV**: Application for consent to display advertisement sign under ramp of civic hall – Totnes Tourist Information, Civic Hall, Market Square, Totnes, by virtue of being a Member of Totnes Town Council and she remained in the meeting and took part in the debate and vote thereon;

Cllrs R Rowe and B Taylor declared a personal interest in the following planning applications that were sited within the South Devon AONB by virtue of being Members of the South Devon AONB Partnership Committee and they remained in the meeting and took part in the debate and vote thereon:

- 3620/18/FUL**: Change of use to woodland to allow Tree Tents for the purpose of rural tourism – Stokeley Barton Farm, Stokenham
- 1505/19/FUL**: Erection of new industrial units and associated parking – Development site at SX740394
- 1522/19/FUL**: New two storey Harbour Master Depot facility including workshop, office, welfare and storage areas – The Creek Car and Boat Park, Gould Road, Salcombe
- 1523/19/FUL**: 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 Undertaking, Fore Street, Salcombe
- 0075/19/FUL**: 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
- 1383/19/FUL**: 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.

DM.14/19

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.15/19 **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) 3193/18/ARM Land to the rear of Green Park Way, Chillington

Parish: Stokenham

Readvertisement (Further Revised 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

Case Officer Update:

Parish consultation response update:

- Amendments reduce but do not eliminate issues of overlooking and overbearing impact on neighbours;
- More landscaping details are needed and this should be included now not condition;
- Overlooking problems are caused by building up of land – do not accept this is to manage road gradients but is to accommodate drainage tanks;
- Drainage scheme is defective;
- Not acceptable for drainage to be dealt with by condition; and
- The Council maintains its objection to the scheme.

Further letters of representation from approx. 12 residents – new issues raised:

- Objection from DCC Flood Risk reported as additional information required should be 'objection';
- Better not to determine this application until drainage agreed;
- Proposed conditions regarding landscaping, layout, planting, surfaces and finishes all relate to type and layout of drainage and cannot be agreed until drainage scheme is final;
- Condition 2 does not include drawing numbers – so new drawings could be approved;
- Wrong to condition things like landscaping, boundary treatments, material etc as proposed in the conditions;
- Building heights of apartments behind 29 GPW remain overbearing and should be bungalows;
- Heights of plots 50 & 51 remain too high behind 53 GPW – should be houses not apartments – or at least roof hipped as per Plot 46. More screening required to provide privacy – controls on external lighting required. Concerned new neighbours should not invoke high hedge complaints about their boundary;
- 47 Green Park Way – want land removed from plot 43 and tree planting provided instead – overlooking still an issue;
- Want restrictions to prevent internal changes to houses to having living accommodation upstairs and no changes to windows/doors etc. Plots 50 and 51 should be hipped;
- Why is tank H2 showed sitting above natural ground level?

application. If the drainage scheme was not acceptable and a new scheme needed to be designed this would result in a different application, including a different layout.

The Flood Authority was under a duty when determining the pre-commencement condition to be satisfied that the scheme was satisfactory and addressed the concerns raised.

The case law was clear, the scheme did not need to be presented to the public, and that fact did not make this a 'behind closed doors' decision. A deferral on the basis of insufficient information on drainage could be challenged and appealed on the basis of non-determination.

The Chairman sought clarity on the reasons for deferral. Members confirmed that drainage and landscaping were the two issues causing significant concern, although they hoped that the applicant, in listening to the debate, may consider other points raised such as opportunities for water recycling.

Committee Decision: Deferral for further details to be submitted relating to landscaping and drainage

b) 3620/18/FUL Stokeley Barton Farm, Stokenham

Parish: Stokenham

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

Case Officer Update: None

Speakers included: Supporter – Mrs Katy Brooking: Ward Member – Cllr Brazil

Recommendation: Refusal

During discussion, Members stated how helpful the site inspection had been in assessing this application. The officer report referenced the detrimental visual impact of the proposal, but the Ward Member considered that the siting of the proposal within thick foliage would overcome concerns.

Other Members commented that the AONB should be explored and a proposal such as this would help, in terms of visual impact it did not compare with the sight of a caravan park that was in close proximity. One Member raised concerns that the proposal was invading a wildlife area. Members put forward a number of possible conditions should the application be approved. In response, the Head of DM Practice advised that, if approved, the conditions attached to this application should be confirmed by officers, in consultation with the Vice Chairman of the DM Committee and the local Ward Member.

Committee Decision: Conditional Approval, with the Head of DM Practice being given delegated authority, in consultation with the Vice Chairman of the Committee and the local Ward Member, to approve the final wording of the conditions.

c) 4061/18/FUL Wash Barn, Buckfastleigh

Parish: Staverton

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

Case Officer Update: None

Speakers included: Supporter – Mr Guy Singh-Watson: Ward Member
– Cllr Hodgson

Recommendation: Conditional Approval

Committee Decision: 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

d) 0573/19/PIP Wilma, Woodcourt Road, Harbertonford

Parish: Harberton

Application for permission in principle for one new dwelling

Case Officer Update: None

Speakers included: Supporter – Mr Liam Nally

Recommendation: Refusal

Committee Decision: Refusal

e) 1505/19/FUL Development site at SX 740394, Gould Road, Salcombe

Parish: Salcombe

Erection of new industrial units and associated parking

Case Officer Update: The following changes have been made to the conditions attached to the officer's report:

- Condition 7: removed Prior to Commencement.
- Condition 9: replace Prior to Commencement with Prior To Installation.
- Condition 10: replace Prior to Commencement with Prior To Installation.
- Condition 11: Remove. (permeable surface)
- Condition 12: Remove & retain condition 18.
- Condition 14: Revise.
- Condition 17 Remove.

The Environment Agency (EA) withdrew its objection and that letter was published on the Council website dated: 12 July 2019. The body of the representation dated 12 July did not differ to that featured in the officer's report published on the council's website.

A new condition was to be added to this permission which concerns the Recycling Bins and reads:

Prior to commencement of the development hereby approved a suitable scheme and schedule of timings shall be submitted to and approved by the Local Planning Authority which concerns the re-siting of the existing recycling bins currently located within the application site.

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

Speakers included: Supporter – Mr Ray Tyner: Town Council – Cllr Mike Fice; Ward Members – Cllrs Long and Pearce

Recommendation: Conditional Approval

Committee Decision: 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 and Vehicular access
18. Construction Management Plan (Highways)
19. Tree Protection Plan
20. Recycling bins

f) 1522/19/FUL The Creek Car Park and Boat Parks, Gould Road, Salcombe

Parish: Salcombe

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

Case Officer Update: The following changes have been made to the conditions attached to the officer's report:

Condition 3: amend to read prior to Construction
Condition 7 amend to prior to occupation.

The EA withdrew its objection and that letter was published on the Council website dated: 17 July 2019. The body of the representation dated 17 July did not differ to that featured in the officer's report published on the council's website.

A response had been received from the Council's Environmental Health officer which confirmed the following:

Condition to add: Verification report: 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. The report shall include results of sampling and monitoring carried out to demonstrate that the site remediation criteria have been met. It shall also include, where relevant, a plan (a "long-term monitoring and maintenance plan") for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action and for the reporting of this to the local planning authority.

Reason: Without this condition, the proposed development on the site may pose an unacceptable risk to the environment. This is listed as a separate condition as it gives the Local Planning Authority the option to choose a later control point: i.e. prior to occupation, rather than commencement of the development for the main phase of the remedial works.

Condition: Unsuspected 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. Note – this condition can be used in addition to the universal condition, or on sites where no contamination is known or suspected.

Condition CEMP:

I note that a CEMP has been produced as part of the application, however due to the potential for contamination and dust to be generated then I would suggest that a revised CEMP is produced prior to commencement of development, this should where necessary also include measures for the control of dust, including asbestos contaminated dust;

Prior to commencement of development the following components of a scheme to deal with the environmental impacts of the construction phase of the development shall be submitted and approved by the local planning authority in writing. That scheme shall include details of noise impacts and controls, hours of operation, and dust impact assessment and proposed control in accordance with the Institute of Air Quality Management guidance for dust assessment from construction sites.

Condition Lighting:

The site is on a working fish quay and as such is exempt from the provisions of nuisance by way of lighting proposed for the site. There are sensitive receptors and as such I would suggest a condition that:-

Prior to the installation of any external lighting an impact assessment carried out in accordance with guidance produced by the institute of lighting professionals should be produced and submitted to the local planning authority for approval. Once approved the lighting shall be installed in accordance with this approval including any baffles or alternative means of controlling light spill, the lighting shall thereafter be maintained in accordance with manufacturers guidance.

Other information: Noise:

In regards to noise, the depot is to be sited on an existing working fish quay area and as such noise should not be a material factor on this application.

Speakers included: Supporter – Mr Ray Tyner: Town Council – Cllr Mike Fice; Ward Members – Cllrs Long and Pearce

Recommendation: Conditional Approval

Committee Decision: Conditional Approval

Conditions:

1. Time limit
2. Approved Plans
3. Materials to be approved
4. Parking to be provided prior to occupation and retained
5. Drainage
6. CEMP
7. Pollution Prevention Strategy
8. Ecology report
9. Construction Management Plan
10. Surface Water Drainage Strategy
11. Verification report
12. Unsuspected contamination
13. Lighting

g) 1523/19/FUL Salcombe Harbour, Dock and Harbour Undertaking, Fore Street, Salcombe

Parish: Salcombe

Replacement of the existing Harbour Master facilities and extension to the existing public conveniences, including the provision of welfare facilities for marine users

Case Officer Update: Condition 3: amend to read prior to construction
Condition 11: amend to prior to occupation
Condition 12: amend to prior to installation.

Speakers included: Supporter – Mr Ray Tyner: Town Council – Cllr Mike Fice; Ward Members – Cllrs Long and Pearce

Recommendation: Conditional Approval

Committee Decision: Conditional Approval

Conditions:

1. Time limit
2. Approved plans
3. Materials to be approved
4. Obscure glazing
5. Drainage
6. CEMP
7. Ecology report
8. Construction Mangement Plan
9. Contaminated Land
10. Flood Mitigation Measures (EA)
11. Pollution Prevention Strategy
12. Lighting Strategy
13. Surface Water Drainage Strategy

h) 0075/19/FUL Site of former WI Hall, Ford Road, Yealmpton

Parish: Yealmpton

Readvertisement (Revised Plans Received) Proposed revisions to design of single dwelling (self build) following extant permission 0579/16/FUL

Case Officer Update: None

Speakers included: Supporter – Mr Mark Evans: Parish Council – Cllr Liz Hitchins; Ward Member – Cllr Baldry

Recommendation: Conditional Approval

Committee Decision: Conditional Approval

Conditions:

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

i) 0750/19/FUL Tuckers Hay, Compton Pool Cross, Compton, Marldon

Parish: Marldon

Demolition of existing outbuilding; erection of detached building to provide two bed annexe unit and closure of existing vehicular access of provision of new vehicular access

Case Officer Update: Sensitive information had been circulated directly to Committee Members

Speakers included: Supporter – Mr B Sanderson: Parish Council – Cllr Mary Oliphant; Ward Member – Cllr Pennington

Recommendation: Refusal

During discussion, whilst Members accepted the case officer recommendation, they felt that the proposal would improve the application site by changing the access arrangements and removing the unsightly outbuildings currently there. Some Members also made the point that the crisis within the care system needed to be taken into account when considering such an application. Members also noted that, whilst they may be minded to approve the application in the current circumstances, appropriate conditions would need to be in place to ensure the future use of the proposal would be linked to the family home. The Head of DM Practice confirmed that conditions would include the following: Standard time; accord with plans; drainage; existing access closed before development brought into use; clearance of site outside the bird nesting season; a condition that restricts use to family members/dependents.

Committee Decision: Conditional Approval with the Head of DM Practice being given delegated authority, in consultation with the Chairman of the Committee, to approve the final wording of the conditions.

j) 1214/19/ADV Totnes Tourist Information, Civic Hall, Market Square, Totnes

Parish: Totnes

Application for consent to display advertisement sign under ramp of Civic Hall

Case Officer Update: None

Recommendation: Approval delegated to Head of Development Management Practice, subject to receipt of revised plans that clarify the precise position of the fascia sign.

Committee Decision: Approval delegated to Head of Development Management Practice, subject to 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

k) 1383/19/FUL Redundant Barn, Gratton Farm, Loddiswell

Parish: Churchstow

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)

Case Officer Update: Churchstow Parish Council had submitted comments and they objected to the application

Speakers included: Supporter – Mr Alex Perraton: Ward Member – Cllr Kemp

Recommendation: Refusal

Committee Decision: Refusal

l) 0670/19/ARM Land adjacent to Cofflete Lodge (south A379), Brixton

Parish: Brixton

Application for approval of Reserved Matters following Outline Approval 2481/16/OPA

Case Officer Update: None

Recommendation: Conditional Approval

Committee Decision: Conditional Approval

Conditions:

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

m) 3552/18/FUL To the Rear of 129 Fore Street, Kingsbridge

Parish: Kingsbridge

Readvertisement (Revised Plans) Construction of 4no. dwelling houses

Case Officer Update: Officer recommendation to include delegation to Head of DM Practice in consultation with the Chairman subject to satisfactory completion of s106 Agreement and if unsigned within six months Head of DM has the right to refuse the application; two late letters of representation objecting to the proposal; a revised tree survey needed and an additional condition requiring an accurate tree survey to be provided

Speakers included: Objector – Mr Bodger: Supporter – Mr Dan Lethbridge: Ward Member – Cllr Jackson (statement read out)

Recommendation: Delegate to Head of Development Management Practice (HoP), in conjunction with Chairman to conditionally grant planning permission, subject to a Section 106 legal obligation.

However, in the event that the Section 106 legal Agreement remains unsigned six months after this resolution, that the application is reviewed by the HoP, in consultation with the Chairman of the Committee, and if no progress is being made delegated authority is given to the HoP to refuse the application in the absence of an agreed S106 Agreement.

Committee Decision: Delegate to Head of Development Management Practice (HoP), in conjunction with Chairman to conditionally grant planning permission, subject to a Section 106 legal obligation.

However, in the event that the Section 106 legal Agreement remains unsigned six months after this resolution, that the application is reviewed by the HoP, in consultation with the Chairman of the Committee, and if no progress is being made delegated authority is given to the HoP to refuse the application in the absence of an agreed S106 Agreement.

