

# South Hams Development Management Committee



<b>Title:</b>	<b>Agenda</b>										
<b>Date:</b>	<b>Wednesday, 6th November, 2019</b>										
<b>Time:</b>	<b>11.00 am &amp; 2.00 pm</b>										
<b>Venue:</b>	<b>Council Chamber - Follaton House</b>										
<b>Full Members:</b>	<p style="text-align: center;"><b>Chairman</b> Cllr Brazil</p> <p style="text-align: center;"><b>Vice Chairman</b> Cllr Foss</p> <p><i>Members:</i></p> <table style="width: 100%; border: none;"> <tr> <td style="width: 33%;">Cllr Brown</td> <td style="width: 33%;">Cllr Kemp</td> </tr> <tr> <td>Cllr Hodgson</td> <td>Cllr Long</td> </tr> <tr> <td>Cllr Holway</td> <td>Cllr Pannell</td> </tr> <tr> <td>Cllr Rowe</td> <td>Cllr Pringle</td> </tr> <tr> <td>Cllr Abbott</td> <td>Cllr Taylor</td> </tr> </table>	Cllr Brown	Cllr Kemp	Cllr Hodgson	Cllr Long	Cllr Holway	Cllr Pannell	Cllr Rowe	Cllr Pringle	Cllr Abbott	Cllr Taylor
Cllr Brown	Cllr Kemp										
Cllr Hodgson	Cllr Long										
Cllr Holway	Cllr Pannell										
Cllr Rowe	Cllr Pringle										
Cllr Abbott	Cllr Taylor										
<b>Interests – Declaration and Restriction on Participation:</b>	Members are reminded of their responsibility to declare any disclosable pecuniary interest not entered in the Authority's register or local non pecuniary interest which they have in any item of business on the agenda (subject to the exception for sensitive information) and to leave the meeting prior to discussion and voting on an item in which they have a disclosable pecuniary interest.										
<b>Committee administrator:</b>	Kathy Trant Specialist- Democratic Services 01803 861185										

**1. Minutes**

**1 - 8**

To approve as a correct record and authorise the Chairman to sign the minutes of the meeting of the Committee held on 9 October 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) 3460/17/OPA**

**9 - 34**

READVERTISEMENT (Revised Plans Received) Outline application with some matters reserved for 7 self-build/custom-build dwellings (five open market and 2 affordable self-build plots) "Lutterburn Farm", Lutterburn Street, Ugborough, Devon

**(b) 3011/19/FUL**

**35 - 42**

Demolition of existing barn following Class Q approval and construction of new dwelling "The Shippen, Cowsberry Farm", Burraton

**\*\*Upon the conclusion of the above agenda item, the meeting will be adjourned and reconvened at 2.00pm\*\***

	<b>Page No</b>
<p><b>(c) 2101/19/FUL</b></p> <p>Demolition of hotel (14 guest bedrooms, 4 staff bedrooms, indoor swimming pool, lounge/bar/dining areas etc) and construction of mixed use development of 9 serviced short term holiday let apartments (providing total of 16 bedrooms), 1 unit of managers accommodation and 5 residential apartments (resubmission of 2066/18/FUL)  "Lantern Lodge Hotel", Grand View Road, Hope Cove</p>	<b>43 - 72</b>
<p><b>(d) 1676/19/HHO</b></p> <p>Householder application for proposed roof extension and alterations to front, side and rear (Resubmission of 2098/18/HHO)  "Summerleaze", Drake Road, Salcombe, Devon</p>	<b>73 - 86</b>
<p><b>(e) 2556/19/FUL</b></p> <p>Proposed new single storey dwelling with internal double garage and associated landscaping  "Land Adjacent to Bowden Hill", Yealmpton</p>	<b>87 - 98</b>
<p><b>(f) 2821/19/FUL</b></p> <p>New agricultural shed  "Stanborough Farm", Moreleigh</p>	<b>99 - 104</b>
<b>7. Planning Appeals Update</b>	<b>105 - 106</b>
<b>8. Planning Performance Indicators</b>	<b>107 - 110</b>

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

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

**Other Members also in attendance and participating:**

Cllrs D May, D O’Callaghan and J A Pearce

**Officers in attendance and participating:**

Item No:	Application No:	Officers:
All agenda items		HOP Development Management; Planning Senior Specialist; Planning Specialists; Deputy Monitoring Officer; and Specialist – Democratic Services
	4015/18/FUL	Specialist Place Making (Landscape)
	2045/19/HHO	Specialist Assets (Drainage)

**DM.28/19 MINUTES**

The minutes of the meeting of the Committee held on 11 September 2019 were confirmed as a correct record and signed by the Chairman.

**DM.29/19 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:

Cllrs V Abbott, M Long and G Pannell all declared a personal interest in applications **4015/18/FUL**: READVERTISEMENT (Revised plans received) Proposal for 23 new holiday lodges with associated bases, parking and internal access road – Salcombe Retreat, Lane to Soar Mill Hotel, Malborough, and **2259/19/HHO**: Householder application for extension to living area, creation of ensuite bedroom wing, attached garage and courtyard garden (resubmission of 3978/18/HHO) Part retrospective – Sharpitor Cottage, South Sands, Salcombe, by virtue of all being members of the National Trust, who had submitted an objection to both applications;

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

**2407/19/F:** Erection of single dwelling – Tresco, Knighton Road, Wembury;

**4015/18/FUL:** READVERTISEMENT (Revised plans received) Proposal for 23 new holiday lodges with associated bases, parking and internal access road – Salcombe Retreat, Lane to Soar Mill Hotel, Malborough;

**2259/19/HHO:** Householder application for extension to living area, creation of ensuite bedroom wing, attached garage and courtyard garden (resubmission of 3978/18/HHO) Part retrospective – Sharpitor Cottage, South Sands, Salcombe

**2186/19/FUL:** Erection of a new building consisting of 4no. 1 bed 2 person apartments – Vacant land between Davis Road and Townstal Road, Dartmouth

DM.30/19

#### **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.31/19

#### **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) 2428/18/FUL**                      **Meadowbrook, Shinners Bridge, Dartington**

**Parish: Dartington**

Upgrade and extension to existing play park and creation of bike track in woodland recreation area

Case Officer Update:              Two late letters of objection had been received within the last 24 hours. The letters raised no new issues other than referring to recent media reports highlighting that the UK was in danger of losing mammal species and 15% of species were in danger of extinction

Speakers included:              Objector – Ms Trudy Turrell: Supporter – Ms Mandy Burton: Parish Council representative – Cllr Simon Mcinnes: Ward Member – Cllr Hodgson

**Recommendation:** Conditional Approval

**Committee Decision:** Conditional Approval

Conditions:

1. Time limit
2. Accord with plans
3. Submission of tree protection methodology prior to construction of the bike track
4. Submission of a plan indicating where the replacement planting will be carried out, prior to construction of a cycle track
5. Adherence to the Ecology report
6. Written confirmation that the provisions in the ecology report have been properly created by a suitably qualified ecologist
7. Prior to construction provision of a LEMP to be approved by LPA
8. No lighting within the woodland
9. Development to be carried out in accordance with the submitted FRA and the following mitigation and a flood warning and evacuation plan and appropriate signage alerting the public to the flood risks

**b) 2407/19/FUL Tresco, Knighton Road, Wembury**

**Parish: Wembury**

Erection of single dwelling

Case Officer Update: The case officer confirmed comments of the speaker that drainage matters had now been agreed

Speakers included: Supporter – Mr Andy Coughlan: local Ward Member - Cllr Brown

**Recommendation:** Refusal

**Committee Decision:** Refusal

**c) 4015/18/FUL Salcombe Retreat, Lane to Soar Mill Hotel, Malborough**

**Parish: Malborough**

READVERTISEMENT (Revised plans received) Proposal for 23 new holiday lodges with associated bases, parking and internal access road

Case Officer Update: The case officer updated the Committee following queries raised at the site inspection related to parking provision for those lodges without adjacent parking spaces. One late letter of objection had

been received that referred to highway grounds and lack of car parking. The long list of conditions had been missed from the back of the report, and there were two additional conditions proposed that related to aligning materials to the existing lodges and confirmed the period of non-occupancy as per the existing lodges from 15 January to 15 March.

Speakers included: Supporter – Mr Malcolm Gigg; Parish Council – Cllr John Yeoman; and Ward Members – Cllrs Long and Pearce

**Recommendation:** Conditional Approval

During discussion, Members were shown a number of photographs taken of the site from viewpoints in the area. The Parish Council representative advised that the application was contrary to the recently adopted Malborough Neighbourhood Plan in that it sought to transfer an area of land previously for tents and caravans, to a permanent site of lodges.

Members did not feel that the application conserved and enhanced the AONB, and did not have confidence in the landscape proposals submitted. Some Members however, felt that the recent declaration of climate change indicated that better holiday provision should be available in this country and supported the proposal.