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
19. Accurate tree survey required

DM.16/19 **PLANNING APPEALS UPDATE**

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

(Meeting commenced at 10.00am and concluded at 6.05pm)

Chairman

Voting Analysis for Planning Applications – DM Committee 17 July 2019

Application No:	Site Address	Vote	Councillors who Voted Yes	Councillors who Voted No	Councillors who Voted Abstain	Absent
3193/18/ARM	Land to the rear of Green Park Way, Chillington	Deferral	Cllrs Brazil, Brown, Hodgson, Holway, Kemp, Long, Pannell, Taylor, Pringle (9)	Cllrs Rowe, Foss, Abbott (3)	(0)	(0)
3620/18/FUL	Stokeley Barton Farm, Stokenham	Conditional Approval	Cllrs Abbott, Brazil, Brown, Foss, Holway, Kemp, Long, Pannell, Taylor, Rowe, Pringle (11)	Cllr Hodgson (1)	(0)	(0)
4061/18/FUL	Wash Barn, Buckfastleigh	Conditional Approval	Cllrs Abbott, Brown, Foss, Holway, Kemp, Long, Pannell, Taylor, Rowe, Pringle (10)	Cllr Hodgson (1)	Cllr Brazil by virtue of declaring a DPI (1)	(0)
0573/19/PIP	Wilma, Woodcourt Road, Harbertonford	Refusal	Cllrs Brazil, Brown, Foss, Kemp, Long, Pannell, Taylor, Rowe, Pringle (9)	Cllrs Hodgson, Abbott, Holway (3)	(0)	(0)
1505/19/FUL	Development site at SX740394, Gould Road, Salcombe	Conditional Approval	Cllrs Abbott, Brazil, Brown, Foss, Holway, Kemp, Long, Pannell, Taylor, Rowe, Pringle, Hodgson (12)	(0)	(0)	(0)
1522/19/FUL	The Creek Car and Boat Park, Gould Road, Salcombe	Conditional Approval	Cllrs Abbott, Brazil, Brown, Foss, Holway, Kemp, Long, Pannell, Taylor, Rowe, Pringle, Hodgson (12)	(0)	(0)	(0)
1523/19/FUL	Salcombe Harbour, Dock and Harbour Undertaking, Fore Street, Salcombe	Conditional Approval	Cllrs Abbott, Brazil, Holway, Taylor, Rowe, Pringle, Brown (7)	Cllrs Pannell, Long, Foss, Hodgson, Kemp (5)	(0)	(0)
0075/19/FUL	Site of former WI Hall, Ford Road, Yealmpton	Conditional Approval	(8)	(3)	Cllr Brazil (1)	(0)

0750/19/FUL	Tuckers Hay, Compton Pool Cross, Compton, Marldon	Conditional Approval	Cllrs Abbott, Brazil, Brown, Foss, Holway, Kemp, Long, Pannell, Taylor, Rowe, Pringle, Hodgson (12)	(0)	(0)	(0)
1214/19/ADV	Totnes Tourist Information, Civic Hall, Market Square, Totnes	Conditional Approval	Cllrs Abbott, Brazil, Brown, Foss, Holway, Kemp, Long, Pannell, Taylor, Rowe, Pringle, Hodgson (12)	(0)	(0)	(0)
1383/19/FUL	Redundant Barn, Gratton Farm, Loddiswell	Refusal	(9)	(2)	(1)	(0)
0670/19/ARM	Land adjacent to Cofflete Lodge (South A379), Brixton	Conditional Approval	Cllrs Abbott, Brazil, Holway, Pannell, Taylor, Rowe, Foss (7)	Cllrs Hodgson, Pringle, Long, Brown (4)	Cllr Kemp (1)	(0)
352/18/FUL	To the rear of 129 Fore Street, Kingsbridge	Refusal	Cllrs Brazil, Hodgson, Long, Kemp, Brown (5)	Cllrs Pannell, Abbott, Foss, Pringle, Taylor, Holway, Rowe (7)	(0)	(0)
352/18/FUL	To the rear of 129 Fore Street, Kingsbridge	Conditional Approval	Cllrs Pannell, Abbott, Foss, Pringle, Taylor, Holway, Rowe (7)	Cllrs Brazil, Hodgson, Long, Kemp, Brown (5)	(0)	(0)

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PLANNING APPLICATION REPORT

Case Officer: Lucy Hall

Parish: Bigbury **Ward:** Charterlands

Application No: 1430/19/FUL

Agent/Applicant:

Mr Derek Butler - Derek Butler Designs
Ltd
Hexthill Cottage
Brixton Torr
Plymouth
PL8 2BD

Applicant:

Mr & Mrs Stuart Marshall
Higher Easton Farm
Road From St Anns Chapel Heading Ea
St Anns Chapel
TQ7 4HQ

Site Address: Barn, Higher Easton Farm, St Anns Chapel, Devon, TQ7 4HQ

Development: Erection of 16 metal self-storage units as part of farm diversification scheme

Reason item is being put before Committee: *At the request of Cllr Taylor. 'As this is a genuine farm diversification with no objections from highways or the AONB I think it should be decided by committee.'*



Recommendation: refusal

Reasons for refusal

The proposed development is considered to be inappropriate and unjustified in this remote countryside AONB location and as such is contrary to policies SPT1, SPT2, TTV1, TTV2, TTV26, DEV15 of adopted Plymouth and South West Devon Joint Local Plan (2014-2034) and the advice contained within the National Planning Policy Framework.

Site Description:

Higher Easton Farm is a working farm of 24.6 hectares with large open pasture fields and cattle sheds centred in the holding of the 14 hectare parcel of land to which the application relates. The site is located around 470m to the south east of St Ann's Chapel and lies immediately to the north of existing agricultural buildings at the farm. Access to the site is via an existing track from the road to the north. The hamlet of Easton, and nearest residential dwellings are situated to the east of the site.

The site lies within the South Devon Area of Outstanding Natural Beauty. There are also a number of listed buildings within close proximity to the site including the Church of St Lawrence which is Grade II*. The Church lies around 0.5KM to the south of the site. The site is also within 12.3KM of the Plymouth Sound and Estuaries SAC.

The Proposal:

The application seeks full planning permission for the provision of 16 storage units (single storey metal containers) for private rental (use class B8). The proposal would be part of a farm diversification scheme at Higher Easton Farm. The units would be laid in two rows on a parcel of land immediately to the north of the existing agricultural buildings at the farm.

Consultations:

- County Highways Authority no objection subject to conditions
- Environmental Health Section no comments received
- Bigbury Parish Council support if number of containers are reduced

Bigbury Parish Council discussed this application at a Parish Council meeting held on June 12th 2019.

The Parish Council heard representations from all interested parties both for and against this proposal, including views and opinions relating to traffic, road safety, visibility of this site from other locations, control over what can and cannot be stored there including hazardous substances, noise, smell, validity of this type of diversification project to farming in general and restrictions to be placed on the hours of operation.

Taking all of this into consideration the decision of the Parish Council was to support this application on the basis that the number of containers was reduced to ten (10) and that the operational hours be restricted to 09:00 to 17:00. The applicants accepted these limitations.

- Drainage no objection
- Historic England no comments
- Landscape no objection subject to conditions

Representations:

The Council has received 24 letters of representation, 17 in support of the proposal and 7 against the proposal. The comments received are summarised as follows: -

Support

- Proposal will provide a much needed facility within easy reach to local residents who do not have sufficient storage space
- Great asset to holiday cottage businesses who require out of season storage
- Small, affordable storage units will be an asset for local firms and traders
- The need to provide alternative income streams for farmers is critical. Applicants run their business well but the income will not sustain the family without diversification
- Successful farms will contribute to the local economy and provide employment for local people
- Not considered the facility will cause congestion issues
- Discrete and secure location
- Diversification is encouraged by Government and has been supported by a grant

Objection

- Loss of privacy to Easton House
- Unacceptable levels of noise to nearby residents
- Access road is significant danger to road users including pedestrians and proposal will exacerbate the situation
- Proposal will create an 'industrial estate-type environment;' which is out of keeping
- Inappropriate development for a rural farm setting in the AONB and Heritage Coast
- Not considered to be a demand for the facility
- Delivery of the containers will place great impact on the road network
- Recent development at the site has created large buildings within the AONB

Relevant Planning History

None

ANALYSIS

Principle of Development/Sustainability:

Sustainability is at the heart of the National Planning Policy Framework and the Council's current adopted plan. Delivering economic growth is one of its key components. There is a very broad policy support for diversification of agricultural businesses, and also a proactive approach to supporting the rural economy. Paragraph 83 of the revised National Planning Policy Framework considers the development and diversification of agricultural and other land-based rural businesses key to supporting a prosperous rural economy. This stance repeated in JLP Policy TTV2. However, this does not mean that all and any farm diversification projects within the countryside should be considered acceptable and the balance of considerations is not always straightforward in cases where broad enabling policies do not accord with other policy requirements.

The application site is located within the countryside. JLP Policy TTV1 sets out the principles to be used to distribute new employment and housing across the TTV policy area and follows a hierarchy of settlements. The countryside (together with smaller villages and hamlets) are at the bottom of the hierarchy. The policy is clear that within these areas development should only be permitted if it supports the principles of sustainable development and sustainable communities (Policies SPT1 and SPT2) including as provided for in Policies TTV26 and TTV27.

JLP Policy TTV26 provides a framework for guiding development within the countryside. The overarching aim of the policy is to protect the special characteristics and role of the countryside. Although the policy needs to be read alongside other policies within the plan,

the requirements for new developments within the countryside are clear. In accordance with 2(iv) there needs to be a justification for a countryside location. In the view of Officers generic B8 storage use does not meet this requirement.

Personal self-storage facilities are not a pre-requisite to a sustainable and resilient rural community. Indeed creating space for people to store surplus material possessions in order to make room for additional material possessions is contrary to the responsible reduction of resource use that underpins the notion of sustainability.

JLP Policy DEV15 provides some flexibility to enable carefully selected development outside settlements, where it could be demonstrated that this can be achieved sustainably. However, the policy requirements are clear that existing buildings should be reused before new ones are erected and the development should meet the essential needs of agriculture or forestry interests. While the reuse of an existing empty agricultural building might sit more comfortably with policy (notwithstanding any landscape issues), the applicants have expressed that they do not wish to use existing buildings as this would sterilise the potential future reuse of these for agricultural purposes.

The traditional interpretation of farm diversification was one which added value to a farm product, such as a dairy diversifying into cheese production, or a mixed farm into butchery for example. Now under the broad banner of 'rural diversification' many forms of non-agricultural commercial practices are accepted and many sources referenced in supporting statements from the applicant support the proposed enterprise. However, none of that changes our statutory duty to make decisions according to the up-to-date development plan, unless other material considerations require otherwise.

Notwithstanding Officer concerns about the principle of the proposed enterprise within the countryside, JLP TTV26 requires developments to be complementary to and not prejudice and viable agricultural operations on a farm. More evidence is required to demonstrate how the implementation of the proposed B8 use would be compatible with the existing agricultural activities. The development would be situated immediately in front of existing active agricultural buildings and Officers are concerned that there could be a potential conflict between the uses which risks sterilising the farm operations.

Design/Landscape:

The proposal has been considered by the Council's landscape specialist who has not raised any objection. The following comments have been received.

'Whilst the principle of introducing 16 storage containers into the AONB landscape merits careful consideration, in this context, the proposals are considered to be well sited, minimising landscape and visual impacts. The proposed site benefits from existing screening, and being set against the existing agricultural buildings, the storage containers would result in a negligible change to the character and appearance of the area.

Adopted JLP policy DEV 25 requires development proposals to 'conserve and enhance' the natural beauty of the AONB. I understand that some new planting has been carried out to establish the bunding surrounding the site as hedgebanks, and that this presents an opportunity to enhance the site area in accordance with policy DEV25. For the council to consider this enhancement under DEV25 as part of this application, we would need to ensure that the form, species, sizes, densities and management of new plants is secured as per best practice and retained in the long term. Subject to securing this planting in an appropriate

form, I would raise no objection to the application on landscape grounds, finding that it would comply with policies DEV23 and DEV25.'

Neighbour Amenity:

Paragraph 127 of the revised National Planning Policy Framework requires developments to provide a 'high standard of amenity for existing and future occupiers'. JLP Policy DEV1 requires development proposals to safeguard the health and amenity of local residents. The policy is clear that unacceptable impacts will be judged against the level of amenity generally accepted within the locality.

Concerns have been expressed from the residents of Easton House who consider that the proposal will result in a loss of privacy. While the concerns are noted, Easton House is located around 200m to the south east of the site. Due to the low profile of the proposal units combined with the existing landscaping and separation distance between the sites, Officers are satisfied that the amenity of these occupants would be retained.

Concerns have also been raised about increased noise levels. However, in the context of the existing agricultural activities at the site, any disturbance from noise is considered to be minimal.

Highways/Access:

The Highway Authority originally objected to the application on the grounds of the complete lack of visibility at the junction with the B3392. It was considered any promotion of an increase in this junction would have the likely consequence of further danger to existing road users. Further information was provided and on the basis a Grampian condition could overcome this concern the objection was withdrawn. Improvements have been secured to be delivered as part of planning application 4120/17/FUL. If these works are complete prior to commencement of operations from this application the Highway Authority would be prepared to support the application.

The Highway Authority considers the traffic generated from the proposal would be low because of the small scale of the operation and the likelihood that most of the users will be existing residents who are already in the area. It is important to note that while there is a lot of support from third parties who propose to use the site for personal domestic storage, if permission was granted the development would fall within use class B8 'storage and distribution'. The Local Planning Authority cannot control who uses the site and in reality it could be used by local businesses who require a storage facility. This could result in more intensive and frequent daily trips from a wide geographical area and reaffirms officer's view that locating a storage and distribution facility within the countryside is not a sustainable approach to development. In this respect the use would be more appropriate within a town such as Modbury.

Other Matters:

The Council's Drainage Specialist is satisfied that sufficient information has been provided to demonstrate a workable scheme although the final design will need to be agreed with the LPA via condition. An appropriate condition is recommended.

Due to the low profile of the development, lack of inter-visibility and separation distance between the respective sites, Officers are satisfied that the proposed development would not cause any harm to the Church of St Lawrence or its setting.

The Parish Council support the proposal on the basis that the number of units is reduced from 16 to 10. Although their response implies that the applicants are happy with this revised figure, the application has not been revised and the proposal should be considered on the basis it is for 16 units.

Conclusions

While there is broad policy support for farm diversification projects, not all schemes will be considered acceptable and the balance of considerations is not always straightforward in cases where broad enabling policies do not accord with other policy requirements. Although no site-specific landscape or visual harm has been identified with the proposal given the potential for mitigation, Officers do not consider that the introduction of new incongruous structures and B8 storage and distribution is an appropriate or justified use within this remote open AONB countryside location.

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

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

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
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
DEV21 Development affecting the historic environment
DEV23 Landscape character
DEV25 Nationally protected landscapes
DEV26 Protecting and enhancing biodiversity and geological conservation
DEV28 Trees, woodlands and hedgerows
DEV29 Specific provisions relating to transport
DEV31 Waste management
DEV32 Delivering low carbon development
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.

Bigbury Neighbourhood Plan (currently at Regulation 16)

BP7 – general design principles for new development
BP9 – agricultural development
BP8 – existing and proposed employment
BP18 – Area of Outstanding Natural Beauty
BP20 – woodlands, trees, hedgerows and Devon hedge banks
BP21 – wildlife sites and biodiversity
BP24 – built heritage
BP25 – transport and highways
BP28 – parking provision

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: Matthew Barks
Kingswear

Parish: Dartmouth **Ward:** Dartmouth and

Application No: 1291/19/HHO

Agent/Applicant:

Mr Nigel Collingswood - Qube Design
Limited
The Studio
Capri Fairview Road
Dartmouth
TQ6 9EN

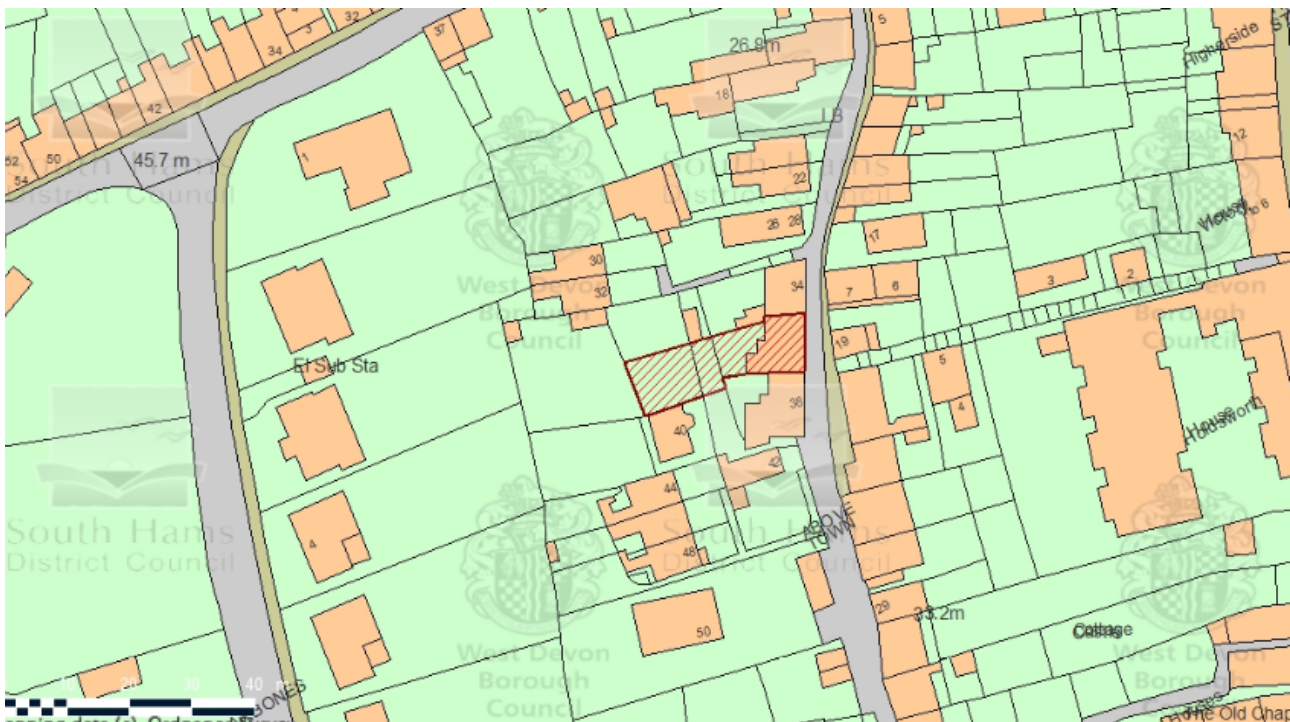
Applicant:

Mr C McClennon
Unit 2
Admiral Court
Nelson Road, Dartmouth
TQ6 9HU

Site Address: 36 Above Town, Dartmouth, Devon, TQ6 9RG

Development: Householder application for rear extension and modifications

Reason item is being put before Committee: Cllr Hawkins and Cllr Rowe request Committee consideration on the grounds that the proposal is considered over development, unneighbourly and would result in overlooking.



Recommendation: Conditional approval

Conditions

Standard time limit
Accord with plans
Material samples to be submitted

No use of flat roof areas for amenity purposes
Non-opening windows/doors to west elevation
No insertion of new windows, doors or openings restriction

Key issues for consideration:

Impact upon residential amenity and privacy, impact upon landscape, impact upon South Devon Area of Outstanding Natural Beauty, impact upon designated heritage assets.

Site Description:

No.36 comprises a mid-terrace residential property located on the western side of Above Town and approximately 80m to the south of the junction with Crowthers Hill. The site lies on the western edge of Dartmouth Conservation Area and within the South Devon Area of Outstanding Natural Beauty.

The Proposal:

The application proposes an additional roof level extension to the west (rear) elevation to that which has been previously approved under 0663/18/HHO along with the conversion of part of the property to provide an internal garage and other associated alterations to the internal layout of the property.

Consultations:

- County Highways Authority – no highway implications
- Dartmouth Town Council – recommend refusal on the grounds of being unneighbourly and an overdevelopment of the site.

Representations:

Representations from Residents

Eight letters of representation have been received (two from the same party) of which seven object to the proposal and one undecided. The representations cover the following points:

- Site being overdeveloped from what is essentially a row of small fisherman's cottages and is clearly designed for the rental market.
- Potential to open the upper doors of proposed dining room and further increase noise and loss of amenity.
- Overlooking will occur with direct views over to the part of our rear garden which we use the most from the extended gable and for which there are no such views at present.
- Impact upon conservation area: proposal makes no attempt to respect the scale, form and architectural detailing of the cottages.
- Scale and bulk visually dominates rear of terrace.

- Clearly aimed at holiday market.
- Proposed garage will necessitate reversing a car which will cause an obstruction to traffic flow and pedestrians.
- Concerned that the approved 'Garden Room' is now to offer extended living space to include bathroom & shower facilities and would therefore be adopted as a bedroom.

Representations from Internal Consultees

None

Representations from Statutory Consultees

Natural England – no objection

Relevant Planning History

0555/19/PRH - Pre-application enquiry for the proposed two storey rear extension and permitted development insertion of garage door to front of existing dwelling. Partial officer support given.

0663/18/HHO - READVERTISEMENT(Revised Plans) Householder application for restoration of front facade, including replacement dormer windows, new porch and new timber sash windows, additional first floor window, demolition and replacement of first floor rear extension including new rear dormer, proposed summerhouse for rear garden.
Conditional Approval 24 April 2018

ANALYSIS

Principle of Development/Sustainability:

The property is located within the defined boundary of the Thriving Towns and Villages Policy Area of Dartmouth where development, including the extension of residential properties, is considered acceptable in principle.

Design/Landscape:

In considering the landscape impact, and in particular the special landscape character of the South Devon Area of Outstanding Natural Beauty ('AONB') where proposals are required to conserve and enhance that special character, it is the case that the proposed rear extension will be read in conjunction with the extensions to the two adjoining properties due to their close relationship. In addition, and due to the significant change in land levels which rise up towards the west and the surrounding development, there is the effective creation of a cloistered valley of development that is largely screened from wider public view.

In that regard, and having due consideration of the nature and extent of the surrounding built form, it is considered that the proposal will not have such significant harm to the general landscape that would engender demonstrable and sustainable reasons for refusal. With specific reference to the AONB and having regard to what has already been permitted, it is concluded that the proposal would conserve the special landscape character of the AONB.

It is, of course, a matter of fine consideration as to whether new development within the AONB can ever ultimately enhance its quality, given that it may be argued that part of its intrinsic quality is derived from a lack of built form or development. In this instance, however, Officers consider that in the light of the locational topography and the surrounding development, no additional harm to the AONB that would be demonstrable and sustainable through reasons for refusal can be identified.

It is, therefore, concluded that the proposal would not impact harmfully upon the special landscape character of the South Devon Area of Outstanding Natural Beauty or the wider general landscape.

Neighbour Amenity:

In comparison to the grant of planning permission under reference 0663/18/HHO, this proposal seeks to extend the gable end projection on the southern boundary of the property so that, in effect, it aligns with the extension to No.38 South Town, with its width then extending across towards No.34 South Town but leaving an approximate separation distance of 1.2m between the proposed extension and the nearest point of the extension to No.34.

Overall, the glazed area, which is proposed to be recessed, would extend approximately a further 2.2m nearer to the rear gardens and the overall extension would be some 2.8m nearer compared with the approved scheme. A small area of flat roof would remain adjacent to the boundary with No.34.

When assessing the previous proposal, Officers had sought amendments to that scheme in order to ensure that the amenities and privacy of the adjoining properties were not adversely impacted, the result of this was the grant of permission under reference 0663/18/HHO. The Officer report for this application considers that the effective removal of the originally proposed roof terrace by virtue of a 'Juliet' style patio doors with no ability to access this area would ensure the protection of the neighbours amenities and privacy. However, no planning condition restricting the use of the flat roof area as a terrace, sitting out area, et al was imposed.

In practical terms this means that the applicant – although they have indicated this would not be their intention – could use the flat roofed area approved under 0663/18/HHO as a terrace or sitting out area and it would not represent a breach of planning control. Moreover, if the property were to change ownership any future occupier could do the same irrespective of the current owner's intention. In the light of this, and because works have commenced to implement that planning permission, it is considered that there exists a fallback position with a reasonable prospect of occurrence which would allow the entire flat roofed area to be used as a terrace or sitting out area and which, as was identified in the Officer's consideration of 0663/18/HHO, had resulted in objections being received originally. The report does not address whether there would have been unacceptable harm to residential amenity and privacy had the proposal not been revised, although the given the size of the flat roof and the proximity to both neighbouring boundaries that would seem probable.

If consideration of this proposal was taken in isolation and without the circumstances of the previous grant of permission, Officers are of the view that it would be unacceptable by virtue of harm arising from overlooking and the consequent loss of amenity and privacy caused by the depth of the rear extension, even allowing for the recessed element to the indicated dining room area.

However, given that there is likely to be even greater harm to privacy and amenity arising from the continuation of the unrestricted planning permission and the potential subsequent use of the flat roofed area as a terrace or sitting out area which, it is considered, represents a fallback position with a reasonable prospect of occurrence, particularly because a terrace was proposed originally albeit by a different applicant, then it is the conclusion of Officers that, on balance, a restricted and controlled permission under this scheme represents a material improvement in privacy and amenity terms to that under 0663/18/HHO.

Such restrictions would require that the smaller flat roofed elements could not be used as a terrace or sitting out area, that no windows, doors or other openings could be inserted in to the rear extension and that the glazed gable ends would not have any doors inserted in them.

Highways/Access:

Whilst the applicant has elected to include the provision of the integral garage as part of the scheme under consideration, Officers have previously advised as part of the pre-application process that this element would constitute permitted development. On that basis, and whilst noting the concerns raised with respect to vehicular access and manoeuvring of vehicles, this element falls outside of the ambit of the Council in determining this application.

Other Matters:

Concern has been raised in respect of the potentiality of the property being used as holiday let accommodation and/or the noise that may be generated from the property given its internal accommodation which would allow for the occupation of a number of persons at any one time. In this regard, whilst it may be probable that full time occupiers of non-holiday let accommodation may be more considerate of neighbours in terms of any noise generation compared to holiday let occupation, it is by no means certain that this would be the case.

In any event, even if it were to be the case that the property was used for holiday let occupation, this would not represent a change of use of the property and could not be controlled in planning terms. However, noise generation creating a statutory noise nuisance can be controlled through other legislative powers outside of the planning system.

With respect to heritage matters, and specifically the impact upon Dartmouth Conservation Area ('DCA'), the design and style of the proposal has already been considered acceptable under the previous grant of planning permission. That said, the overall form and size has changed in comparison to the previously permitted proposal and, in that context, further consideration is required as to the impact upon DCA as a designated heritage asset.

Paragraph 192 of the National Planning Policy Framework ('NPPF') (updated June 2019 states that,

'192. In determining applications, local planning authorities should take account of:

- a) *the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;*
- b) *the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and*
- c) *the desirability of new development making a positive contribution to local character and distinctiveness.'*

In this respect, and noting the previous grant of planning permission, the property is located on the western edge of the DCA, with the western boundary of the garden representing the delineation between the extent of the designated heritage asset and undesignated land beyond. Whilst its location does not diminish the importance of the DCA as a designated heritage asset, its transitional position does allow, it is considered, for the acceptance of a 'marrying' of designs and styles to reflect that transition.

In this context it is considered that the proposal does make a positive contribution to local character and distinctiveness through its design and form and is also broadly representative, in scale terms, with the extensions on the two neighbouring properties.

Concern has been raised in respect of the potentiality of the property being used as holiday let accommodation and/or the noise that may be generated from the property given its internal accommodation which would allow for the occupation of a number of persons at any one time. In this regard, whilst it may be probable that full time occupiers of non-holiday let accommodation may be more considerate of neighbours in terms of any noise generation compared to holiday let occupation, it is by no means certain that this would be the case.

In any event, even if it were to be the case that the property was used for holiday let occupation, this would not represent a change of use of the property and could not be controlled in planning terms. However, noise generation creating a statutory noise nuisance can be controlled through other legislative powers outside of the planning system.

Similarly, concern has also been raised in respect of ultimate use of the garden outbuilding. Given that this building has yet to be constructed and the concern appears to have chiefly risen from the wording on sales particulars, it is considered that it would be precipitous to speculate on the use of a building which has yet to be built. Notwithstanding, Officers have confirmed with the applicant directly that the building will not be used other than for purposes in connection with the property as the previous grant of planning permission allows. Should that position change in the future then it would be a matter of potential investigation for the Council at that time if it were drawn to its attention.

[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

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

DEV20 Place shaping and the quality of the built environment

DEV21 Development affecting the historic environment

DEV23 Landscape character

DEV25 Nationally protected landscapes

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 (2019-2024)

Dartmouth Neighbourhood Plan

The site is within the area designated under the Dartmouth Neighbourhood Plan. However, this plan is not yet at an advanced enough stage that it can be given weight during the decision-making process.

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 drawing numbers: 18070-P-101 Revision A – proposed plans and elevations and 18070-P-102 Revision A – block and location plan, both received by the Local Planning Authority on 4 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. Prior to their installation details / samples 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 flat roof areas to the west (rear) elevation as shown on approved drawing 18070-P-101 Revision A (proposed plans and elevations) shall not be used as a balcony, roof garden or similar amenity area without the grant of further permission from the Local Planning Authority.

Reason: To safeguard the privacy and amenity of the adjoining residential properties.

5. The glazing/windows/doors shown to the west (rear) elevation at second floor level as identified on drawing number 18070-P-101 Revision A shall be fixed shut and non-opening unless otherwise agreed in writing with the Local Planning Authority.

Reason: To safeguard the privacy and amenity of the adjoining residential properties

6. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re enacting this Order) no openings other than those authorised by this permission (if any) shall be at any time be inserted to the second floor level extension hereby permitted, without the prior permission, in writing of the Local Planning Authority.

Reason: To protect the amenity of neighbours.

PLANNING APPLICATION REPORT

Case Officer: Gemma Bristow

Parish: Marldon **Ward:** Marldon and Littlehempston

Application No: 1548/19/OPA

Agent/Applicant:

Mr. D. G. Webber,
Westerland Dale
Westerland
Marldon
Devon.
TQ3 1RU

Applicant:

Mr. D. G. Webber,
Westerland Dale
Westerland
Marldon
Devon.
TQ3 1RU

Site Address: Land adjoining Westerland Dale, Westerland, Marldon, Devon, TQ3 1RU

Development: Outline application (all matters reserved) for construction of a single storey dwelling with garage, and alterations to existing vehicular access

Reason item is being put before Committee

Called to Committee by Cllr Pennington who considers the site is accessible to the services and facilities within Marldon and so is a sustainable location.



Recommendation:

Refusal

Reasons for refusal

1. The proposal would result in unessential, unsustainable development in the countryside, inaccessible from local services, without demonstrable justification contrary to policies SPT1, SPT2, TTV1, TTV26 of the Joint Local Plan 2019 and paragraphs 108(a) of the National Planning Policy Framework 2019.
2. The proposed development would result in an increase in the volume of traffic entering and leaving the Class C County Road through a junction, which does not provide safe and

satisfactory vehicular access to the site, contrary to policy DEV29 of the Joint Local Plan 2019 and paragraphs 108 and 109 of the National Planning Policy Framework 2019.

3. The proposed dwelling, by reason of the level difference between road and the site, would result in substantial earthworks that would harm the rural character of the lane contrary to policies TTV26 and DEV23 of the Joint Local Plan 2019 and paragraphs 170 of the National Planning Policy Framework 2019.
4. Insufficient information has been submitted to make an assessment of potential contamination of the site, contrary to policy DEV2 from the Joint Local Plan 2019 and paragraphs 170(f) and 178 of the National Planning Policy Framework 2019.

Key issues for consideration:

Principle, landscape, highways, drainage.

Site Description:

Site located on the east side of Westerland Lane, to the south of Westerland Cross and further south of the settlement of Marldon. The parcel of land, currently defined as agricultural field although stated as used as amenity land associated with Westerland Dale, is sited between the dwellings of High House to the north and Westerland Dale to the south. Landscape character defined as 3A 'Upper farmed and wooded valley slopes' and Good to moderate agricultural land.

Within Horseshoe Bat SAC Cirl Bunting buffer zone.

The Proposal:

Outline application (with all matters reserved) for a dwelling.

It is indicated the dwelling would be single storey with garage under and alterations to existing vehicular access. These matters are indicative only as all reserved so not for consideration at this stage.

Consultations:

- County Highways Authority: Objection
The likelihood is the proposals will undoubtedly increase traffic using the substandard junction which leads onto the C11 Road where Westerland Lane meets the C11 road. It is considered the C11 road is the more likely route for occupants of this proposal as the distance to the main two way road network (C11) is much shorter from the site. I.e. It is 340m to the C11 road, rather than 760m if heading towards Torbay and the A380, which is an option from the site also. It is noted the roads are narrow and poorly aligned for drivers travelling in the Torbay direction, which is inevitably likely to make using the C11 junction more attractive.