**Committee Decision:** Refusal

Reasons:

The proposal would have a detrimental impact on the AONB, would be contrary to JLP policies DEV 24, DEV 25 and Policy 27 of the Malborough Neighbourhood Plan

**d) 2259/19/HHO                      Sharpitor Cottage, South Sands, Salcombe**

**Parish: Salcombe**

Householder application for extension to living area, creation of en-suite bedroom wing, attached garage and courtyard garden (re-submission of 3978/18/HHO) Part retrospective

Case Officer Update: None

Speakers included: Town Council representative – Cllr Mike Fice:  
Ward Member – Cllrs Long and Pearce

**Recommendation:** Conditional Approval

During discussion, the Town Council representative advised that the proposal was contrary to the recently adopted Salcombe Neighbourhood Plan. The Members noted from the site inspection that the parking facilities were



cramped and the proposal had no outlook and the residential amenity was poor. The design was not in keeping and the proposal did not conserve or enhance the AONB

**Committee Decision:** Refusal

Reasons:

1. The proposed development, by reason of its scale and design, fails to offer its occupants a satisfactory standard of amenity, contrary to adopted policy DEV1 (1) Residential amenity.
2. The proposed development, by reason of its scale, design and materials, fails to conserve and enhance the landscape and scenic beauty of this part of the South Devon Area of Outstanding Natural Beauty, contrary to adopted policies SPT2 (10) Sustainable linked neighbourhoods and sustainable rural communities, SPT11 Strategic approach to the historic environment, SPT12 (4, 5) Strategic approach to the natural environment, DEV20 (2 and 4) Place shaping and the quality of the built environment, DEV23 (1, 2, 3, 7) Landscape character, DEV24 Undeveloped Coast and Heritage Coast (3, 5) and DEV25 Nationally protected landscapes (2, 3, 8), policies ENV1 and B1 of the Salcombe Neighbourhood Plan and the guidance of the National Planning Policy Framework (NPPF) contained but not limited to paragraphs 170, 172 and 173. It is therefore recommended that the application be refused.

NB: As this application was part retrospective, the Committee voted to request officers to proceed with enforcement action.

**e) 2253/19/HHO                      3 Highfield Drive, Kingsbridge**

**Parish: Kingsbridge**

Householder application for proposed first floor side extension

Case Officer Update:            None

Speakers included:            Ward Member – Cllr O’Callaghan

**Recommendation:**            Conditional Approval

**Committee Decision:**        Conditional Approval

Conditions

Standard time limit  
Adherence to plans  
Materials samples  
Obscure glazing

**f) 2045/19/HHO 3 Higher Brook Road, Ivybridge****Parish: Ivybridge**

Householder application for proposed ground floor extension to form new shower room

Case Officer Update: None

Speakers included: Supporter: Mrs Luscombe (statement read): and Ward Member – Cllr May

**Recommendation:** Refusal

**Committee Decision:** Refusal

**g) 2186/19/FUL Vacant land between Davis Road and Townstal Road, Dartmouth****Parish: Dartmouth**

Case Officer Update: None

Speakers included: Objector – Mrs Grace Hamilton: Supporter – Mr George Hardy

**Recommendation:** Delegate to Head of Development Management Practice, in consultation with the Chairman, to conditionally grant planning permission, subject to a s106 legal obligation.

However, in the event that the s106 legal Agreement remains unsigned six months after this resolution, that the application is reviewed by the HOP Lead Development Management, in consultation with the Chairman of the Committee, and if no progress is being made, delegated authority is given to the HOP Lead Development Management to refuse the application in the absence of a signed s106 Agreement.

**Committee Decision:** Delegate to Head of Development Management Practice, in consultation with the Chairman, to conditionally grant planning permission, subject to a s106 legal obligation.

However, in the event that the s106 legal Agreement remains unsigned six months after this resolution, that the application is reviewed by the HOP Lead Development Management, in consultation with the Chairman of the Committee, and if no progress is being made, delegated authority is given to the HOP Lead Development Management to refuse the application in the absence of a signed s106 Agreement.

Members requested an amendment to the planning condition on sample materials requesting that material colours should be in keeping with the area.

Conditions:

Time limit

Approved plans

Unexpected land contamination

Vehicle crossing

Construction Management Plan

Surface Water Drainage

Foul Drainage

Landscaping scheme

Samples

Remove PD rights

Electric vehicle charging points

Details to demonstrate that ensure that the ventilation system will not exceed the permitted development level for Air Source Heat Pumps which can be found in MCS020.

DM.32/19 **PLANNING APPEALS UPDATE**

Members noted the list of appeals as outlined in the presented agenda report.

The Head of Development Management provided further details on specific recent appeal decisions, and particularly noted the comments of the Inspector regarding housing mix and how evidence to support such arguments must be robust.

(Meeting commenced at 11.00am and concluded at 4.30pm)

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Chairman

## Voting Analysis for Planning Applications – DM Committee 9 October 2019

<b>Application No:</b>	<b>Site Address</b>	<b>Vote</b>	<b>Councillors who Voted Yes</b>	<b>Councillors who Voted No</b>	<b>Councillors who Voted Abstain</b>	<b>Absent</b>
2428/18/FUL	Meadowbrook, Shinnars Bridge, Dartington	Refusal	Cllrs Hodgson, Long, Pannell and Abbott (4)	Cllrs Brazil, Foss, Brown, Taylor and Holway (5)	(0)	Cllrs Kemp, Pringle and Rowe (3)
2428/18/FUL	Meadowbrook, Shinnars Bridge, Dartington	Conditional Approval	Cllrs Brazil, Holway, Foss, Brown and Taylor (5)	Cllrs Hodgson, Pannell and Long (3)	Cllr Abbott (1)	Cllrs Kemp, Pringle and Rowe (3)
2407/19/FUL	Tresco, Knighton Road, Wembury	Conditional Approval	Cllrs Hodgson, Holway and Brown (3)	Cllrs Brazil, Foss, Taylor, Abbott, Pannell and Long (6)	(0)	Cllrs Kemp, Pringle and Rowe (3)
2407/19/FUL	Tresco, Knighton Road, Wembury	Refusal	Cllrs Brazil, Foss, Taylor, Abbott, Pannell and Long (6)	Cllrs Hodgson, Holway and Brown (3)	(0)	Cllrs Kemp, Pringle and Rowe (3)
2015/18/FUL	Salcombe Retreat, Lane to Soar Mill Hotel, Malborough	Refusal	Cllrs Hodgson, Long, Brown and Taylor (4)	Cllrs Brazil, Abbott and Holway (3)	Cllr Pannell (1)	Cllrs Kemp, Pringle, Rowe and Foss (4)
2259/19/HHO	Sharpitor Cottage, South Sands, Salcombe	Refusal	Cllrs Holway, Long, Pannell, Abbott, Brown, Hodgson and Taylor (7)	Cllr Brazil (1)	(0)	Cllrs Kemp, Pringle, Rowe and Foss (4)
2253/19/HHO	3 Highfield Drive, Kingsbridge	Conditional Approval	Cllrs Hodgson, Abbott, Brazil, Holway, Long, Pannell, Brown and Taylor (8)	(0)	(0)	Cllrs Kemp, Pringle, Rowe and Foss (4)
2045/19/HHO	3 Higher Brook Park, Ivybridge	Refusal	Cllrs Abbott, Brazil, Hodgson, Long and Pannell (5)	Cllrs Brown and Taylor (2)	Cllr Holway (1)	Cllrs Kemp, Pringle, Rowe and Foss (4)
2186/19/FUL	Vacant land between Davis Road and Townstal Road, Dartmouth	Conditional Approval	Cllrs Abbott, Hodgson, Holway, Long, Pannell, Brown and Taylor (7)	(0)	Cllr Brazil (1)	Cllrs Kemp, Pringle, Rowe and Foss (4)

## PLANNING APPLICATION REPORT

**Case Officer:** Adam Williams

**Parish:** Ugborough **Ward:** Ermington and Ugborough

**Application No:** 3460/17/OPA

**Agent/Applicant:**

Mr Simon Baker  
Lutterburn Farm,  
Lutterburn Street  
Ugborough  
Devon  
PL210NG

**Site Address:** Lutterburn Farm, Lutterburn Street, Ugborough, Devon, PL21 0NG

**Development:** Outline application with some matters reserved for 7 self-build/custom-build dwellings (five open market and 2 affordable self-build plots).

**Reason item is being put to Committee: Cllr Holway –**

1. *The Flood Risk Assessment has been produced to show that the Emergency Access through the school grounds is not necessary. It does not consider the implications on the residents of Lutterburn Street apart from glibly mentioning that there will be a mix of 'low hazard and danger to some'. The DHS Trend flow figures are considerably higher than those previously used by DCC and it is noted that the water in the access lane is unlikely to exceed a depth of 360mm. It should be noted that when videos were taken of water running down the access lane at a depth of up to 250mm, there was flooding to properties in Lutterburn Street. If water flows down the access lane at a depth of 360mm there will be considerable inundation of properties and it is essential that measures are taken to prevent this. Residents have concerns regarding impact on existing watercourses and vibration caused by construction*



## Introduction

Members will recall this application being discussed at Development Management Committee on 13<sup>th</sup> February 2019 where it was resolved to approve conditionally subject to S106

The plans approved at that meeting indicated an emergency flood exit to the north.