It is noted the junction of the C11/Westerland Lane offers in the region of 20m 'y' distance (measured in the summer months) x 2.4m 'x' distance x 1.05m height visibility to the right for drivers exiting the side road onto the main C11 Road. It is estimated 85th percentile vehicle speeds on the C11 road are in the region of 33mph at the point the junction intercepts the C11 road and therefore it would be reasonable to expect the junction to provide in the region of 50m x 2.4m x 1.05m height splays at this point.

The C11 Road is a district distributor road between Torbay and Totnes and also functions as an alternative route for residents of Torbay to get to and from the A38 trunk road via Totnes. The C11 Road is also subject to a 30mph speed limit. The C11 Road carries around 6000 –7000 vehicles

per day. Recent accident data reported to the Police has revealed one slight injury accident at the junction of Westerland Lane with the C11.

The details of this accident are as follows – Vehicle 2 was travelling straight on and Vehicle 1 was waiting to turn right out of a smaller side road. Driver of Vehicle 1 states he started to pull out and Vehicle 2 came over the brow of the hill at speed and hit the side of Vehicle 1. Rider of Vehicle 2 stated he was not travelling at speed and Vehicle 1 pulled straight out in front of him giving no time to stop.

It is considered by allowing the change in use the proposals would likely create an undesirable precedent in the area. Therefore the Highway Authority is unable to support the proposals.

- Environmental Health Section: No contamination report submitted, so objection on potential contamination risks not being investigated.
- Town/Parish Council: Support
- Drainage specialists: Standing advice

Representations:

5 letters of support, on the following grounds:

- Design and layout in keeping
- It would free up a larger property and allow the applicant to remain living in the area
- Accessible location can walk up Leader Lane that has no traffic
- Support spoil to be used to create Devon banks
- Multiple houses created at Westerland Barns
- Local Budgen shop and bus stop within 5 mins walk of site

Relevant Planning History

- 0688/18/OPA: Outline application (with all matters reserved) for construction of single storey dwelling with garage under and alterations to existing vehicular access. Refused May 2018
- 34/0493/14/PREMIN: Pre application - No Officer support given: Mar 14
- 34/0807/07/F: Erection of dwelling. Withdrawn Jul 07
- 34/0534/83/3: Site for dwelling. Appeal dismissed Apr 84

ANALYSIS

Principle of Development/Sustainability:

The proposal is sited within an agricultural field to the south of the village envelope of Marldon which is identified as a sustainable village within policy TTV1. While it is noted dwellings known as High House and Westerland Dale are located to the north and south of the site, the surrounding land is primarily agricultural and so the proposal is considered to be defined as 'countryside'.

Policy TTV26 protects the special characteristics and role of the countryside and gives provisions for some forms of development that may be supported in these rural locations. In terms of these exceptions, the dwelling is not considered isolated so the first provisions do not apply. In terms of the second part of TTV26, the dwelling is not to meet an essential need of a rural worker and neither would it reuse an existing traditional building.

Policy TTV1 states that in the countryside development will be permitted only if it can be demonstrated to support the principles of sustainable development and sustainable communities. SPT1 and SPT2 are looking to support sustainable development, in particular ensuring that new development is accessible to services and facilities within a sustainable settlement. It is noted the application site lies just over 200m from the public footpath known as Leaders Lane. While this is considered a comfortable walking distances, it is noted the village store would be 750m away, and the

primary school, pub and village hall over 800m which are considered on the upper limit of a walkable distance according to table 3.2 of indicative distances set out supporting policy SPT2. It is noted however that Leader lane is an unlit, untarmacked footpath lacking in any natural surveillance so is not considered an acceptable walking route into the facilities within Marldon as it would be unlikely to be used after dark or by mobility impaired users. Furthermore the 200m before reaching Leaders Lane are also along a unlit single track road. The alternative walking route along Westerland Lane would be a similar distance to using Leader lane, however this is unlit single track road which also for the most part lacks natural surveillance so again does not provide an adequate walking route into Marldon. It is considered that the site is on the outer limits of an acceptable walking distance to the facilities within Marldon and the poor walking route renders the site unsustainable and so it is contrary to policies SPT1 and SPT2.

Design/Landscape:

In terms of the character of the area, it is noted that beyond the junction with Westerland Lane, opposite Pennystone farm the road becomes very rural in character with high hedges and glimpses up to the dwelling of High House that is located to the north of the site. The landscape character of the area is defined as 'Upper farmed and wooded valleys' with valued attributes comprising wide Devon hedges with low, species-rich hedgerows. While the site would have limited visibility from the wider landscape, due to the level difference between the road and the application site it would require a high sided cutting into the field to achieve an acceptable drive gradient. It is noted the access may also need to be widened from that existing to ensure acceptable visibility splays are achieved to comply with Highways guidance. An example of this is clearly evident on the entrance to the adjoining property to the south, Westerland Dale.

The application is in outline with all matters reserved, however the necessary cutting to achieve a satisfactory access is considered to introduce harmful suburban development outside of the village envelope of Marldon to the detriment of the intrinsic countryside character of the site.

Neighbour Amenity:

The site is considered sufficiently sized so that a sensitively designed single-storey dwelling would not have a harmful impact of the adjoining neighbours of High House or Westerland Dale, in accordance with policy DEV1.

Highways/Access:

The Highways Authority has raised an objection to the proposal given the additional traffic the dwelling would generate and the poor junction visibility at the junction of Westerland Lane and Totnes Road. This road is a C11 district distributor road between Totnes and Torbay, and it is noted that this road functions as an alternative route for residents of Torbay to get to and from the A38 trunk road via Totnes. The Highways Authority have stated that given the average speeds of vehicles passing this junction and visibility distance of 50m is required, where currently only 20m exists. It is also noted that there has been one traffic accident reported at this junction where a vehicle was pulling out and was hit by a car travelling on Totnes Road.

It is noted that when the barns to the south east of the site at Lower Westerland were approved in 2005 (ref: 34/0633/05/F) the decision included a legal agreement to secure junction improvements at the Totnes Road/Westerland Lane junction to improve visibility. This legal agreement was later superseded by application 34/2003/09/F for revised junction improvements. Rather than physical works to the junction itself, the improvements included provision of rumble strips, new advanced warnings, new 30mph signs, realigned white markings on the junction, new hatched road markings and trimming back hedges overhanging the highway. The Highways Authority have confirmed these works appear to have been implemented, however they have not achieved the improvements necessary as the visibility is still a concern at the junction.

It is noted and regrettable that these highway concerns were not raised on the previous application on this site last year. However, now they have been raised they need to be given due consideration given the junction safety concerns raised. The proposed development would therefore result in an

increase in the volume of traffic entering and leaving the Class C County Road through a junction, which does not provide safe and satisfactory vehicular access to the site, contrary policy DEV29 of the Joint Local Plan 2019 and paragraphs 108 and 109 of the National Planning Policy Framework 2019

Other Matters:

It is noted that the application has not been submitted with a contamination statement to confirm that there is no potential contamination of the site. This document is required as per the Validation List, so it is regrettable this was not requested before the application proceeded, but the absence of this document does not prevent the determination of the application.

Drainage: The applicant has shown that surface water will be taken by a gravity fed pipe to an existing watercourse to the south-east of the site. While this is acceptable as an in principle scheme, any future application would need to be submitted with percolation testing to demonstrate a more sustainable form of drainage can be discounted. In terms of foul drainage, the proposal is to be managed by a Sewage Treatment Plant, as the nearest public sewer is 150m away. If permission were granted details of the treatment plant would be required by condition.

Ecology: It is noted the previous reason for refusal on lack of information on ecology is no longer relevant to this application as the site area has reduced below the threshold requiring a Preliminary Ecological Assessment.

Policies DEV32 on low carbon development and DEV8 of housing need have not been considered in this application, as they would be addressed as a reserved matter if the scheme were to be approved.

Conclusion

This is considered an unsustainable site on account of the unlit single track routes that would be needed to access the facilities within the village of Marldon so inappropriate pedestrian and cycle links that would result in reliance on private motor vehicle. In addition, the proposed dwelling would require significant access works that would result in an incongruous addition harmful to the rural character of the lane. Furthermore, the proposal would generate additional traffic using an unsafe junction with a distributor road. Insufficient evidence has been submitted in relation to contamination.

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
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
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
DEV26 Protecting and enhancing biodiversity and geological conservation
DEV28 Trees, woodlands and hedgerows
DEV29 Specific provisions relating to transport
DEV31 Waste management
DEV32 Delivering low carbon development
DEV35 Managing flood risk and Water Quality Impacts

Marldon Neighbourhood Plan – at Regulation 7 so currently given very limited weight.

NPPF paras: 108, 109, 170, 178

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: Jacqueline Houslander
and Ugborough

Parish: Ugborough **Ward:** Ermington

Application No: 1386/19/OPA

Agent/Applicant:

Mr & Mrs M & R French
Whiteoaks
Davids Lane
Filham, Ivybridge
PL21 0DW

Applicant:

Mr & Mrs M & R French
Whiteoaks
Davids Lane
Filham, Ivybridge
PL21 0DW

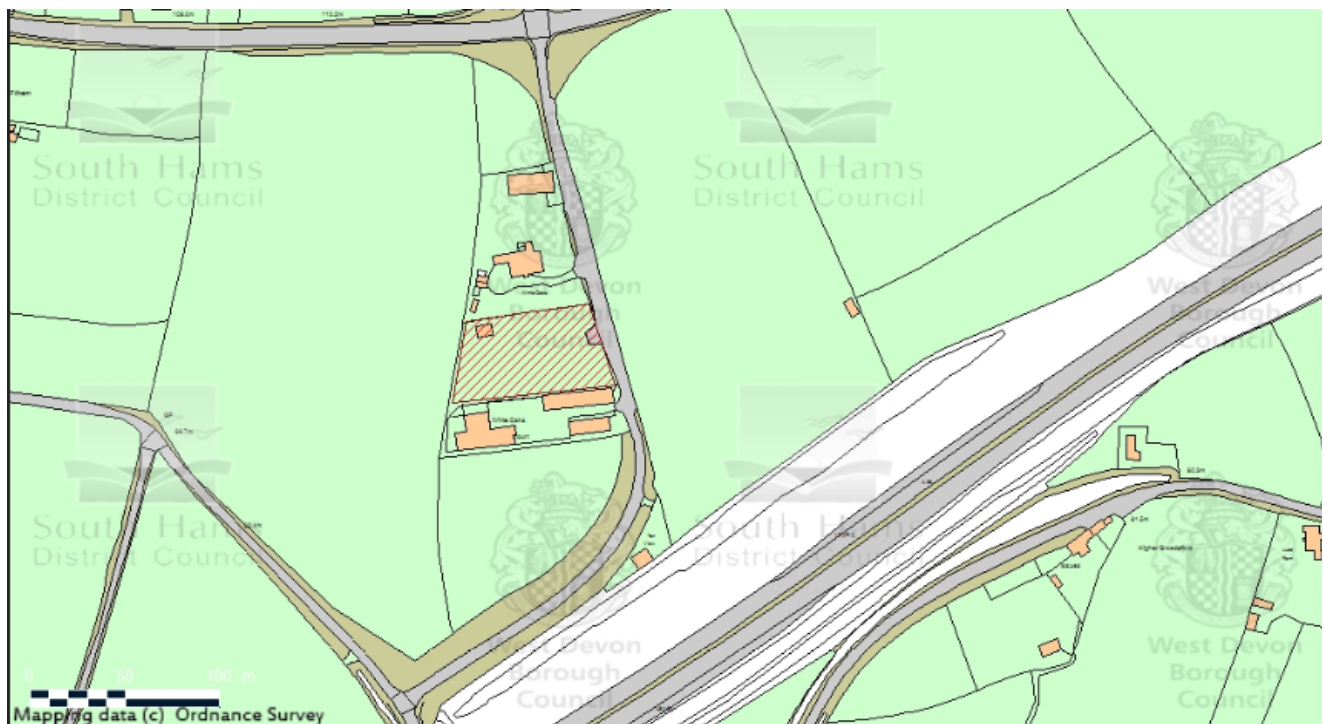
Site Address: Whiteoaks, Davids Lane, Filham, PL21 0DW

Development: Construction of 2no. residential dwellings on an infill site, formerly Whiteoaks camp site

Reason application is at Planning Committee:

Councillor Holway requested that this application be considered at the Planning committee for the following reason:

In view of the proximity of this site to the major Bloor development (shared boundary), the buildings either side of the site, the bus stop within 100 metres and the rail station within a few hundred metres I would like this application to be considered by members of the DM Committee.



Recommendation: Refusal

Reasons for refusal – addition of Neighbourhood Plan policies?

1. The proposed development of two dwellings in a countryside location fails to follow the strategic approach in the Plymouth and South West Devon Joint Local Plan (SPT1, SPT2 and TTV1) and with no agricultural, forestry or occupational need for them to be located in this rural area, would be harmful to the special characteristics and role of the countryside and contrary to Policy TTV26 of the Plymouth and South West Devon Joint Local Plan and the NPPF 2019, para. 78.
2. The proposed location in the countryside is too far removed from the nearest settlement to enable a walk or cycle to local community facilities, meaning that the development of family housing is considered to be in an unsustainable location contrary to the strategic principles of the Joint Local Plan for Plymouth and South West Devon and specifically Policy SPT2 and TTV1 of that Plan.
3. The development of two new dwellings and associated domestic paraphernalia would impact negatively on the rural character of this area, which despite there being some local development still presents as essentially rural and agricultural in nature, contrary to Policies DEV20 parts 2 and 3 and DEV23 in the Plymouth and South West Devon Joint Local Plan and Policies UG5 and UG11 in the Ugborough Neighbourhood Plan.

Key issues for consideration: Location of development in the countryside; adjacent allocation; design; neighbour amenity; highways considerations; landscape

Site Description: The site is a field adjacent to the property known as Whiteoaks. The field was formerly used as a caravan site, but has not been used for that purpose for many years. The land is flat and there is a separate access from the public road, with reasonable visibility. There is currently a small white building in the corner of the site, which has been described as the toilet block from the previous use as a campsite, which was granted consent in 1968 for 24 pitches, reduced to 16 pitches in 1996.

To the north of the proposed site is a small industrial complex, which comprises 3 units.

On the opposite side and further to the north there is a new dwelling built for the equestrian centre which is located there.

To the West of the site are agricultural fields, but which have been allocated in the Plymouth and South West Devon Joint Local Plan for residential development (known in the Local Plan as Land at Filham TTV7).

The Proposal: The proposal is in outline with all matters reserved for future consideration. The proposal is for 2 four bedroom dwellings of approximately 200 sq metres together with two detached garages. The height of these houses will be restricted to a storey and a half in line with the other properties in the vicinity to keep the ridge height comparable. Also the properties are aligned to avoid any conflict with the host dwelling, Whiteoaks. One of the garages would use the site where the dilapidated toilet block is currently located.

Consultations:

- County Highways Authority: No comments
- Environmental Health Section: **Objection: Potential for contamination but no preliminary risk assessment**

I recommend refusal to the proposed development because there is insufficient information to demonstrate that the risk of pollution and/or harm is acceptable.

There are three strands to this objection. These are that:

We consider the level of risk posed by this proposal to be unacceptable.

The application fails to provide assurance that the risks of pollution are understood, as a preliminary risk assessment (including an adequate] desk study, conceptual model and initial assessment of risk) has not been provided. NPPG takes a precautionary approach. It requires a proper assessment whenever there might be a risk, not only where the risk is known.

Under guidance within the NPPG, the application should not be determined until information is provided to the satisfaction of the Local Planning Authority that the risk of pollution and/or harm has been fully understood and can be addressed through appropriate measures. This is not currently the case.

Reason: The end use is sensitive to potential contamination, but no preliminary risk assessment has been submitted with the application. The risk is considered unacceptable because there is no evidence to indicate otherwise.

The potential for contamination may be suspected on the basis of past and/or current use or experience of contamination issues at similar types of sites.

The applicants then submitted a phase 1 contamination report.

- Town/Parish Council: Neutral. Query contamination from the previous toilet block

Drainage: Recommendations – 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 an outline application for a small scale minor development of two new dwellings, new access road and car parking facilities, within a Critical drainage Area (CDA). Within the CDA the surface water should be managed on site to reduce the burden on the sewer network. Soakaways are the first choice and must be fully explored and discounted before an offsite discharge can be considered.

The application site being within CDA requires an offsite discharge rate to be limited to 1:10 years Greenfield (GF) runoff rate. However, if the application site is small and 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.

Where there is the option of an offsite discharge to a watercourse or Public sewer then this can be accepted as an “In principle scheme” and the final details can be agreed by condition. Having reviewed the plan it would appear that no watercourses or public sewer located on or nearby the proposed development site therefore percolation testing to DG 365 will be required to support the use of soakaway.

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 1:10 year Greenfield runoff rate. This must be calculated in accordance with CIRIA C753. Full details of the flow control device will be required.
5. If discharging surface water to the main sewer, then written permission from SWW will be required.
6. Impermeable area plan.
7. A scaled plan showing full drainage scheme, including design dimensions and invert/cover levels of the soakaway/attenuation features, within the private ownership.

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

Suggested condition

1. *The drainage scheme shall be installed in strict accordance with the approved plans, maintained and retained in accordance with the agreed details for the life of the development.*
2. *If any other drainage scheme than that approved as part of this permission is proposed then a mitigating drainage alternative shall be agreed with the Local Planning Authority.*

Reason: To ensure surface water runoff does not increase to the detriment of the public highway or other local properties as a result of the development.

Strategic Planning: At present, the site is not only within the countryside, but it is at best only 4 fields away from the current urban edge at Godwell Lane. It is within the countryside. The proximity of the Filham allocation is not really relevant to this application, because the proposal site will still be in countryside, and located further away from the town than the allocation is. While the adjacent land is allocated, there is no guarantee as to when, or indeed if, it is actually developed.

The applicants should demonstrate how the development accords with TTV26.2 (iv) and demonstrate an occupational need for the housing which the LPA could secure by condition. The JLP identifies a housing need, and also demonstrates that the LPA is comfortably meeting that need through allocated sites. As a result there is no policy pressure to permit housing on unallocated sites if they can't be considered fully policy compliant. While we always need to be mindful of maintaining our housing supply, these dwellings are not 'much needed' because the LPA can demonstrate a 5-year housing land supply and comfortable buffer beyond that. There is no policy obligation upon the LPA to permit something simply from a supply point of view.

This may be a 'brownfield' site, but in terms of what it adds to the local character, this is a green field, and I am not convinced that the development would offer a significant improvement from a character point of view. Adding more dwellings beyond the allocated site boundary would detract from what we are seeking to achieve in terms of maintaining the transitional character at the edge of town.

The site is located to the east of the allocated site and as such is too far removed from the services and facilities of the town to be considered walkable. The allocated site is on the outer limit in terms of distance from the nearest facilities, but they have the opportunity to create a traffic free pedestrian and cycling link on David's Lane to enhance connectivity. This proposal site benefits from no such connection, and there is no link planned through the allocated site, meaning an additional distance to either the north or south on David's Lane before access can be gained to either the Bloor link or the B3213. The distances we are talking about far exceed some of those identified in table 3.2. The allocated site is a bit closer, and while they may also be walking further than the stated distances in table 3.2, the scheme is able to contribute positively to one of the stated spatial priorities for Ivybridge (SP2.8) by delivering improved infrastructure to the benefit of local residents, which in part mitigates the distance. This proposal cannot do that, admittedly we wouldn't require walking or cycling infrastructure for a proposal of this scale, but it still leaves the scheme too distant to be considered as a walkable location in relation to the town.

Representations:

Representations from Residents

Comments have been received and cover the following points:

Support: 1 letter

Delighted there will be two dwelling in this parcel of land. It fits in with the area.

Object: 1 letter

Over 900 homes have permission or are planning applications in Ivybridge, which is a potential 20% increase, with no infrastructure improvements. No further development should be authorised, no matter how small, until school places, traffic, health provision, leisure provision is adequate.

No further building on greenfield sites should be permitted.

Relevant Planning History

57/0311/79/1: OPA

Proposal: Erection of house and garage

Site Address: Site part of White Oaks Filham Ivybridge

Decision: Refusal: 17 Apr 79

57/0757/81/4: COU

Proposal: To amend permission from 12 caravans and 12 tents to 20 caravans and 4 tents
Site Address: Field No. 3705 South of Whiteoaks Farm Davids Moor Cross Filham
Decision: Conditional approval: 28 May 81

57/1465/84/3: FUL

Proposal: Alterations and extensions
Site Address: Whiteoaks Ivybridge.
Decision: Conditional approval: 27 Nov 84

57/1466/84/4: COU

Proposal: Extension of use to provide winter storage for 18 caravans/ boats Site Address:
Whiteoaks Ivybridge.
Decision: Conditional approval: 27 Nov 84

57/1597/84/3: FUL

Proposal: Change of use to Guesthouse
Site Address: Whiteoaks Ivybridge.
Decision: Conditional approval: 27 Nov 84

57/1806/91/4: COU

Proposal: Change of use from guest house to residential
Site Address: Whiteoaks Daveys Cross Filham Ugborough.
Decision: Conditional approval: 26 Nov 91

57/1548/13/PREMIN: PRE

Proposal: Pre-application enquiry for replacement of existing industrial shed with single dwelling
Site Address: Site adjacent Whiteoaks Davids Lane Filham Ivybridge PL21 0DW
Decision: Pre application - No Officer support given: 04 Apr 14

57/1848/14/F: FUL

Proposal: Erection of single dwelling to replace light industrial building
Site Address: Whiteoaks Davids Lane Filham Ivybridge PL21 0DW
Decision: Conditional approval: 10 Sep 14

ANALYSIS

Principle of Development/Sustainability:

The principle of this development falls to be considered against the Housing strategy and detailed policies in the newly adopted Joint Local Plan (JLP) for Plymouth and South West Devon. The relevant strategic policies are: SPT1, which encourages sustainable development, SPT2, which indicates how sustainable development should be delivered in the JLP Plan area. In addition TTV1 is relevant as it deals with housing in the Thriving Towns and Villages Policy Area, within which the application site is located. The more detailed policies which are of relevance are TTV26; DEV8, DEV10, DEV20, DEV23, DEV29, DEV32 and DEV35.

In relation to SPT1 it promotes sustainable development, and sets out the environmental economic and social aspects of sustainable development. The policy sets the tone which runs through the plan in order to achieve sustainable development throughout the plan area. SPT2 ensures that sustainable development is delivered in the Plan Area and in this case, the proposal fails to meet some of the criteria which are contained within the policy. Criteria 1

is concerned with access to community facilities, such as shops, health services, daily needs. The site is not well placed for this and would be reliant on a car, the application site is too far removed from the services and facilities of Ivybridge to be considered walkable.

As indicated by Strategic Planning, there is no link planned through the allocated site, to the application site, meaning an additional distance to either the north or south on David's Lane before access can be gained to the B3213. The distances we are talking about far exceed some of those identified in table 3.2, which suggest – 600 m to a bus stop; 800 m to a convenience store; 800 metres to a primary school and 400 metres to a local play space. Whilst there is a bus route which runs along the B3213, which is approximately 200 metres away, none of the other services are provided for. The size of the proposed dwellings also has a bearing here. They are proposed as 4 bedroom dwellings, which are likely to attract families, and the fact that the site is in a location where there is no direct access to schools and play spaces and the bus stop whilst relatively close would require a walk (potentially with a pushchair) along a rural road. As a result it is considered that the proposal would be reliant on a car and as such is not sustainable, contrary to Policy SPT2.

As a result of the adoption of the Joint Local Plan (JLP), the South Hams now has a 5 year housing land supply. Therefore the addition of ad hoc development proposals in the countryside are likely to fall foul of the policies in the plan. The strategic approach set out in the JLP for housing development is to focus development firstly on Plymouth, followed by the main towns and then in a hierarchy as set out in Policy TTV1, down to small hamlets and the countryside. The application site would be within the final element of the hierarchy – countryside. Development in the countryside is restricted and as such the proposal would fail to meet the priorities set out in TTV1.

TTV26 deals with development in the countryside. The policy is divided into two parts, the first deals with isolated development in the countryside. In light of the host dwelling, the equestrian dwelling on the other side of the road and the industrial estate to the south, the application site is not considered to be isolated (using the Braintree High Court definition). The proposal therefore fails to be considered against the second part of the policy which has the following criteria:

“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.”*

Criterion iv. Is of particular relevance to the planning application. There is no proven agricultural, forestry or occupational need for the dwellings to be located where they are. As such the proposal fails to comply with TTV26.

What is also of relevance, in the consideration of this case is the fact that there is currently a the JLP allocation for 200 homes (TTV7), the boundary of which is the current western

boundary of this application site. However in consultation with Strategic Planning, the fact that there is an allocation site adjacent does not mean that this proposal is therefore acceptable. The view is: *“The proximity of the Filham allocation is not really relevant to this application, because the proposal site will still be in countryside, and on the ‘wrong’ side of the allocation (in that it is further away from the town) even when it’s built out – and just because it’s allocated there is still no guarantee as to when, or indeed if, it is developed.”*

The application 3703/18/OPA for the allocation TTV7 is currently being considered by the LPA . In the evidence base that supported the JLP, the site was not anticipated coming forward until 2023, so at this stage the delivery of the allocation remains unknown. There is therefore an in principle objection to the proposal based on TTV26.

Design/Landscape: The site has no specific landscape designations. However it is a primarily rural landscape. The planning officers’ report on the replacement of an industrial building with a dwelling to the north of the proposal site, indicated that:

“The proposed dwelling would be situated in a largely agricultural landscape. Although it is accepted that there are small clusters of mainly residential buildings along the country lanes around Ivybridge, the character of the landscape is very much rural, as it rises towards the north and Dartmoor National Park. The introduction of an additional dwelling, which would be clearly seen on passing, would not reinforce this character. Moreover, it would result in unacceptable domestication of the rural landscape through sporadic and piecemeal residential development. As such, the proposed development is considered to result in a detrimental impact on landscape character, contrary to LDF Policies CS9 and DP2.”

The current proposal fails on the same basis. It would serve to consolidate the development in the area which is currently sparsely populated with ad hoc developments rather than there being any sense of a hamlet or community.

The previous proposal was replacing an existing building, whereas in this case whilst there was a caravan site and storage many years ago, in recent years the site has been a green field contributing to the rural landscape character. The introduction of two additional dwellings would therefore still lead to piecemeal residential development in a rural area. And as such in Landscape terms it would have a detrimental impact on the primarily rural character which currently prevails, which would be contrary to policy DEV23 of the JLP, which seeks to ensure that *“Development will conserve and enhance landscape, townscape and seascape character and scenic and visual quality, avoiding significant and adverse landscape or visual impacts.”*

The NPPF defines Previously Developed Land as follows:

“Land which is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed) and any associated fixed surface infrastructure. This excludes: land that is or was last occupied by agricultural or forestry buildings; land that has been developed for minerals extraction or waste disposal by landfill, where provision for restoration has been made through development management procedures; land in built-up areas such as residential gardens, parks, recreation grounds and allotments; and land that was previously developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape.”

This identifies the need for a permanent structure to have existed on the land, and that the entire site is not necessarily therefore classed as previously developed land. The site is a green field where the remains of any earlier surface structures have since blended into the landscape such that the site is no longer considered to be previously developed land.

Neighbour Amenity:

The applicants' dwelling would be the nearest neighbour to the proposed two dwellings, and whilst at this stage the application is in outline, the applicants have indicated that they would be proposing 1 and ½ storey properties to avoid impacting on Whiteoaks, in terms of loss of privacy and being overbearing. As currently proposed there would not be an adverse impact on residential amenity of Whiteoaks if restricted to 1.5 storeys by planning condition, and therefore accords with JLP policy DEV1.

Highways/Access:

The Highway Authority have not provided comments on this proposal and recommend standing advice. Detailed drawings of the proposed access have not been provided as the proposal is currently in outline with all matters reserved. There is currently a field gate access to the site. A block plan has been submitted with the application indicating an access road to the two proposed dwellings, however it has not been indicated that the access should be considered at this stage.

The block plan indicates an access width of just over 5 metres and a visibility splay of 20 metres. The existing hedge will be needed to be cut back to achieve this visibility splay. Standing advice states that the access should be at least 3 metres wide. Communal turning place should be included. Parking is shown to be provided for each dwelling. A turning area is also indicated for each dwelling. In terms of visibility splay, the standing advice indicates that for a road which has the national speed limit, the 'y' distance (i.e. the distance along the road from the access) should be 59 metres. The proposal indicates 20 metres, which would be appropriate for a 30mph road. Whilst this is a narrow rural road, so traffic is unlikely to be travelling at 60mph, there is no signage indicating that it is a 30mph zone and there are no street lights along Davids lane. At this stage therefore the proposal does not meet the required visibility splay as set out in Highways Standing Advice.

Taking these matters into account, therefore the development would meet the requirements of JLP policy DEV29.

Drainage:

The drainage proposed for the site is surface water to go to a soakaway and foul drainage to be dealt with via a septic tank. The drainage engineers have had sight of the calculations and are satisfied with the proposed drainage subject to the imposition of a condition. This meets the requirements of JLP policy DEV35 and NPPF paragraph 149.

Ecology:

An ecology report was submitted in support of the application, which indicated that there were no protected species found on the site, but concluded that:

“potential for use by protected wildlife is limited to opportunistic nesting in the amenity block, trees and hedgebanks bordering the Site. No evidence of use by bats of the amenity block could be found, although it is highly likely that many bat species commute and feed within the locality.

Potential for reptiles and amphibians also exists within the hedgebanks and scant marginal areas, also under piled logs to the north-east boundary. Current Site management is likely to deter these creatures from venturing on to the body of the Site.” The report recommended that “Mitigation for development of the Site must ensure that there is no net loss of biodiversity on Site. Existing features and opportunities should be maintained as far as possible, and enhanced in order to safeguard the potential value of the Site to wildlife. Enhancement could therefore take the form of the creation of suitable fly-in opportunities for Horseshoe and Long-eared bat species, which might be taken up as singing perches or night feeding roosts; laying and thickening of boundary hedges and the creation of species-rich flowerbeds to encourage invertebrates.”

In ecological terms therefore if a consent were to be granted on the site, there would be appropriate mitigation possible to cater for the wildlife and biodiversity aspects of the site.