It has now been demonstrated that it is no longer needed and has been removed, in all other respects the scheme is the same

There are two new additional conditions, one pertaining to the submission of an emergency flood plan and another relating to compliance with Policy DEV32 of the Plymouth and South West Devon Joint Local Plan

**Recommendation:** Recommendation: Delegate to HoP Lead Development Management, 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 Lead Development Management, in consultation with the Chairman of the Committee, and if no progress is being made delegated authority is given to the HoP to refuse to application in the absence of an agreed S106 Agreement

### **Conditions**

1. Reserved matters time
2. Reserved Matters details
3. Accord with plans
4. Surface water drainage strategy prior to commencement
5. Surface water adoption and maintenance strategy prior to commencement
6. Construction phase drainage strategy prior to commencement
7. Details of connection to and condition of receiving watercourse prior to commencement
8. Ecological Mitigation and Enhancement Strategy incorporating recommendations of the PEA
9. TEMS Mitigation Strategy
10. Landscape Plan prior to commencement
11. CEMP prior to commencement
12. Accord with details of Arboricultural Work and Tree Protection Plan
13. Highways details prior to commencement
14. Highways construction infrastructure prior to commencement
15. Unsuspected contamination
16. Written Scheme of Investigation
17. Finished floor levels of plot 6
18. Site road and ground levels across flood zone
19. No piping of western watercourse channel
20. No external lighting to be erected upon dwellings without agreement of details with LPA.
21. Accord with LEMP
22. Details of tree retention
23. Dev32 compliance
24. Flood Emergency Plan

### **Planning Obligations**

- 2 plots to be sold with a discount of 20% on the open market rate.
- The plots should be secured for people with a local connection to the parish in the first instance and then a cascade to adjoining parishes and finally to the south hams.
- The discount of 20% should be secured in perpetuity on the built plots also.

- If the applicant cannot dispose of these plots then a fall back where if marketed for 12 months, a commuted sum could be paid to SHDC for provision of affordable housing in the district.
- The secondary contribution sought would likely be £23,017.00 (based on the current DfE extension rate per pupil of £21,921) which will be used to provide education facilities in the area. In addition, DDC will likely seek a contribution towards secondary school transport due to the proposed development site being further than 2.25 miles from Ivybridge Community College. The costs required would now be as follows: -  
2.00 secondary pupil  
£5.46 per day x 2 pupils x 190 academic days x 5 years = £10,374.00
- £380 per occupier (with occupancy based on Table 3 of the SHDC OSSR SPD towards improvements to Donkey Lane play area, Ugborough.  
£595 per occupier (with occupancy based on Table 3 of the SHDC OSSR SPD towards improvements to sports facilities at the Old Cricket Ground, Moorhaven and/or Hillhead Cross, Ugborough

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

The main issues are the principle of development, the impact upon the Conservation Area and the setting of listed buildings, flooding and drainage, access and highways safety, land contamination, trees and ecology and any impact upon the amenity of neighbouring dwellings.

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### **Site Description:**

The application site is open land and an existing access driveway located adjacent to Ugborough village. The site abuts the Ugborough Settlement Boundary which is to the south, east and west. The site is also directly adjacent to the Ugborough Conservation Area to the south and west. The existing site access and roughly its eastern third are within Flood Zone 3.

To the south is the terrace of various properties which front away from the site on to Lutterburn Street, which also provides vehicular access at the south east corner. This is achieved by turning off Lutterburn Street onto the existing lane, which currently provides access to two existing properties, Lutterburn Barn and Lutterburn Farm further to the north. To the north of the application site is the school playing fields, to the east is the modern development of housing and associated garages at 'Undertown' and to the west are the rear elevations of the various properties which front Ugborough Road.

The beech tree directly adjacent to the site entrance is the subject of a specific Tree Preservation Order. This is within the walled garden of the grade II listed building 'Vine Cottage', which is directly to the south of the site, its curtilage boundary wall bounds the access and lane.

### **The Proposal:**

Outline planning permission is sought with some matters reserved for 7 affordable self-build/custom-build dwellings. All matters aside from access are reserved. The scheme effectively reuses the existing access which is proposed to be widened over an existing watercourse ditch, which is to be covered with a drainage grate as opposed to culverted. Physical works at the site access include the reintroduction of cobbles across the visibility splay and the small scale removal of wall to provide necessary width. The access splay is within the applicant's ownership but was 'given' to the highways authority in 1976 and has a lamppost and small bench.

The modified access lane also provides a 'chicane' element to provide separation between the lane and the immediate environs of the front elevation of Lutterburn Barn, which currently opens its front door directly in to the road.

Indicative plans identify 7 detached units set within their own curtilage. It also identifies an indicative road layout including turning heads, and a collective bin store within the site. In addition to the parking provision for each unit, the site plan identifies two parking spaces serving the existing conversion Lutterburn Barn.

### **Consultations:**

- County Highways Authority

No objection subject to conditions

- Environment Agency

No objection subject to conditions. Please note that the EA have issued four consultation responses, which are available to view within the electronic file. The last response states:

On the basis that your Authority is satisfied that the proposed minimum finished floor levels for Plots 6 and 7 (as shown on drawing SW1 Rev A of the submitted Surface Water Drainage Statement, Teignconsult) of 107.2mAOD and 107.7mAOD respectively, are achievable, we are able to withdraw our objection, provided that conditions are included on any permission granted to secure:

- the implementation of these finished floor levels;
- the levels of the new site road; and
- the maintenance of the western watercourse in a piped channel.

However, before determining the application we strongly recommend that you consult your Emergency Planner with regard to the acceptability of access and egress to and from the development in a flood and content yourselves that the flood risk Sequential Test has been satisfied in accordance with the National Planning Policy Framework (NPPF).

Conditions were suggested and will be attached to the permission

- DCC Archaeologist

No objection subject to condition

- DCC Education

No objection subject to planning obligation as follows: There is currently capacity at the nearest primary school for the number of pupils likely to be generated by the proposed development and therefore a contribution towards primary education would likely not be sought. Devon County Council will however likely seek a contribution towards additional education infrastructure at the local secondary school that serve the address of the proposed development. The secondary contribution sought would likely be £23,017.00 (based on the current DfE extension rate per pupil of £21,921) which will be used to provide education facilities in the area.

In addition, DDC will likely seek a contribution towards secondary school transport due to the proposed development site being further than 2.25 miles from Ivybridge Community College. The costs required

would now be as follows: -

2.00 secondary pupil

£5.46 per day x 2 pupils x 190 academic days x 5 years = £10,374.00



- SHDC Drainage

No objection subject to condition

- DCC Drainage

Devon County Council Flood Risk Management completed a flood study of this area of Ugborough due to being informed of a significant and real risk of flooding that was being experienced there by the local community. This study identified the likely sources of risk and proposed solutions in order to reduce them. Primarily in the Lutterburn Street area of Ugborough. The study identified that watercourse flows to the north of Lutterburn street are collected from two small catchments and split into two watercourses that sit either side of a hedge bank as they approach Lutterburn street between Undertown and a track that serves a couple of residential properties.

The Eastern watercourse which serves the largest catchment discharges into 2no. 300mm pipes under Lutterburn Street and the smaller western catchment discharges into a large box culvert under Lutterburn Street.

The DCC flood study for the area recommended that the flow from the larger eastern watercourse be transferred into the larger box culvert at the southern section adjacent to Lutterburn Street. The study also identified that in doing this there was potential that risk would be increased downstream and therefore a sluice should be placed to throttle the flow back to the current situation until works downstream have been complete.

The applicant has incorporated these elements into planning application 3460/17/OPA in line with the Land Drainage Consent application that has been agreed. DCC Flood Risk Management are therefore supportive of the these elements of the wider proposal as they reflect the recommendations of the larger flood strategy for the area which give flood benefit to the local community.

Further information was submitted to remove the requirement to have an emergency Flood Access, DCC Local Lead Flood Authority commented on this proposal to state

*I have reviewed the report produced to consider the safe access and egress from the site during potential flood conditions. As I have previously stated it is not a responsibility of the Lead Local Flood Authority to provide a formal response or approval to this, however based on the evidence provided in the FD2320 Risk Assessment of access for proposed development at Lutterburn, Ugborough it is my opinion that the risk of flooding to the site access is minimal and therefore would not require any additional form of access & egress measures.*

*The following questions need to be satisfied:*

- *Are the residents safe to remain in their properties?*
- *Is there sufficient high ground above the highest predicted flood level for the people to safely congregate?*
- *Is the maximum duration of any restrictive flood considered to be low, without placing the residents at risk from lack of supplies, contact, etc.?*
- *Would the depth of any flooding restrict access by emergency vehicles?*
- *What is the likely risk of occurrence?*

*Based on the information provided I believe that the extreme flood event from the 1 in 100 year event plus 40% for climate change would:*

- *not place the properties at risk of flooding, therefore residents would be safe in their homes;*
- *only be for a duration of just over 2 hours, therefore not a risk to people's health;*
- *create a maximum flood depth of 360mm, therefore not restricting access for emergency vehicles (or 4x4s)*

- *have a probability of occurrence of 1% in any one year and therefore considered a low risk.*

*These points are confirmed in the report, which also states that there is sufficient high ground via a safe route to Lutterburn Farm. It is therefore believed that the provision of an additional bridge over the minor watercourse is not required at this location.*

- Emergency Planning

No objection on basis that access gate and emergency escape route can be provided outside of Flood Zone.

Following the submission of further information to remove the requirement for an emergency flood route and following the comments made by DCC Local Lead Flood Authority the following comment was made

a stay put approach has not previously been accepted however emerging guidance states that a stay put approach can be acceptable where access for emergency vehicles can still be achieved. As Martin has said where the flood water level is 360mm it is acceptable but only just so for an emergency vehicle to go through the water, we certainly wouldn't be advocating driving through this depth of water unless it was a life critical emergency.