Other Matters:

The applicant has sent a letter responding to the planning concerns with the proposal, which state:

- *“The boundary of site allocation TTV7 (land to east of Ivybridge at Filham -which now has a live planning application associated with it (3703/18) abuts my boundary, and it seems obvious that the site allocation boundary was defined only on the basis of the land a particular developer/land owner was pursuing, not on a basis of what would make a logical eastward extension to the Filham part of Ivybridge.*
- *There is a narrow gap between the eastern edge of TTV7 and Davids Lane which already has within it the large residential property of Whiteoaks, a planning permission for one house to the north of Whiteoaks and the RNIB Transcriptions Centre South West and 2 other industrial units to the south. This would make a logical eastern edge.*
- *Within this narrow gap between TTV7 and Davids Lane, the field in between Whiteoaks and the RNIB Transcription Centre is an **obvious infill** site.*
- *A low density scheme of two houses will be entirely in keeping with the character of the area, and it is clearly not isolated development in the countryside.*
- *Furthermore, the proposal does not cause any harm to ‘the special characteristics and role of the countryside’ that the Policy TTV26 seeks to protect.*
- *I would also draw your attention to the officer Clare Stewart’s report when the new house north of Whiteoaks was approved in July 2018 (application 0557/18/FUL). This said ‘The scheme would complement the surrounding area and would not have an adverse impact on the character of the area.’ This decision was made when the JLP was at an advanced stage of preparation, and no conflict was identified in the report with the emerging policies of the JLP. It is hard to see now then how 2 houses in a low density format, that would use the last plot of land in this section between TTV7 and Davids Lane, would cause any harm either to the local plan strategy or the character of the area.*
- *I concede that South Hams does have a five year housing land supply and therefore this is not a factor in the consideration of the application. However, this does not mean that a small housing scheme on an in-fill site that causes no harm to the planning strategy and an area’s character, is close to public transport links (the site is less than 200m from a bus stop and also close to a railway station), and fits appropriately within its context, should not be approved. Policy DEV8 is generally supportive of new homes. Policy DEV10 sets out some key principles about the quality of design which our proposal meets - particularly in relation to good living standards, and providing a soft edge to Ivybridge east that will become particularly important once the TTV7 site is developed.*
- *There have been no objections to your proposal from the parish council.*
- *There are no environmental designations affecting the site.*

- *Our proposal of only 2 houses in a large site with unusually large gardens will be extremely helpful for bio diversity, encouraging wildlife, flora and fauna. It is significantly different to the small gardens that will be offered with the housing in the TTV7 site .”*

Many of these issues have already been dealt with in the bulk of the planning report, however There are a couple of matters which require clarification. Reference is made to a previous application, whereby an officer indicated that the proposal *“would complement the surrounding area and would not have an adverse impact on the character of the area.”*. The implication being that officers are being inconsistent with the application of planning policy. However, the history to this case bears some relevance. The replacement dwelling for a former industrial building was originally recommended for refusal, but the decision was overturned at Planning Committee. The officer report summarised the issues with the application at that time: *“the proposed development is considered to be unsustainable, due to the site’s location remote from services and facilities and the resulting growth in the reliance on the private car. Furthermore, the proposed erection of a dwelling would result in unacceptable domestication of the rural landscape, through sporadic and piecemeal residential development, resulting in a detrimental impact on rural landscape character.”*

The Planning Committee chose to differ in their view and granted the proposal, which is a natural consequence of the democratic system that planning operates in.

However it is relevant here, because it shows a consistency of approach by officers in making recommendations on planning applications in the countryside. The fact that the officer dealing with amendments to the design of the approval was satisfied with the amendments was on the basis that the principle of the development had already been established, so the consideration was just around the changes proposed to the approved scheme.

The consistent officer approach to dwellings in this location has therefore been to refuse them as being unsustainable, in the countryside and harmful to the rural character of the area.

The other points made are noted, but do not outweigh the fundamental policy objections to the proposal.

Neighbourhood Plan:

The site lies within the area covered by the Ugborough Neighbourhood Plan which is a Made Plan and therefore forms part of the Statutory Development Plan for this area.

In the Housing section of the plan the ethos for new residential development is expressed: *“The intention is to support a few small pockets of development on land that relates well to the existing built form of a settlement and is in proportion with both recent growth and the existing size of the settlement. Elsewhere in the Plan Area, the intention is to support individual new homes where they meet a particular economic or social need that has been identified locally.”*

The Neighbourhood plan (NP) seeks to continue the historic trend in the Plan Area of approximately 3 new dwellings a year. Policy UG5 is relevant to this proposal. It states:

“Infill sites

The use of individual plots where appropriate is encouraged, providing the development complies with planning policy and the relevant policies in this Plan. Small scale residential

development of less than 10 or single new homes on infill and redevelopment sites will be supported subject to:

- *proposals being well designed and meeting all relevant requirements set out in other policies in this Plan, and where such development;*
- *fills a small, restricted gap in the continuity of existing frontage of buildings or on other sites within a built-up area where the site is closely surrounded by buildings; and*
- *where the development is not subject to any highways access constraints.”*

Whilst the Neighbourhood Plan supports individual plots, it must be compliant with planning policy and the policies in the Neighbourhood Plan. In this case the proposal is not compliant with Planning Policy. In relation to other policies in the NP, the Plan acknowledges that:

“the allocations in the JLP at Filham will provide new homes in the Plan Area way above historic growth trends during the lifetime of this Plan. The Filham and ‘East of Ivybridge’ sites (TTV8 and TTV9 of the JLP) will meet local need, including affordable homes. Not only will the Filham developments meet the small number of affordable homes needed in the Plan Area but also will provide housing in a sustainable location with good access to public transport, the major road network, locals services and facilities and local schools.”

There is therefore an acknowledgement that the allocation more than provides for the local housing needs in the area. And as expressed by Strategic Planning, in their response, there is no need for additional dwellings unless they are fully policy compliant, which is not the case with this proposal.

Landscape is also given consideration in the NP, *“landscape value should be a key consideration when assessing proposals for development anywhere in the Plan Area.”* Policy UG11 is the relevant landscape policy which encourages any development to respect the landscape character within which it is located. The openness of the surrounding landscape is of particular importance. The Neighbourhood Plan thus seeks to protect the landscape of the Plan Area and allow for a limited amount of housing relating to historic trends of approximately 3 a year in sustainable locations. It also acknowledges that the Filham allocation will more than provide for the homes needed in the Plan area.

Conclusion and planning balance.

The principle of development in this location is not acceptable, based on the strategic approach in the JLP for focussing development in sustainable locations SPT1 and SPT2 and TTV1. In addition it does not comply with Policy TTV26, which requires an essential justification for a dwelling in a countryside location. Detailed policies such as DEV23 in relation to landscaping is also contravened by the development proposed. The Neighbourhood Plan policies, UG5 and UG11 also support the refusal of the application. The allocated site adjacent has yet to come forward as a planning application and so the potential change in character that may occur as a result of that development has yet to be seen. In sustainability terms the proposal is currently in an unsustainable location; it is too far from the services offered in Ivybridge to not use a car and as such is not supported by officers as an appropriate location for development of 2 houses as required by TTV29. It is therefore recommended for 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
TTV1 Prioritising growth through a hierarchy of sustainable settlements
TTV2 Delivering sustainable development in the Thriving Towns and Villages Policy Area
TTV7 Land at Filham
TTV26 Development in the Countryside
TTV29 Residential extensions and replacement dwellings 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
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
DEV26 Protecting and enhancing biodiversity and geological conservation
DEV28 Trees, woodlands and hedgerows
DEV32 Delivering low carbon development
DEV35 Managing flood risk and Water Quality Impacts

Other material considerations include the policies of the National Planning Policy Framework (NPPF) including but not limited to paragraphs 11, 78 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.

PLANNING APPLICATION REPORT

Case Officer: Clare Stewart
Strete

Parish: Buckland Tout Saints **Ward:** Allington and

Application No: 0620/18/FUL

Agent/Applicant:
Mrs Amanda Burden
59 Fore Street
Totnes
Devon
TQ9 5NJ

Applicant:
Mr S Smaridge
RT & AR Smaridge
c/o Agent

Site Address: Borough Farm, East Allington, Totnes, TQ9 7QP

Development: Provision of an agricultural workers dwelling

Reason item is being put before Committee

Referred by Ward Member on the grounds there are extenuating circumstances not covered by our policies (health grounds) and therefore the family (who have farmed there for 150 years) should be given a chance to put their case to the committee.



Recommendation: Refusal

Reasons for refusal

1. The proposed development lies within an unsustainable location within the countryside where there is a presumption against new residential development, unless exceptional

circumstances have been demonstrated such as an essential need for a rural worker to live at or near their place of work. The Local Planning Authority is not satisfied that the agricultural need claimed for this development is such as to override the planning objection to a new dwelling which would be remote from existing facilities and services where occupants would be reliant on use of the private car, and is therefore in an unsustainable location. As such the proposal is contrary to Policies SPT1, SPT2, TTV1, TTV2, TTV26 and DEV15 of the Plymouth and South West Devon Joint Local Plan 2014-2034; and the advice contained within the National Planning Policy Framework (notably but not limited to paragraphs 8, 11 and 79).

Key issues for consideration:

Principle of development, design, landscape impact, highways, drainage.

Site Description:

Borough Farm is sited to the north west of Buckland-Tout-Saints and north east of Stumpypost Cross, between the A381 and Sandy Lane. The site can be accessed from Borough Lane to the west which links to the A381 or from the east via a track to Sandy Lane. The site includes a number of agricultural buildings and a farm dwelling known as Little Borough, which lies to the west of the farm buildings. The original farm dwelling and a barn conversion also lie within the complex along with a mobile home. The red line site area subject of this application lies to the east of the farm buildings. The site is surrounded by largely open countryside. The boundary of the South Devon AONB lies to the west of Borough Farm (running along the A381). The site is outside but within the setting of the AONB.

The Borough Farm holding comprises 157 acres of owned land and is operated as a beef, sheep and arable enterprise. There is a further 47 acres of rented land on a long term tenancy. The farmholding is home to a herd of pedigree South Devon cows which are registered to the South Devon Herd Book. The Applicant with his family trade as RT and AR Smaridge. RT and AR Smaridge are a husband and wife partnership who own the farmholding and are parents to the Applicant, Simon Smaridge, who works full-time on the farmholding. RT and AR Smaridge reside in the agriculturally tied bungalow known as Little Borough and Mr RT Smaridge is a full-time worker on the holding. The Applicant and his partner currently reside in the mobile home, which from the Council's records does not appear to benefit from any consent. There are two further dwellings at the site which are not currently in the control of the Applicant or their family – the original farmhouse and a barn conversion (the latter benefits from consent for use as a permanent dwelling).

The Proposal:

Permission is sought for an agricultural workers dwelling to be sited immediately adjacent to the existing agricultural buildings and farmstead. The new dwelling would be occupied by the Applicant and his family. Access would be taken via the existing farm track. The dwelling would be 1.5 storey with part-stone, part render elevations under a slate roof. Landscaping is proposed by way of a new Devon hedgebank planting.

Consultations:

- County Highways Authority – *“It is unclear whether access is to be solely from the west via the A381 or to the east. The access to the east is substandard in visibility terms and there may be scope for improvements. It is recommended if access could potentially be to the east a visibility splay should be provided to the following dimensions - 25m 'y' distance x 2.4m 'x' distance x 25m 'y' distance x 600mm height. Alternatively the Planning Authority may consider a condition restricting access to the west only. The Highway Authority will reserve its recommendation until such time as further information is submitted.”*
- Agricultural Consultant –

“8. Brief Background to Application and Applicant's Stated Reasons for Requiring the Proposed Development in Respect of Existing/Proposed Farm Enterprise

I have made a site visit where I met the applicant Mr Simon Smaridge and his father together with the agent from Luscombe Maye. Mr Simon Smaridge, the applicant, is a partner in the family farming business known as RT & AR Smaridge of Borough Farm. RT & AR Smaridge are the parents of the applicant.

The farm appears to have been in the family ownership for several generations and at the present time there is one agriculturally tied bungalow known as Little Borough which is occupied by the applicant's parents. This application seeks to obtain planning for a second on-farm dwelling to be occupied by the applicant. At the site of Borough Farm there is also the original farmhouse together with a residential barn conversion. Both these properties are occupied by family members of the applicant but further to advice sought on the day as well as separate investigations, I can confirm these two properties are not within the control of the applicant or his parents and therefore cannot be considered as available for a potential dwelling for the worker concerned.

The farm is run on a traditional basis with 60 pedigree South Devon suckler cows with all progeny either reared as replacements or sold as finished cattle. There is a flock of 195 breeding ewes whose progeny are sold as finished lambs. There are 3 sows which provide piglets which are fattened and then directly sold as pork and sausages in the local area.

The land holding comprises 157 acres of owned land together with a further 47 acres rented on a long-term tenancy and an additional 38 acres taken regularly on a grass keep basis. Most of the land is down to grass but the applicant also grows between 25-30 acres of arable crops each year together with catch crops for winter grazing for the sheep and cattle.

It is stated in the agent's planning statement that the health of Mr Smaridge senior together with the nature of the farming business, means there is an essential functional need for at least 2 full time workers to be resident on the site and therefore there is need for a second residential dwelling for an agricultural worker.

9. Is this application treated as agricultural or a rural based enterprise? If the latter what is the evidence and justification for treating it as such?

This application is to be treated as an agricultural enterprise.

10. Summary of Principal Consideration/Factors Relevant to this Application in regard to DP15, where it specifically refers to PPS 7, Annex A.

10.1 Is there is a clearly established existing functional need?

As this is an application for a second on-farm dwelling, an assessment must be made as to whether there is an existing functional need for 2 full time workers to be present at most times of the day and night for the proper management of the farming business and livestock present on the holding.

The evidence provided in the agent's appraisal explains the 60 cow suckler herd calve in a period of 10 weeks between 1st March and mid-May each year and the ewe flock lamb for a similar 10 week period but this time between 1st January and mid-March. Obviously there is an over-lap of the calving and the lambing in the first half of March each year. There is clearly an increase in labour demands at the time of calving and lambing but it is my opinion that the functional needs of the enterprise can be met quite satisfactorily by one resident worker and there is no requirement for a second worker to be resident at most times of the day and night throughout the year. The numbers and types of animals kept on the holding do not warrant a second full time worker to be present at most times.

I appreciate from what the agent says in her report, as well as the evidence I obtained on site, that Mr Smaridge senior does suffer with ill health at times and this warrants the need for his son Simon to be present to oversee some of the tasks that otherwise he would manage being the resident worker. The planning regime does not specifically allow for the personal circumstances of the applicant to override the policy criteria, and it is my opinion the needs of the business can be met by the worker who resides in the existing tied bungalow. Who actually occupies that dwelling is then a matter for the applicant and his family.

10.2 Does the need relate to a full time worker or one who is primarily employed in agriculture and does not relate to a part time requirement?

Although standard man day requirements might show more than 2 full time workers are required to service the existing business, this does not mean the business requires 2 workers to be resident on site at most times of the day and night, throughout the year to deal with emergencies etc. The needs of the business do require one full time worker to be present at most times.

10.3 Has the unit and the agricultural activity concerned been established for at least three years, has it been profitable for at least one of them, is currently financially sound and has a clear prospect of remaining so?

Further to my site visit the agent provided me with unaudited accounts for the years ending October 2017 and 2016. These confirm the business has been established for at least 3 years, it has been profitable for at least one of them, in fact is has been profitable for the last 3 years, and I would asses that it is currently financially should have a clear prospect of remaining so.

10.4 Can functional need be fulfilled by another existing dwelling on the unit or any other accommodation in the area which is suitable and available for occupation by the workers concerned?

The other 2 residential dwellings (the original farmhouse and a barn conversion) are not within the control of the applicant and therefore although suitable are not available. However, as I have deemed there is not a functional need for a second full time worker this criteria is irrelevant.

10.5 Consideration of other planning requirements e.g. in relation to access or impact on the countryside are satisfied?

I have no comments to make in this respect.

11. Other Relevant Issues

11.1 *Is the proposed siting related to the functional need of the enterprise and other buildings?*

n/a

11.2 *Are there other factors which need to be taken into account?*

No.

11.3 *Is this a case where a temporary 3 year consent may be more appropriate to prove the need on a newly established unit or one with a newly established enterprise?*

No.

12. Conclusion

It is my opinion that this application does not satisfy the necessary criteria to show there is a functional need for a second full time worker to be resident on the holding at most times of the day and night for the proper functioning of the farm. The numbers of livestock present do not warrant that second full time worker to be present and I therefore cannot support this application as the functional need has not been proven.

- **Drainage – “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 provision of an agricultural workers dwelling. 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 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.*

Sufficient foul and 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.