On this basis I am happy that the applicant can demonstrate a safe means of access and egress, however I suggest that any permission is conditioned on the basis that prior to occupation a flood emergency plan for the household is developed and agreed with the local planning authority.

- Ugborough Parish Council

*Objection – 'Object. Not taken into account the affordable housing requirements in the emerging Parish Plan & Joint Local Plan; Prefer flooding report to be published and flooding to be resolved before development is considered; Public open space should be included within the development; Inadequate access arrangements; Safety concerns over 'shared space' proposals.*

Following the submission of further information to remove the requirement for an emergency flood route and following the comments made by the Parish Council

*Object. No development should take place until flood alleviation measures are completed under Lutterburn Street and all sites downstream*

- SHDC Ecologist - Further to my initial comment on 26<sup>th</sup> Sept I have met with the applicant and consultant ecologist to discuss this site and proposal.

An acceptable way forward which would minimise impact upon, safeguard and potentially enhance the wildlife interest of the site was agreed at the meeting, and this has since been reflected in resubmitted plans, and a LEMP.

Specifically:

- The features of particular potential value for wildlife (including bats) will have a 5m buffer. Namely the tree lined hedgerow of the northern and northwestern boundaries. Efforts will be made (as detailed in the LEMP to bring these boundaries back into active management and improve structural diversity for the benefit of wildlife). The buffer will be maintained as a tall sward. The boundaries of rear gardens to be formed by fence and newly planted hedge (which will be maintained within the buffer in accordance with the LEMP).
- The features of lesser potential value for wildlife will have a 2m wide planted buffer/hedgerow creating a new connected feature for wildlife – namely the southern

and southwestern boundaries. This to be managed in accordance with the LEMP with the intention of creating a bushy hedgerow.

The LEMP includes reference to suitable bat and bird provisions for within the fabric of the new dwellings which as yet have not been provided – I have included a condition accordingly.

Recommendation: No objection. If minded to approve please apply the following conditions:

- No external lighting to be erected upon dwellings without agreement of details with LPA.
- Details of inbuilt provisions for bats and birds to be agreed with LPA at Reserved Matters reflecting Appendix 2 of the LEMP.
- Landscape details/scheme with respect to newly planted hedgerows. This could be combined with the condition above as a 'Landscape and Ecological Mitigation and Enhancement Strategy' and provided at RM stage.
- Management of hedgerow and buffer features in accordance with the LEMP – ongoing management to be secured in perpetuity by s106 clause as appropriate

- Historic England – Do not wish to offer any comments, refer to specialist conservation and archaeological advisers
- Wales and West utilities – presence of gas pipe in the vicinity, information relayed for applicants information
- South West Water - The modelling work we have undertaken has identified that the existing public combined sewerage network in the vicinity of this site are currently able to accommodate this proposal. The proposed point of connection for this development is located on the 225mm diameter combined public sewer located in Lutterburn Street.

- SHDC Tree Officer -  
Appraisal

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

Review of the submitted information has been undertaken and it is considered that accurate description of the site and level of constraint posed by the trees is made. If undertaken in their entirety in relation to the matters subject to this application will appropriately preserve and/ or enhance the constraining arboricultural features present.

The previous usage of the site has left an open internal aspect with constraining tree features abutting boundaries and significantly at the entrance due to protected beech tree T23 of the report.

The only points of concern relate to the close proximity of Plot 1 to the buffer strip and its vegetation, leading to likely immediate poor relationship and pressure to manage vegetation and the widened access that may affect the protected beech tree, T23.

#### Conclusions

The previous land use allows ability for construction of dwellings without significant detriment to the majority of surveyed vegetation however the access may be a pinch point if it significantly and detrimentally affects the longevity of the protected tree.

The applicant may be able to demonstrate no harm will ensue to T23 or suggest suitable mitigation/ engineered solution that ensures its retention.

#### Recommendation

With respect of the application to gain planning consent for the following matters I can make the following recommendation –

Approval on arboricultural merit subject to revised layout in respect of Plot 1 and further detail specifying the retention of T23.

*Upon clarifying the application, specifically that layout is a reserved matter, the Tree Officer recommended a condition relating to T23*

Prior to the commencement of any works on site (including demolition and site clearance or tree works), a detailed Method Statement of specialist constructional techniques for the means of creating the element of the access that traverses the RPA of the protected Beech tree shall be submitted to and approved in writing by the Local Planning Authority. This shall provide for the long term retention of the tree and allow capacity for continued root, stem and crown growth. No development or other operations shall take place except in complete accordance with any approved Method Statement.

Reason: To ensure the continued well-being of the trees in the interests of the amenity of the area.

- Open Space Sport and Recreation – SHDC Core Strategy Policy CS8 and SHDC Development Plan Policies DPD (2010) policy DP8 set out the rationale for seeking OSSR provisions as key infrastructure for securing the delivery of sustainable development and meeting the various needs of the community. Levels of reasonable contributions based upon existing deficiencies and future demand for various OSSR provisions are detailed within the SHDC OSSR Supplementary Planning Document (2006).

The outline application is for the provision of seven new self-build dwellings (five open market and two affordable) and is not able to incorporate play and sports facilities in accordance with policy on site.

The closest play area is at Donkey Lane, providing a swing set and multi-activity unit. The Ugborough Parish OSSR Plan identifies the need for additional equipment for younger children e.g. springers at the play area. It is considered likely that new residents would make use of, and add pressure to, the existing play area, and accordingly an off-site contribution of £380 per occupier should be sought as follows to assist with making the facilities sustainable and meeting the needs of the new residents:

- £380 per occupier (with occupancy based on Table 3 of the SHDC OSSR SPD towards improvements to Donkey Lane play area, Ugborough).

With respect to playing pitches, the new residents are likely to seek to use recreational facilities in the wider area. Within Ugborough there are various facilities for team sports, including within the east of the parish, and closest to the site at Moorhaven and Twinaways at Hillhead Cross. Both of these sites are flagged up within the South Hams Playing Pitch Strategy and the Ugborough Parish OSSR Plan as requiring investment to meet the needs of the growing parish population.

The old cricket ground at Moorhaven requires investment in ground works to restore the pitch for both football and cricket use, and the Hillhead Cross site requires provision of a shelter for changing purposes, and secure storage for equipment. It is considered likely that new residents would make use of, and add pressure to, these existing sports facilities, and accordingly an off-site contribution of £595 per occupier should be sought as follows to assist with making the facilities sustainable and meeting the needs of the new residents:

- £595 per occupier (with occupancy based on Table 3 of the SHDC OSSR SPD towards improvements to sports facilities at the Old Cricket Ground, Moorhaven and/or Hillhead Cross, Ugborough).

**Representations:**

Approximately 77 letters of objection have been received at the time of writing this report from 34 objectors. Concerns raised are summarised as follows:

- The proposed access is no to standard and there is insufficient access visibility
- The vehicular access will create highways safety issues
- The lane will have conflict between cars and pedestrians, particularly by Little Lutterburn
- Will lead to loss of parking for Little Lutterburn
- The lane is not suitable for refuse / emergency vehicles
- There will be the loss of a on street parking space
- Parking provision within the development is inadequate
- Additional vehicular traffic will harm character and amenity
- There will be nuisance and disturbance during construction phases
- Includes the loss of historic fabric
- Will not preserve the character and appearance of the Conservation Area
- Will harm the setting of the listed building
- Is overdevelopment
- Will harm ecology
- Will lead to adverse impact upon neighbours through noise, smell, overlooking and loss of light
- In conflict with the Neighbourhood Plan, particularly UG14
- Will lead to flooding issues, both on site, and further afield
- The flooding report relating to the watercourse / culvert is not sufficient
- Will lead to the loss of private views
- May lead to harm to trees and banks, including the TPO tree at the site entrance
- The tree report may lead to existing trees falling
- There are inaccuracies within the submission
- May lead to structural damage to neighbouring properties
- May lead to structural damage to retaining wall
- The number of houses on the site could increase in the future
- Will result in loss of public open space (bench at access)
- Other applications elsewhere indicate this should be refused
- The school cannot meet the needs arising from the development
- The scheme lacks affordable housing provision
- There is no need for the housing
- Deeds require a right to access
- Development will lead to congestion
- Issues arising from construction vehicles

Following a re consultation to account for a change in red line and removal of the flood relief route the following material issues were raised

- Detrimental to nearby properties
- Impact to conservation area
- Vehicular access impractical for plant and goods vehicles
- Encroaching onto private land owned by the residents of Undertown gardening committee
- Question the accuracy of Teignconsult report
- SWW combined sewage pipe limited in size
- Flood alleviate should not be made a condition
- Plot 4 overbearing and dominant against a neighbouring property (Rowan Cottage), proposed buffer insufficient
- Flooding event videos received 2016 and 2015

### **Relevant Planning History**

None identified for this site

## Analysis

### Principle of Development/Sustainability:

Since first reporting this application to South Hams Development Management Committee in February 2019, the Joint Local Plan has been adopted. For the purposes of Joint Local Plan Policies, the site is outside but adjoining a settlement. The Joint Local Plan seeks to steer development to sustainable settlements. SPT2 states

*The LPAs will apply the following principles of sustainable linked neighbourhoods and sustainable rural communities to guide how development and growth takes place in the Plan Area. Development should support the overall spatial strategy through the creation of neighbourhoods and communities which:*