Suggested conditions

Foul Drainage

Notwithstanding the submitted details, no development shall be commenced until:

- 1. Details of the works for the disposal of sewage have been submitted to and approved in writing by the Local Planning Authority, and the dwelling shall not be occupied until the approved works have been completed to the satisfaction of the Local Planning Authority. Details to include justification for private foul system.*
- 2. If the proposed development results in any changes/replacement to the existing system or the creation of a new system, scale plans of the new foul drainage arrangements will also need to be provided. This will include a location plan, cross sections/elevations, specification and its capacity to hold additional load.*

Reason: In the interests of the prevention of pollution.

Surface Water

Notwithstanding the submitted information, no development shall be commenced until full details of the most sustainable drainage option has been submitted 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 rate is good, but due to site constraints a full soakaway can't be accommodated then a split attenuation / soakaway system should be considered to manage the surface water on site.*
- 4. Only once all the above have been assessed and discounted will an offsite discharge be deemed acceptable. Attenuation should be designed for a 1:100 year return period plus an allowance for Climate change (currently 40%).*
- 5. 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.*
- 6. If permeable drive/parking is proposed then it should be designed in accordance with CIRIA C753. Full design details and sectional drawing showing the specification and make up.*
- 7. The drainage scheme shall be installed in strict accordance with the approved plans, 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."

- Buckland-tout-Saints Parish Council – "further to the site visit the councillors had no objection to the planning application"*

Representations:

None received.

Relevant Planning History

- 08/1154/05/AG Agricultural Determination for erection of agricultural building. Borough Farm, East Allington. Ag Determination details not required: 15 Jul 05
- 08/0935/03/F Continuance of use without complying with condition (b) of permission 9/08/0586/97/3 for barn conversion (to allow use as permanent dwelling). Borough Farm, East Allington. Conditional approval: 15 Aug 03.
- 08/1705/02/F Extension to dwelling. Little Borough, East Allington. Conditional approval: 22 Oct 02
- 08/0586/97/3 Conversion of barn to dwelling. Borough Farm, East Allington. Conditional approval: 30 May 97
- 08/2083/89/3 Conversion of barn to ancillary accommodation and extension to form a dairy. Barn Adjacent To Borough Farm, East Allington. Conditional approval: 27 Apr 90
- 08/1616/81/2 Agricultural dwelling. Borough Farm, East Allington. Conditional approval: 19 Jan 82
- 08/0565/81/1 Agricultural bungalow. Borough Farm, East Allington. Conditional approval: 16 Jun 81
- 08/0709/80/1 Agricultural bungalow. Borough Farm, East Allington. Refusal: 9 Sep 80

ANALYSIS

Principle of Development/Sustainability:

Policy SPT1 sets out the spatial strategy for delivering sustainable development. Policy SPT2 sets out the principles of sustainable linked neighbourhoods and sustainable rural communities with reference to responding to identified housing need. Policy TTV1 sets out a settlement hierarchy for the Thriving Towns and Villages Policy Area, stating that development in the countryside will only be permitted "*only if it can be demonstrated to support the principles of sustainable development and sustainable communities (Policies SPT1 and 2) including as provided for in Policies TTV26 and TTV27.*" Policy TTV26 seeks to protect the special characteristics and role of the countryside, only permitting isolated development in exceptional circumstances. Policy DEV15 supports development in the countryside which meets the essential needs of agriculture.

The proposal would result in the provision of a second on-farm dwelling at Borough Farm. The site is not well-located in terms of access to local services and amenities and is considered to be in the countryside for the purposes of planning policy. Exceptional

circumstances would therefore need to be demonstrated to justify the provision of a new dwelling in this location, which would not otherwise be considered sustainable for new residential development. A functional need for a second on-farm dwelling would provide such circumstances.

The Council's Agricultural Consultant has reviewed the case and does not consider a functional need for a second on-farm dwelling as detailed above. The farmholding only warrants one full time worker to be resident on site, and this need is met by the existing agriculturally tied bungalow (the other two dwellings on the wider site being in separate ownership). The bungalow is presently occupied by the Applicant's Father, Mr RT Smaridge, who is also a full-time worker on the holding. The Agricultural Consultant states in relation to the case put forward for the Applicant:

"I appreciate from what the agent says in her report, as well as the evidence I obtained on site, that Mr Smaridge senior does suffer with ill health at times and this warrants the need for his son Simon to be present to oversee some of the tasks that otherwise he would manage being the resident worker. The planning regime does not specifically allow for the personal circumstances of the applicant to override the policy criteria, and it is my opinion the needs of the business can be met by the worker who resides in the existing tied bungalow. Who actually occupies that dwelling is then a matter for the applicant and his family."

On the above basis the proposal for a second dwelling it not justified in planning policy terms.

The Agricultural Consultant's comments were prepared prior to the publication of a revision to the NPPF (published in February 2019), paragraph 79 (previously paragraph 55) of which now states:

"Planning policies and decisions should avoid the development of isolated homes in the countryside unless one or more of the following circumstances apply:

a) there is an essential need for a rural worker, including those taking majority control of a farm business, to live permanently at or near their place of work in the countryside;..."

The key difference between the previous and current versions of the NPPF of relevance to this case is the reference to the *"taking majority control of a farm business"*. The Agent considers that the Applicant is responsible for the everyday running of Borough Farm and has *"majority control"* of the business, and therefore meets the requirement of paragraph 79.

In this case the functional needs of the business have been assessed to require one full-time worker to be resident on site. Officers do not consider the revision to the NPPF takes away the need for a functional need for the number of on-site dwellings to be demonstrated. There is an existing farm dwelling available on site, Little Borough, and who occupies that dwelling is a matter for the Applicant and their family. The two further dwellings on site are currently in separate ownership. When consent for the barn conversion to be used as a permanent dwelling was obtained (LPA ref. 08/0935/03/F) the Applicant was a "Mr T Smaridge".

On the basis of the above there is an in principle objection to a dwelling in this location, as no exceptional circumstances or functional agricultural need have demonstrated for such development in a countryside location.

Design/Landscape:

The proposed dwelling itself is modest in scale and form, and would be an appropriate size for an agricultural workers dwelling were it considered there was a functional need for one. The dwelling would be well-related to the existing built form at Borough Farm, and landscape character could be conserved through the implementation of a landscape scheme (which could be secured by condition).

Design and landscape impact is acceptable.

Neighbour Amenity:

No specific concerns having regard to the proposed location of the new dwelling in relation to other properties.

Impact on neighbours is acceptable.

Highways/Access:

DCC Highways have queried where access to the dwelling would be taken from, noting visibility from the east is poor. The main access to the farm is from the west via Borough Lane and the A381, and the submitted details including red line site plan indicate this is the proposed access route. On this basis it is considered refusal on highways grounds could not be sustained. The submitted plans indicate suitable parking and turning space would be provided within the residential curtilage.

Highway impact, access and parking and turning provision is acceptable.

Other Matters:

Conditions would be required in respect of foul and surface water drainage in the event of an approval.

The application has been advertised as adjoining/affecting a public right of way. There is a public footpath running through the Borough Farm complex to the west of the proposed dwelling. There would be some views of the development from the footpath but no substantive harm to user enjoyment/amenity.

Following formal refusal of this application Officers would be obliged to investigate the siting of the residential mobile home at Borough Farm.

The Planning Balance:

The application proposes a new dwelling on the basis of agricultural need. The site is in a countryside location where new dwellings would not generally be considered sustainable. The proposal would result in the provision of a second on-farm dwelling at Borough Farm. The Council's Agricultural Consultant considers the farm holding requires only one full-time worker to be resident on site, and this need can be met by the existing farm bungalow. Whilst personal circumstances have been put forward it is matter for the family to decide who should occupy the bungalow. Whilst there are no other material planning objections to the proposal, which is considered acceptable in design and landscape terms, this does not override the principle objection to the lack of agricultural need for a second on-farm dwelling. The application is therefore recommended for 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
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
DEV8 Meeting local housing need in the Thriving Towns and Villages Policy Area
DEV10 Delivering high quality housing
DEV15 Supporting the rural economy
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
DEV31 Waste management
DEV32 Delivering low carbon development
DEV35 Managing flood risk and Water Quality Impacts

Other material considerations include the policies of the National Planning Policy Framework (NPPF) including but not limited to paragraphs 8, 11 and 79 and guidance in Planning

Practice Guidance (PPG). Additionally, the following planning documents are also material considerations in the determination of the application:

Neighbourhood Plan

N/A

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: Adam Williams
Thurlestone

Parish: Salcombe **Ward:** Salcombe and

Application No: 2134/19/FUL

Agent/Applicant:
Mr Bruce Williams
Kennelway
Lane Past Burton Farm
Galmpton
TQ7 3EY

Applicant:
Mr Bruce Williams
Kennelway
Lane Past Burton Farm
Galmpton
TQ7 3EY

Site Address: Cross Gardens, Onslow Road, Salcombe, Devon, TQ8 8DE

Development: Erection of a monument to commemorate the 150th Anniversary of lifeboat based at Salcombe

Reason item is being put before Committee – *The site is owned by South Hams District Council*



Recommendation: Conditional Approval

Conditions

1. Time limit
2. Accord with plans

Key issues for consideration:

Principle, amenity, safety, design, appearance

Site Description:

Part of the open space known as Cross Gardens at the junction of Devon and Onslow Roads

Site is located within the South Devon AONB.

Site is within the Conservation Area

There are a number of Listed Buildings near the site

- The Knowle Hotel to the west (Grade II)
- Ringmore House to the south east (Grade II)
- The Fortescue Inn to the east (Grade II)

The Proposal:

the installation and siting of 1 statue designed to commemorate the 150th Anniversary of the Salcombe RNLI.

Consultations:

- County Highways Authority
- Environmental Health Section
- Town/Parish Council
- SHDC Heritage Specialist – Support (verbal response)

Representations:**Relevant Planning History**

None

ANALYSIS

The proposal is for a small statue measuring 1.3m high, 1.3m wide and 0.8m deep, the plinth will be constructed from stone and the statue made from bronze and limestone which will sit atop the stone plinth with a commemorative steel plaque.

The stone material is proposed to be Yennadon stone which is sourced from Dartmoor and is considered to be locally appropriate and of a suitable appearance for this statue

The statue will be situated within an area of public open space, the size, location and materials of the statue raises no material objection in respect of design, appearance or scale.

There are three grade II listed buildings near the site, however given the siting within the park, the scale of the statue, and the appearance of it, there is considered to be no impacts to the setting of these listed buildings. The proposals amount to sympathetic art installation to commemorate the 150th Anniversary of the RNLI and is therefore of public interest and the development is in accordance with the Joint Local Plan, in particular policy DEV20, there are no material planning issues that weigh against the granting of consent. The application should therefore be approved.

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
DEV20 Place shaping and the quality of the built environment
DEV21 Development affecting the historic environment
DEV23 Landscape character
DEV25 Nationally protected landscapes

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

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)

Site location plan – Received by the Local Planning Authority on 12/07/2019

Block plan of the site – received by the Local Planning Authority on 12/07/2019

150th Anniversary Plinth and Statue Overall Design- received by the Local Planning Authority on 12/07/2019

Salcombe Plinth and Statue Design - received by the Local Planning Authority on 12/07/2019

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.

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.

PLANNING APPLICATION REPORT

Case Officer: Adam Williams
Alvington

Parish: Kingsbridge **Ward:** Westville and

Application No: 2132/19/FUL

Agent/Applicant:
Mr Bruce Williams
Kennelway
Lane Past Burton Farm
Galmpton
TQ7 3EY

Applicant:
Mr Bruce Williams
Kennelway
Lane Past Burton Farm
Galmpton
TQ7 3EY

Site Address: The Quay, Car Park, Kingsbridge, Devon

Development: Proposed erection of monument

Reason item is being put before Committee – *The site is owned by South Hams District Council*



Recommendation: Conditional Approval

Conditions

1. Time limit
2. Accord with plans

Key issues for consideration:

Principle, amenity, safety, design, appearance

Site Description:

The site is located adjacent to Square Quay public car park in Kingsbridge

Site is located within the South Devon AONB.

Site is 59m metres south-west of the Conservation Area

There are a number of Listed Buildings within 50 and 100 metres of the site.

The Proposal:

The installation and siting of 1 statues designed to commemorate the 150th Anniversary of the Kingsbridge RNLI.

Consultations:

- County Highways Authority
- Environmental Health Section
- Town/Parish Council
- SHDC Heritage Specialist – Support (verbal response)

Representations:**Relevant Planning History**

None

ANALYSIS

The proposal is for a small statue measuring 1.3m high, 1.3m wide and 0.8m deep, the plinth will be constructed from stone and the statue made from bronze and limestone which will sit atop the stone plinth with a commemorative steel plaque.

The stone material is proposed to be Yennadon stone which is sourced from Dartmoor and is considered to be locally appropriate and of a suitable appearance for this statue

The statue will be situated just outside the public car park within the footpath but between two benches fronting the harbour, it is not considered that it would cause obstruction. The size, location and materials of the statue raises no material objection in respect of design, siting, appearance or scale. It will amount to sympathetic art installation of public interest and the development is in accordance with the Joint Local Plan, in particular policy DEV20 and there are no material planning issues that weigh against the granting of consent. The application should therefore be approved.

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
DEV20 Place shaping and the quality of the built environment
DEV21 Development affecting the historic environment
DEV23 Landscape character
DEV25 Nationally protected landscapes

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

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)

Site location plan – Received by the Local Planning Authority on 12/07/2019

Block plan of the site – received by the Local Planning Authority on 12/07/2019

150th Anniversary Plinth and Statue Overall Design- received by the Local Planning Authority on 12/07/2019

Kingsbridge Plinth and Statue Design - received by the Local Planning Authority on 12/07/2019

Kingsbridge Statue Design – Maquette - received by the Local Planning Authority on 12/07/2019

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.

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.