- 1. Have reasonable access to a vibrant mixed use centre, which meets daily community needs for local services such as neighbourhood shops, health and wellbeing services and community facilities, and includes where appropriate dual uses of facilities in community hubs.*
- 2. Provide for higher density living appropriate to the local area in the areas that are best connected to sustainable transport, services and amenities, as well as appropriate opportunities for home working, reducing the need to travel.*
- 3. Have high levels of digital connectivity, supporting local communities and businesses and enabling data to be open, shared and used to better understand the area.*
- 4. Have a good balance of housing types and tenures to support a range of household sizes, ages and incomes to meet identified housing needs.*
- 5. Promote resilience to future change by ensuring a well balanced demographic profile with equal access to housing and services.*
- 6. Are well served by public transport, walking and cycling opportunities.*
- 7. Have a safe, accessible, healthy and wildlife-rich local environment, with well designed public and natural spaces that are family friendly and welcoming to all.*
- 8. Have services and facilities that promote equality and inclusion and that provide for all sectors of the local population.*
- 9. Have the appropriate level of facilities to meet the identified needs of the local community, including provision of education and training opportunities, employment uses, health care, arts, culture, community facilities, open space, sport and recreation, and places of worship.*
- 10. Provide a positive sense of place and identity, including through the recognition of good quality design, unique character, the role of culture, and the protection and enhancement of the natural and historic environment.*
- 11. Explore opportunities for the use of renewable energy, including community energy schemes where appropriate, and reduce the use of energy through design and energy efficiency.*
- 12. Provide positive outcomes in relation to the characteristics, aspirations and measurable standards set out through any supplementary planning document linked to this plan.*

Policy TTV1 outlines the hierarchy of sustainable settlements and policy TTV2 supports development proposals in the Thriving Towns and Villages Policy Area which reinforce the sustainable settlement hierarchy. Although the site adjoins a settlement, Ugborough is regarded to be a sustainable location for limited growth in both the current Development Plan and the emerging Joint Local Plan. The site is well integrated into the settlement, and walking to its facilities is feasible, for instance the walking distance to what is considered to be the village centre, near the Anchor Inn and The Square, is

approximately 190m. Therefore, with regard to access to services, the site is considered by officers to be sustainable and an opportunity to site residential development in an accessible location where it can boost use of facilities and the general vitality of the village.

Outside of the sustainable settlements the Joint Local Plan recognises that there is a need for housing in rural areas, specifically sites that adjoin existing settlement, within policy TTV27, but housing in this location must meet a proven need for affordable housing and where financially viable includes a mix of affordable housing.

*Policy TTV27 states*

*Meeting local housing needs in rural areas*

*Proposals for residential development on sites adjoining or very near to an existing settlement which would not otherwise be released for this purpose may be permitted provided that it can be demonstrated that:*

- 1. It meets a proven need for affordable housing for local people.*
- 2. It includes a mix of affordable and market housing products where necessary to be financially viable. This includes open market housing, providing it does not represent more than 40 per cent of the homes or 40 per cent of the land take excluding infrastructure and services.*
- 3. Management of the scheme will ensure that the dwellings continue to meet the identified need in perpetuity.*
- 4. The proposal meets the requirement of all other relevant policies of the Plan.*

Here the proposals are for affordable serviced self-build plots with a proposed Local Connection Tie and 2 plots to be sold at with a 20% reduction in market value in perpetuity. This represents a 28/72% split between affordable and market which would technically fail the policy test. However it is acknowledged that self build products can be considered as affordable housing and when balanced in the round with other Joint Local Plan policies meets a policy requirement of DEV9 which relates to housing need. DEV9.2 states

*2. Self and custom build housing will be supported providing they meet the over-arching sustainable development, general amenity and design policies. The LPAs will:*

- i. Negotiate the identification of suitable plots on major development sites to meet this need.*
- ii. Encourage the provision of serviced plots and co-housing schemes.*
- iii. Be proactive in exploring ways to ensure sufficient plots are consented to meet the duty set out in the Self-Build and Custom Housebuilding Regulations.*

So, whilst the proposals do not fully accord with policy TTV27 the remainder 'Market Housing' is self-build which satisfied a local housing need for serviced self-build plots, on balance officers consider the principle acceptable in this instance

The housing provision in this location is a significant social benefit weighing in favour of this scheme. The Ugborough Neighbourhood Plan passed its referendum in April 2018 and as such forms part of the development plan for the area. Policy UG9 covers self-build in particular, however such development is considered acceptable where it accords with policies UG4, UG5, UG11, UG12, UG13, UG14.

Policy UG4 of the Ugborough Neighbourhood Plan states

*Any proposed housing development must meet the criteria contained within policies UG1, UG2, UG3, UG7, UG11, UG12, UG13 and UG14.*

*Across the plan period South Hams District Council will bring forward site allocations which will deliver significant growth. Outside these allocations developments of less than 10 units will in principle be supported in line with historic growth trends. Any site put forward for larger development (more than 10) must take account of the need for access to public transport, to major roads such as the A38 and to other local services.*

*All new developments will be subject to section 106 contributions appropriate to the impact of the development.*

The pattern of development will be discussed in later paragraphs however a S106 is sought for this application to secure affordable plots and a local connection criteria which weigh in favour of the proposals.

Policy UG5 states

*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*

Although the design of the dwellings will amount to a reserved matter, the site forms an area of open space adjoining the settlement with built development on three side and is considered to comply with the second bullet point being that the site closely surrounded by buildings. The Highway implications are considered later.

Policy UG7 concerns the delivery of affordable housing for exception sites, although not listed in UG9 this is listed in UG4. Specifically, UG7 states that local connection should be secured and that affordable housing should remain in perpetuity and this is to be contained within the S106. Policy DEV8 of the emerging Plymouth and South West Devon Joint Local Plan holds moderate weight at this time, this policy seeks to resist housing proposals that perpetuate an imbalance in housing stock, and also housing that is unlikely to be accessible to specific housing needs groups, including young people, working age families and older people, although the indicative plots are large, this outline application does not consider house sizes, given the nature of self-builders, some may opt to build smaller homes to suit their own needs.

Officers are cautious about applying assumptions that any self or custom build dwelling will be built and occupied by the person(s) who first obtain the plot or considered as affordable housing in its own right. Such is the uplift in plot value once a dwelling is completed where there isn't adequate restrictions, such dwellings would normally make no positive contribution to improving accessibility to housing or diversifying the housing stock to the benefit of local people earning local wages. The terms of the S106 adequately deal these concerns surrounding self-build and in conjunction with the S106 terms to secure local connection and market rate reduction, the proposals are considered to widen opportunities for housing ownership and address housing needs and also secure local connection in accordance with DEV8 of the JLP and Neighbourhood Plan policies UG7, UG8 and UG9

### The Sequential and Exceptions Tests

The sequential test seek to direct new developments to sites with the lowest probability of flooding. A developer has to gather evidence to allow decision makers to consider whether a sequential test is satisfied. The evidence needs to show that there are no other suitable sites with a lower flood risk.



The applicant's submitted sequential test is wholly an extract from the Council's evidence base work undertaken by the Council prior to the adoption of its Site Allocations SPD, which was adopted in 2010. The work around Ugborough, in 2009, identifies this application site to be the most favourable, and also states that. However, the site was not formally adopted as an allocated site and there are no allocated sites within villages.

In the intervening periods there have been a number of SHLAA exercises to identify allocations in the area, in 2010 and 2016. These assessments failed to identify any suitable sites. Most recently, the Ugborough Neighbourhood Plan has not allocated residential sites within the Neighbourhood Plan Area. As such, officers are satisfied that there are no sequentially preferable sites for residential development within the Ugborough Parish and that the scheme passes the sequential test.

Once the sequential test is passed an exception test must be carried out, an applicant must;

- Demonstrate that the development gives wider sustainability benefits to the community that outweigh a flood risk
- Demonstrate the development will be safe for its lifetime considering the vulnerability of users and reducing flood risk on the development without increasing flood risk elsewhere

Although there is now a 5 year land supply of residential land for development across the district, there is an evidenced need for self-build within Ugborough village. The opportunity here to meet that identified local self-build need is considered to pass the sustainability requirements of the exceptions test.

Previously, it was proposed that an emergency flood access was provided for within the scheme, which was located to the northern boundary, this was later deemed to be undeliverable as it would have required consent from Ugborough Primary School as opposed to Devon County Council as land owner. A reassessment of the requirement for emergency access and egress was undertaken and a study conducted by the applicants drainage engineers. This information was reviewed by the Lead Local Flood Authority and the Councils Emergency Planner, it was found that whilst it is not a responsibility of the LLFA to provide a formal response or approval to safe access and egress, it was their professional opinion that the risk of flooding to the site access is minimal and therefore would not require any additional form of access & egress measures.

The following questions need to be satisfied:

- Are the residents safe to remain in their properties?
- Is there sufficient high ground above the highest predicted flood level for the people to safely congregate?
- Is the maximum duration of any restrictive flood considered to be low, without placing the residents at risk from lack of supplies, contact, etc.?
- Would the depth of any flooding restrict access by emergency vehicles?