Agenda Item 7

South Hams District Council
DEVELOPMENT MANAGEMENT COMMITTEE 14-Aug-19
Appeals Update from 5-Jul-19 to 31-Jul-19

Ward Kingsbridge

APPLICATION NUMBER : **3469/18/VAR** PP/K1128/W/19/3225569
APPELLANT NAME: H2Land
PROPOSAL : Application for variation of condition 2 of planning permission
4140/16/FUL
LOCATION : Rivermaid Boatyard Embankment Road Kingsbridge TQ7 1JZ
APPEAL STATUS : Appeal Lodged
APPEAL START DATE: 12-April-2019
APPEAL DECISION: Upheld
APPEAL DECISION DATE: 25-July-2019

Ward Newton and Yealmpton

APPLICATION NUMBER : **2111/18/FUL** APP/K1128/W/19/3220353
APPELLANT NAME: Mrs Sally Hoppins
PROPOSAL : Proposed siting of a temporary mobile home for 4 - 5 years to serve
growing agricultural enterprise.
LOCATION : Land At Sx 5988 5382 Winsor Cross To Swainstone Coombe Wood Worston Yealmpton
Devon
APPEAL STATUS : Appeal Lodged
APPEAL START DATE: 08-April-2019
APPEAL DECISION: Dismissed (Refusal)
APPEAL DECISION DATE: 05-July-2019

Ward Salcombe and Thurlestone

APPLICATION NUMBER : **2242/18/FUL** APP/K1128/W/19/3223954
APPELLANT NAME: Mr & Mrs Keeler
PROPOSAL : Change of use from ancillary accommodation into a separate residential dwelling with
associated access, parking and residential curtilage
LOCATION : Long Park Studio Long Park Higher Batson Devon TQ8 8NG
APPEAL STATUS : Appeal Lodged
APPEAL START DATE: 12-April-2019
APPEAL DECISION: Dismissed (Refusal)
APPEAL DECISION DATE: 10-July-2019

APPLICATION NUMBER : **3262/18/FUL** APP/K1128/W/19/3231239
APPELLANT NAME: King, Cooper, Payne
PROPOSAL : READVERTISEMENT (Revised Plans Received to indicate amended
site boundary) Proposed residential development of two detached dwellings on
vacant land. Revised scheme submission of refused application for three dwellings ref
1240/16/FUL
LOCATION : Lyndale Onslow Road Salcombe Devon TQ8 8AH
APPEAL STATUS : Appeal Lodged
APPEAL START DATE: 23-July-2019
APPEAL DECISION:
APPEAL DECISION DATE:

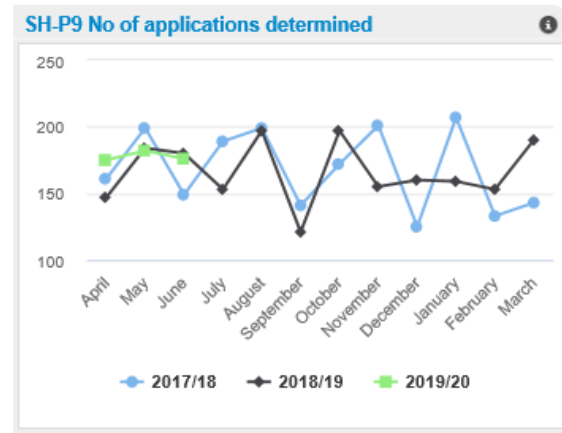
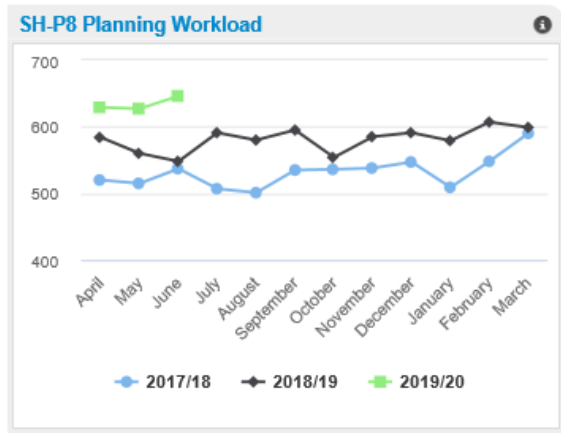
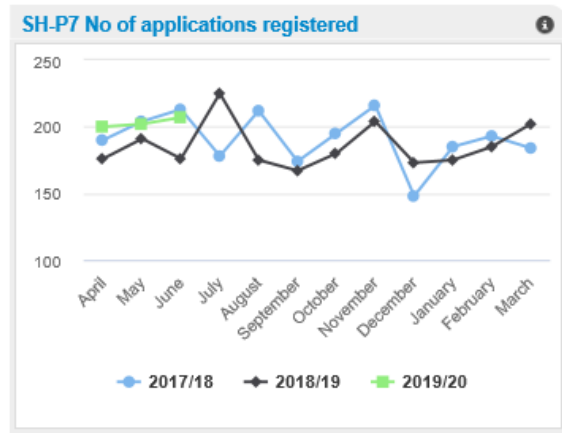
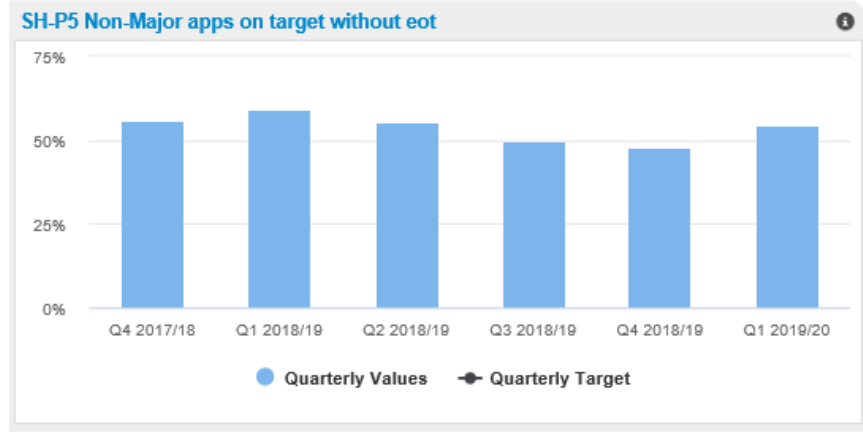
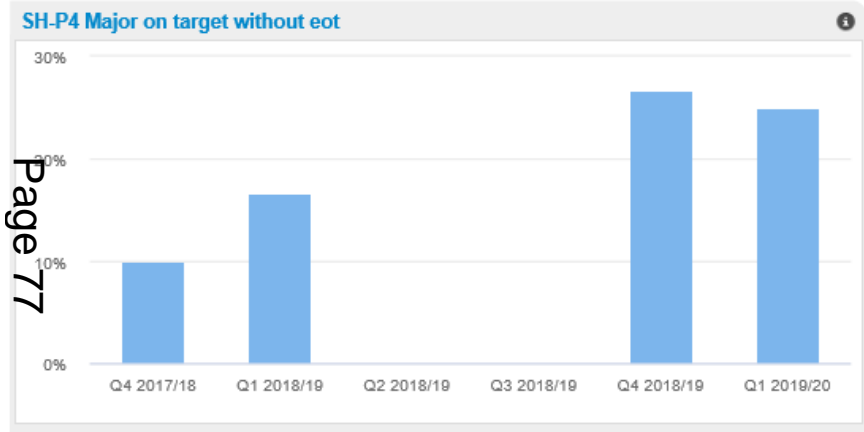
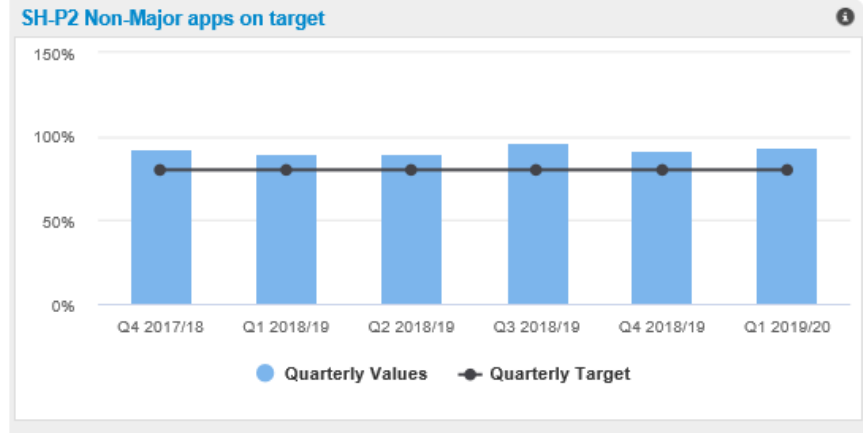
Ward Stokenham

APPLICATION NUMBER : **4323/17/FUL** APP/K1128/W/19/3226094
APPELLANT NAME: Mr & Mrs Harris
PROPOSAL : Demolition of existing two bedroom chalet and construction of a two
bedroom house
LOCATION : The Crab Pot Beesands Stokenham TQ7 2EH
APPEAL STATUS : Appeal Lodged
APPEAL START DATE: 17-April-2019
APPEAL DECISION: Dismissed (Refusal)
APPEAL DECISION DATE: 10-July-2019

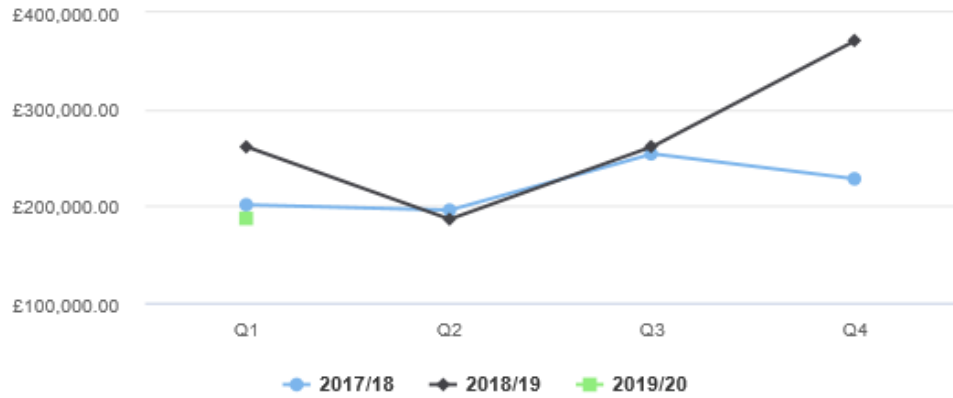
Ward Wembury and Brixton

APPLICATION NUMBER : **3769/17/OPA** APP/K1128/W/18/3215689

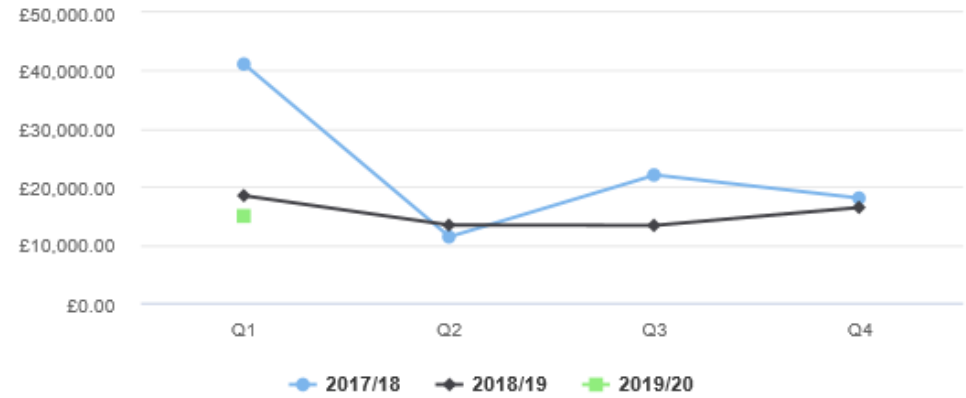
APPELLANT NAME: Mr B Stephens
PROPOSAL : Outline application for the erection of 15 no. dwelling houses all
matters reserved save for access and layout
LOCATION : South Barton Farm Veasy Park Wembury PL9 0ES
APPEAL STATUS : Appeal Lodged
APPEAL START DATE: 16-July-2019
APPEAL DECISION:
APPEAL DECISION DATE:



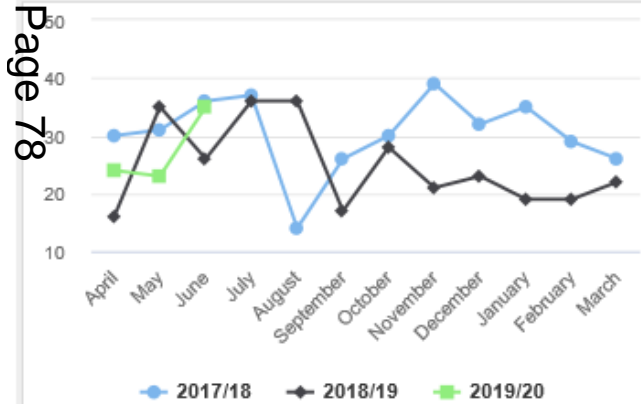
SH-P10 Fee Income from Planning Applications



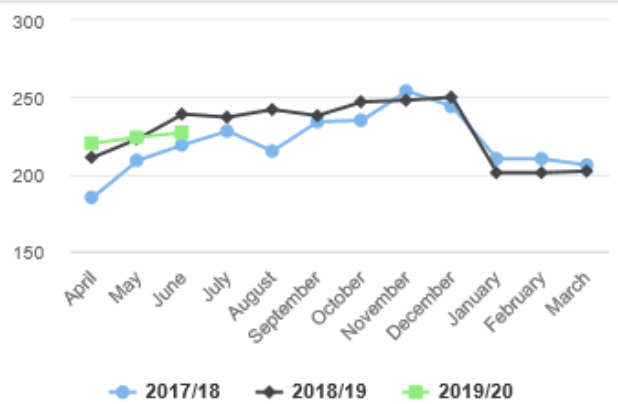
SH-P11 Fee Income from Pre-Apps



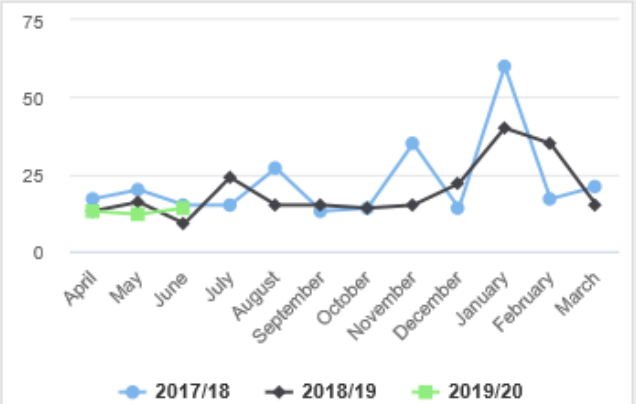
SH-P12 Pre-Apps Received



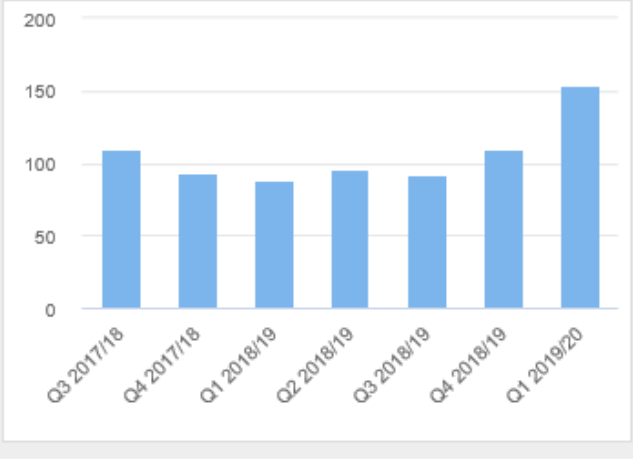
SH-P13 Pre-Application workload



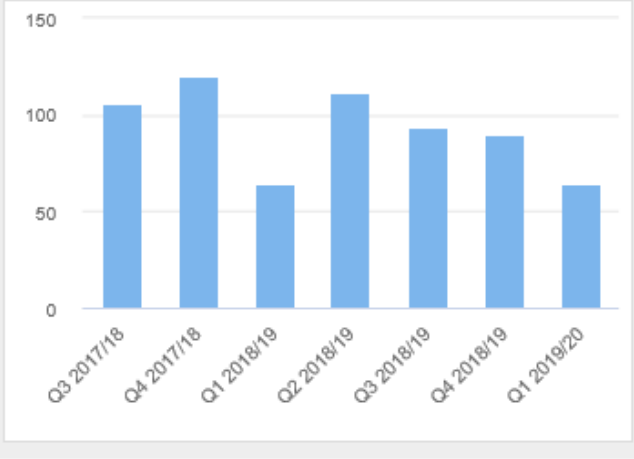
SH-P14 Pre-Apps closed



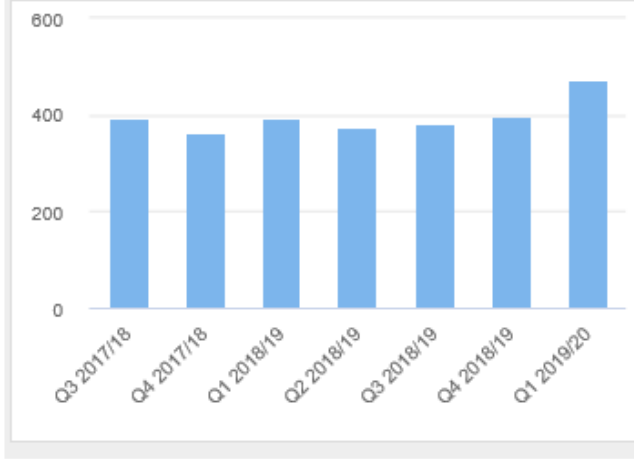
SH-E3 Enf Cases Received (since March 2016)



SH-E4 Enf Cases Closed (since March 2016)



SH-E5 Enforcement Cases Outstanding



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