Based on the information provided I believe that the extreme flood event from the 1 in 100 year event plus 40% for climate change would:

- not place the properties at risk of flooding, therefore residents would be safe in their homes;
- only be for a duration of just over 2 hours, therefore not a risk to people's health;
- create a maximum flood depth of 360mm, therefore not restricting access for emergency vehicles (or 4x4s)

These points are confirmed in the report, which also states that there is sufficient high ground via a safe route to Lutterburn Farm. It is therefore believed that the provision of an additional bridge over the minor watercourse is not required at this location. The Councils Emergency Planner reviewed this view and stated that a stay put approach has not previously been accepted however emerging guidance states that a stay put approach can be acceptable where access for emergency vehicles can still be achieved and in this case at a maximum flood depth of 360mm this would allow for

emergency vehicles go through water at this depth. It was suggested that any permission is conditioned on the basis that prior to occupation a flood emergency plan for the household is developed and agreed with the local planning authority.

There is an additional opportunity within the scheme to contribute to the alleviation of long term flooding issues and this is also a potential benefit which provides an exceptional consequence of the development as will be discussed.

### Drainage

In addition to the typical drainage requirements which need to be addressed for a development of this scale and type, the necessary widening of the access lane leads to the culverting of an existing watercourse. This is within an area, and part of a watercourse, with evidenced flooding issues and significant public concern and scrutiny.

The Environment Agency (EA) has assessed the flood risk and agreed mitigating measures to make the development safe.

Devon County Council (DCC) have also been looking at options to reduce the flooding in the area and have been working with the applicant to achieve a mutually beneficial scheme.

With regard to this specific issue, the applicant is proposing that the culverting works to the eastern channel form part of the wider flood alleviation works in the area in and around the site entrance. These proposed works are in fact the very same as flood works already researched and endorsed by Devon County Council, and works which already have the benefit of watercourse consent. Watercourse consent is required where works are to take place on or near a watercourse, such as the access in this instance. DCC do not grant watercourse consent where unless the results of the work do not make existing situations worse.

DCC, the executive regulatory authority for works to watercourses in Devon, has endorsed the flood alleviation work and has identified that the work will not prejudice the current situation at Lutterburn Street. This is on the basis that a throttle is installed to control water flows to ensure that the watercourse at Ware Farm is not prejudiced, and to allow Devon County Council's proposed alleviation works at the point to be carried out in the future. The watercourse consent was a proposal where the majority of flow was transferred from the western side of the existing hedge bank to the eastern, at the northern end. Then at the southern end of the track, a new inlet is formed into the existing large culvert under Lutterburn Street, at the moment water flows into a small pipe which throttles it and causes flooding. This then has to have a slot board installed to manage the flow to existing rates heading downstream near Ware Farm due to the risk there. This can only be removed when works downstream are completed by DCC. Notwithstanding this, DCC are satisfied in granting watercourse consent, that the works to the watercourse will not result in any situation being worse than existing and once the alleviation scheme is completed at Ware Farm the situation will result in betterment

With regard to on site flooding issues, the preferred method would be to have individual soakaways at each plot to spread the loading across the site as per best practise SuDS. Infiltration testing has been carried out on part of the site and indicates that the site maybe suitable for soakaways, the testing was not over the whole site so further testing will be required to confirm that each plot can have its own soakaway. The infiltration rate was also very good for the area so a further assessment of the geology will be required to ensure the water doesn't re-emerge lower down the site or within the 3rd party properties.

Due to the sensitive nature of the site, a fall back scheme has also been submitted (Lutterburn Surface Water Drainage Addendum V1 25.09.18) and demonstrates that the whole site can be attenuated for a 1:100year +30% cc event and then discharge to the water course at the green field rate of 1.5l/s. Concern has been raised in relation to the use of attenuation tanks, these are an

acceptable means of handling surface water and each scheme should be determined on the basis of its own context and to take a sequential approach to drainage solutions.

This will ensure that there is a drainage solution but the use of soakaway must be further explored and used where possible to reduce the flows to the adjacent water course. The site is to be offered as serviced self-build plots so the drainage scheme will need to be confirmed and agreed before the plots are sold.

In terms of foul drainage, SWW have confirmed that the public sewer has capacity for the foul drainage only, no surface water can discharge to the sewer.

These various flood alleviation works and strategies are secured through the use of various, appropriately worded planning conditions.

### Design and Landscape

Ugborough is formed most identifiably by historic properties which in many cases are high density on smaller plots with limited curtilage. However, the village has grown with modern development. The indicative layout identifies seven detached properties in a typical modern layout. Officers are satisfied that the urban design is acceptable for the village, given the piecemeal build out of the village over the years.

The final design of each dwelling as well as layout will be determined at Reserved Matters stage. In terms of the indicative layout, the development is considered acceptable taking account of the historical pattern of development in the village and is considered to comply with NDP Policy UG11 where development should be appropriate in terms of its scale, character and location with the settlement to which it is associated and respects the setting of designated or non-designated heritage assets should the layout be submitted as illustrated

Neighbourhood Plan Policy UG2 states that Development will be supported where it maintains the distinctiveness and character of local skylines, views and vistas, although this is an outline application, its envisaged the development will result in 7 two storey dwellings, given the sites location adjoining the settlement, the development is not considered to read as out of context in the landscape, although the site sits higher at the northern end and buildings at the higher points could be more visible in wider views, the proximity of the site to the rest of the village will mean the buildings will just be read as part of the settlement.

### Low Carbon Development

Since the reporting of the application to South Hams Development Management Committee in February, the Joint Local Plan was adopted and through policy DEV32, required that new development should identify opportunities to reduce the energy load of it over its lifetime,

Developments should identify opportunities to minimise the use of natural resources in the development over its lifetime, such as water, minerals and consumable products, by reuse or recycling of materials in construction, and by making best use of existing buildings and infrastructure.

And

Development proposals will be considered in relation to the 'energy hierarchy' set out below:

- i. Reducing the energy load of the development.
- ii. Maximising the energy efficiency of fabric.
- iii. Delivering on-site low carbon or renewable energy systems.
- iv. Delivering carbon reductions through off-site measures.

No details were submitted as the application was submitted before the adoption of the Joint Local Plan, however since the determination is taking place after its adopted a condition will be attached to seek details of these matters prior to development above dpc level

### Conservation Area

The site itself is above and behind the properties which are fronted on the north of Lutterburn Street. The density of these properties, in addition to the relief of the land, leads the site to be discreetly located within the landscape, and with a surprising lack of relationship with the Conservation Area despite the proximity between the two.

Policy UG13 states that *Development in or around Ugborough village should where possible protect the existing pedestrian connections within the built up area of Ugborough village. Any development on the limits of Ugborough village should integrate with existing connections to Ugborough village square.*

Views into the site from the public realm are limited to a significant distance, where the site can be viewed from the main public highway when approaching from the north east it will read as a continuation of the settlement and will link to an existing lane within the village. As such, Officers are satisfied that the residential development of the site in the manner proposed will preserve the character and appearance of the Conservation Area, especially given the historical pattern of development in and around the settlement.

### Vine Cottage

In terms of impacts to the nearest Listed Building, Vine Cottage (Grade II listed), Officers have given special regard to the desirability of preserving the listed building or its setting or any features of special architectural or historic interest which it possesses. Officers consider that the principle way the building is experienced is from Lutterburn Street as opposed to from the site itself to the rear and its setting is principally along Lutterburn Street as opposed from the site to the rear. The access meanwhile does comprise its setting, particularly as the side elevation of Vine Cottage sits alongside the access track As such Officers conclude that the proposed development is not considered to impact negatively upon the setting or character of the listed building.

The site access will be widened and adjoins a listed building, concern has been raised with regard to the works which will take place on this access and impacts this may have on the structural integrity of the curtilage wall and side elevation which forms the side of the access, the works necessary to widen the access will take place on the right hand side of the access entrance which also sits outside the conservation area boundary.

The drainage works which will run the access road will link to an existing SWW pipe which runs the extent of Vine Cottage, deep engineering works are not envisaged adjoining the cottage and SWW have confirmed the existing pipe has capacity to serve the proposed development, meaning excavation and improvement of this pipe is not at present required. The access widening will take place at the junction which will involve the movement of a lamp post and community bench opposite Vine Cottage to be slightly shifted to the east to create the wider access.

Paragraph 128 of the National Planning Policy Framework makes it clear that in determining applications, it is relevant to consider *the significance of any heritage assets affected, including any contribution made by their setting.* It is necessary to consider whether the relevant heritage asset is of any great significance in itself, and whether its setting makes any great contribution to the character and appearance of the listed building, especially if newer buildings now form that setting. Paragraph 128 goes on to advise that *the level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance.* Officers are content that the special interest of the listed building will not be unduly impinged upon if the

development proposals for the reasons outlined and as such the development is not considered to unduly impact upon the special character of the listed building or the conservation area and is therefore in accordance with paragraph 129 of the NPPF and with section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

#### Neighbour Amenity:

Although this application seeks approval of access only, an indicative layout has been provided and it's envisaged a similar layout will be provided at reserved matters stage but this is not set as a reserved matter at this stage and will be subject to a reserved matters application at a later date, the following assessment is taken from an indicative layout and is for illustrative purposes only.

The nearest properties to the application site is a dwelling to the east known as Little Lutterburn, a dwelling to the south east and a row of dwellings to the south fronting Lutterburn Street. Rowan Cottage is to the west as well as Ugborough Primary School.

In terms of the impacts to Little Lutterburn, plot 6 will present the closest impact. The separation distances between the identified rear elevation of plot 6 to the boundary of Little Lutterburn is approximately 12m and 22m to its closest elevation.

In terms of the impacts to the Vine Cottage, Plot 6 will again present the closest impact. The side elevation of plot 6 is identified to face this property where its likely obscure glazed windows could be, however these details are a Reserved Matter. The separation distances between the identified side elevation of plot 6 to the boundary of this dwelling is approximately 20m and 26m to its closest elevation.

In terms of the impacts to the dwellings to south along Lutterburn Street, Plots 4, 5 and 6 will present the closest impact. The separation distances between the identified side elevation of plot 5 to the boundary of these dwellings is approximately 16m and 28m to the closest neighbouring elevation.

Plot 4 has the closest proximity to a neighbouring boundary being 6m to the south and 13.5m to the west boundary. However, the properties south of Plot 4 have much larger rear spaces, the distance between Plot 4 and the nearest neighbouring rear elevation is approximately 32m. To the west, the nearest elevation is 18m

With almost all of these distances involved, the impacts arising from overlooking based on this indicative layout are not considered to be detrimental nor is this considered to present a sense of overbearing to neighbouring properties. Plot 4 has a greater impact in terms of boundary separation distances in particular, however the elevational separation distances and proposed boundary treatment will mean the amenity impacts are again minor. These impacts will be assessed in greater details through reserved matters once a final layout is submitted and design details for each dwelling are received.

#### Highways/Access:

Policy UG4 of the neighbourhood plan states;

*Subject to other policies in the plan, new development will be supported where it is associated with a settlement and in a location that allows safe access to the A3121 and B3213, leading to the A38, in order to minimise additional traffic on the lanes around and streets within that settlement. Proposals for any new development must include a proportionate assessment of:*

- *the level of traffic the development is likely to generate;*
- *the potential impact of this traffic on safety of pedestrians, horse-riding, cyclists and farm animal movements;*
- *the potential impact on parking and congestion within the Plan Area;*

- *noise; and*
- *measures needed to mitigate any impacts*

Following the Highway Authority's initial planning response, the applicant made contact with the Highway Authority to discuss some issues raised through consultation and confirmed -

1. Little Lutterburn have no ownership of the access lane and that they park their second car on the lane for their convenience with the permission of the land owner.  
Two permanent parking spaces have been allocated for Little Lutterburn in the scheme which are adjacent to their property.
2. The minimum width of the lane will be 4.8 meter with passing spaces.
3. It is planned for the access road to be "shared surface "
4. Its planned for the road to remain private.
5. A communal bin store will be placed within 20m of the public highway.

There are 3 parking spaces per plot and on-site refuse and recycling storage at an agreed collection point. Vehicle swept path analysis were submitted in May 2018 and these were sent to DCC highways for comment, it was concluded that the Highway Authority would have no objections in principle to the proposals, noting the local road conditions and recommended conditions pertaining to access details to be provided prior to commencement, implementation of parts of the scheme to be implemented before construction begins and the submission of a Construction Management Plan to be submitted prior to commencement.

### Ecology

The submitted PEA highlights the potential value of the field for foraging bats, describing the site as of medium habitat quality for bats. The features of particular potential value for wildlife (including bats) will have a 5m buffer. Namely the tree lined hedgerow of the northern and north western boundaries.

Efforts will be made (as detailed in the LEMP to bring these boundaries back into active management and improve structural diversity for the benefit of wildlife). The buffer will be maintained as a tall sward. The boundaries of rear gardens to be formed by fence and newly planted hedge (which will be maintained within the buffer in accordance with the LEMP.

The features of lesser potential value for wildlife will have a 2m wide planted buffer/hedgerow creating a new connected feature for wildlife – namely the southern and southwestern boundaries. This to be managed in accordance with the LEMP with the intention of creating a bushy hedgerow.

The LEMP includes reference to suitable bat and bird provisions for within the fabric of the new dwellings which as yet have not been provided and will be secured by condition, along with adherence to the LEMP along with the submission of an Ecological Enhancement Management Plan. These measures will minimise impact upon, safeguard and potentially enhance the wildlife interest of the site

### Planning Balance

The application seeks to provide 7 plots for self-build adjoining a sustainable settlement within the South Hams, although there will be some impact arising from a piecemeal construction the proposals, subject to signing of the S106, the development will provide wider options for housing choice within the District.

The terms of the S106 adequately ensure the development makes a positive contribution to improving accessibility to housing and diversifying the housing stock to the benefit of local people by providing affordable options and securing a local connection clause for sales. Whilst there are minor environmental impacts arising from the development of a green site with its associated ecological merit, advisors are satisfied that impacts can be adequately mitigated for through appropriately worded conditions. The location is deemed sustainable by virtue of its proximity to the centre of Ugborough and the social benefits arising from the provision of affordable housing options in the area

and imposition of a local connection clause in a location adjoining a sustainable settlement are considered to outweigh the harms identified.

Paragraph 11 of the National Planning Policy Framework states that plans and decisions should apply a presumption in favour of sustainable development and that authorities should approve development proposals that accord with an up-to-date development plan without delay

The development is considered to accord with adopted policies, emerging policies and the adopted neighbourhood plan.

***This application has been considered in accordance with Section 38 of the Planning & Compulsory Purchase Act 2004 and with Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.***

## **Planning Policy**

Section 70 of the 1990 Town and Country Planning Act requires that regard be had to the development plan, any local finance and any other material considerations. Section 38(6) of the 2004 Planning and Compensation Act requires that applications are to be determined in accordance with the development plan unless material considerations indicate otherwise. For the purposes of decision making, as of March 26th 2019, the development plan for Plymouth City Council, South Hams District Council and West Devon Borough Council (other than parts South Hams and West Devon within Dartmoor National Park) comprises the Plymouth & South West Devon Joint Local Plan 2014 - 2034.

Following adoption of the Plymouth & South West Devon Joint Local Plan by all three of the component authorities, monitoring will be undertaken at a whole plan level. At the whole plan level, the combined authorities have a Housing Delivery Test percentage of 166%. This requires a 5% buffer to be applied for the purposes of calculating a 5 year land supply at a whole plan level. When applying the 5% buffer, the combined authorities can demonstrate a 5-year land supply of 6.5 years at the point of adoption.

Adopted policy names and numbers may have changed since the publication of the Main Modifications version of the JLP.

The relevant development plan policies are set out below:

The Plymouth & South West Devon Joint Local Plan was adopted by South Hams District Council on March 21st 2019 and West Devon Borough Council on March 26th 2019.

SPT1 Delivering sustainable development  
SPT2 Sustainable linked neighbourhoods and sustainable rural communities  
SPT3 Provision for new homes  
PLY61 Strategic infrastructure measures.  
TTV1 Prioritising growth through a hierarchy of sustainable settlements  
TTV2 Delivering sustainable development in the Thriving Towns and Villages Policy Area  
TTV27 Meeting local housing needs in rural areas  
DEV1 Protecting health and amenity  
DEV2 Air, water, soil, noise, land and light  
DEV8 Meeting local housing need in the Thriving Towns and Villages Policy Area  
DEV9 Meeting local housing need in the Plan Area  
DEV10 Delivering high quality housing  
DEV20 Place shaping and the quality of the built environment  
DEV21 Development affecting the historic environment  
DEV23 Landscape character  
DEV25 Nationally protected landscapes  
DEV26 Protecting and enhancing biodiversity and geological conservation

DEV28 Trees, woodlands and hedgerows  
DEV29 Specific provisions relating to transport  
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) and guidance in Planning Practice Guidance (PPG). Additionally, the following planning documents are also material considerations in the determination of the application:

### **Ugborough Neighbourhood Plan**

UG3: Traffic flow  
UG4: New housing  
UG5: Infill sites  
UG9: Self-build/custom build  
UG11: Landscape character  
UG11 (a) Biodiversity  
UG12: Design  
UG14: Supporting sustainable development

### **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.

### **Schedule of Conditions**

1) In the case of any matter reserved by this permission, application for approval of any reserved matter shall be made not later than the expiration of three years beginning with the date of the grant of outline planning permission. The development to which this permission relates shall be begun not later than whichever is the later of the following dates:

- (i) the expiration of three years from the date of the grant of outline planning permission; or
- (ii) the expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.

Reason: To comply with Section 92 of the Town and Country Planning Act, 1990 (as amended).

2) The development hereby permitted shall be carried out in accordance with detailed drawings which shall previously have been submitted to and approved in writing by the Local Planning Authority. These detailed drawings shall show the following:

- (a) the design and external appearance of the proposed buildings;
- (b) their siting;
- (c) existing and proposed site levels together with proposed slab levels;
- (d) the materials for their construction
- (e) the arrangements for the disposal of foul and surface water;
- (f) the areas for parking and turning of vehicles in accordance with the Devon County Council's parking standards;
- (h) all other works including walls fences means of enclosure and screening.
- (i) the location, extent and layout of open spaces
- (j) the design, layout, levels, gradients, materials, drainage, lighting and method of construction of all new roads and their connection with existing roads.
- (k) details of bat boxes reflecting Appendix 2 of the Landscape and Ecological Management Plan
- (l) proposals for how each plot would meet the objectives of Policy DEV32 of the Plymouth and South West Devon Joint Local Plan

Reason: To ensure that adequate information is available for the proper consideration of the detailed proposals and to protect the appearance and character of the area.



3) The development hereby permitted shall be carried out in accordance with the approved plans.

Revised plan - Proposed Site Plan A.01 Rev H – received by the Local Planning Authority on 09/09/2019

Block Plan Su.01 Rev A - received by the Local Planning Authority on 09/09/2019

Site Location Plan T.01 Rev A - received by the Local Planning Authority on 09/09/2019

Existing Site Survey Drg Su.02 - received by the Local Planning Authority 03/11/2017

Existing Site Sections Drg Su.04 - received by the Local Planning Authority 03/11/2017

Existing Site Survey Drg Su.03 - received by the Local Planning Authority 03/11/2017

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.

4) Notwithstanding the submitted details, Prior to works commencing on the first dwelling (excluding servicing) all plots shall have been fully serviced to include surface water drainage connections which shall be in accordance with a surface water drainage scheme for the whole site which shall first have been submitted to and approved in writing by the Local Planning Authority. Details to include:

a. Soakaway testing, across the site, 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.

Consideration should also be given to the geology and confirmation that the infiltrated water will not re-emerge downstream and affect 3rd party properties will be required.

If it is found only part of the site is suitable for infiltration then these areas must be used to reduce the quantity of water discharging from the site.

b. Soakaways and attenuation storage to be designed for a 1:100 year event plus 40% for climate change.

c. The site is within a known flooding area so the attenuated systems that discharge to the water course must be limited to the green field runoff rate for Return period. Where the rate is below 1 l/s then then a suitable minimum rate can be considered that takes in to account maintenance and long term performance.

d. If the Local Planning Authority concludes that the method of drainage approved as part of this permission is undermined by the results of the percolation tests, a mitigating drainage alternative shall be agreed with the Local Planning Authority

e. 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.

5) No part of the development hereby permitted shall be commenced until the full details of the adoption and maintenance arrangements for the proposed permanent surface water drainage management system have been submitted to, and approved in writing by, the Local Planning Authority, in consultation with Devon County Council as the Lead Local Flood Authority.

Reason: To ensure that the development's permanent surface water drainage management systems will remain fully operational throughout the lifetime of the development.

6) No part of the development hereby permitted shall be commenced until the detailed design of the proposed surface water drainage management system which will serve the development site for the full period of its construction has been submitted to, and approved in writing by, the Local Planning Authority, in consultation with Devon County Council as the Lead Local Flood Authority. This temporary surface water drainage management system must satisfactorily address both the rates and volumes, and quality, of the surface water runoff from the construction site.

Reason: To ensure that surface water runoff from the construction site is appropriately managed so as to not increase the flood risk, or pose water quality issues, to the surrounding area.

7) No part of the development hereby permitted shall be commenced until an assessment of the condition and capacity of the receiving ditchcourse is undertaken, and approved in writing by the Local Planning Authority, in consultation with Devon County Council as the Lead Local Flood Authority. This detailed assessment must also identify, and commit to, any repair and/or improvement works to the receiving ditchcourse which will be required to facilitate the development. This scheme must then be installed and in operation prior to commencement on any plot

Reason: To ensure that the receiving ditchcourse is of a satisfactory condition to receive the surface water runoff generated from the proposed development.

8) An Ecological Mitigation and Enhancement Strategy shall be submitted at Reserved Matters, to be fully integrated with the Landscape Scheme, including details of newly planted hedgerows, details of inbuilt provisions for bats and birds and management of hedgerow and buffer features in accordance with the submitted Landscape and Ecological Management Plan.

Reason: In the interests of biodiversity

9) Prior to first occupation of any residential unit, a scheme to secure mitigation of the additional recreational pressures upon the Tamar European Marine Site, shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in full prior to first occupation.

Reason: The development lies in the Zone Of Influence of the Tamar European Marine Site (comprising the Plymouth Sound and Estuaries SAC and Tamar Estuaries Complex SPA) where it is considered there would be a likely significant effect from this development, when taken in combination with other plans and projects, upon these European designated sites. To ensure that the proposal may proceed as sustainable development, there is a duty upon the Local Planning Authority to provide sufficient mitigation for any recreational impacts which might arise upon the European designated sites. In coming to this decision, the Council has had regard to Regulation 63 of the Conservation of Habitats and Species Regulations 2017 and DEV28 of the adopted Plymouth and South West Devon Joint Local Plan.

10) No development shall take place until full details of a hard and soft Landscape Scheme have been submitted to, and approved in writing by the Local Planning Authority. The Landscape Scheme shall be prepared by an appropriately qualified professional and shall include

- arrangements for stripping, storage and re-use of top soil;
- arrangements for importation of top soil, including volume, source, quality, depth and areas to be treated;
- details of earthworks associated with the development, including volumes of cut and fill and arrangements for disposal of any excess excavated material or importation of material;
- details, including design and materials, of ancillary structures such as bin stores and signage;
- details of lighting including function, location, design and intensity;

- details of new ground profiles including retaining bunds and banks;
- details of land drainage to avoid waterlogging of garden areas enclosed by hedgebanks;
- materials, heights and details of fencing and other boundary treatments, including new soft boundary treatment for the site boundary;
- materials, heights, levels and extent of hard landscape treatment, including access points, tracks, roads and any hardstanding areas;
- the location, number, species, density, form and size of proposed tree, hedge and shrub planting;
- the method of planting, establishment and protection of tree, hedge and shrub planting;
- maintenance schedules for the establishment of new planting and its ongoing management;

All elements of the Landscape Scheme shall be fully implemented in the first planting season following reasonable completion of the development and maintained in accordance with the approved details unless otherwise agreed in writing by the local planning authority. All work shall be completed in accordance with the timetable agreed in writing.

Reason: To ensure the provision of an appropriate landscaping scheme in the interests of the visual amenities of the locality and to assimilate the development into its surroundings.

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

- (a) the timetable of the works;
- (b) daily hours of construction;
- (c) any road closure;
- (d) hours during which delivery and construction traffic will travel to and from the site, with such vehicular movements being restricted to between 8:00am and 6pm Mondays to Fridays inc.; 9.00am to 1.00pm Saturdays, and no such vehicular movements taking place on Sundays and Bank/Public Holidays unless agreed by the planning Authority in advance;
- (e) the number and sizes of vehicles visiting the site in connection with the development and the frequency of their visits;
- (f) the compound/location where all building materials, finished or unfinished products, parts, crates, packing materials and waste will be stored during the demolition and construction phases;
- (g) areas on-site where delivery vehicles and construction traffic will load or unload building materials, finished or unfinished products, parts, crates, packing materials and waste with confirmation that no construction traffic or delivery vehicles will park on the County highway for loading or unloading purposes, unless prior written agreement has been given by the Local Planning Authority;
- (h) hours during which no construction traffic will be present at the site;
- (i) the means of enclosure of the site during construction works; and
- (j) details of proposals to promote car sharing amongst construction staff in order to limit construction staff vehicles parking off-site
- (k) Details of wheel washing facilities and obligations
- (l) The proposed route of all construction traffic exceeding 7.5 tonnes.
- (m) Details of the amount and location of construction worker parking.
- (n) Photographic evidence of the condition of adjacent public highway prior to commencement of any work;
- (o) complaint handling procedure including dedicated site manager contact name, telephone number and email address to be displayed on the site boundary visible from Lutterburn Street. Once approved all construction activities shall be carried out in accordance with this management plan for the duration of the construction period.
- (p) details regarding limitations of vehicle weight using Lutterburn Lane

Reason: In the interests of the safety and amenities of neighbouring occupiers and the safety of highway users. A pre-commencement condition is necessary to minimise the effects of construction on local residents and for highway safety reasons.

12) No development shall take place, or any equipment, machinery or materials be brought onto the site for the purpose of development, until the erection of fencing to delineate a Protection Zone to protect retained trees has been constructed in accordance with location and construction details shown on the Tree Protection Plan and associated Tree Survey. Within the Protection Zone nothing shall be stored or placed, nor bonfires lit, nor any works take place, nor shall any change in ground levels or excavations take place unless they are agreed in writing in advance by the Local Planning Authority. No development shall take place, or any equipment, machinery or materials be brought onto the site for the purpose of development until all tree felling or tree surgery works as agreed in writing by the Local Planning Authority have been completed. All tree works shall be undertaken in accordance with British Standard 3998 (Tree Work).

Reason: In order to protect trees of public amenity value

13) The proposed estate road, cycleways, footways, footpaths, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, road maintenance/vehicle overhang margins, embankments, visibility splays, accesses, car parking and street furniture shall be constructed and laid out in accordance with details to be approved by the Local Planning Authority in writing before their construction begins, For this purpose, plans and sections indicating, as appropriate, the design, layout, levels, gradients, materials and method of construction shall be submitted to the Local Planning Authority.

REASON: To ensure that adequate information is available for the proper consideration of the detailed proposals.

14) No part of the development hereby approved shall be occupied until:  
- The 4.8m wide access road has been laid out, kerbed, drained and constructed up to base course level for the first 70 metres back from its junction with the public highway and  
- The ironwork has been set to base course level  
- A site compound and car park have been constructed to the written satisfaction of the Local Planning Authority

REASON: To ensure that adequate on site facilities are available for all traffic attracted to the site during the construction period, in the interest of the safety of all users of the adjoining public highway and to protect the amenities of the adjoining residents

15) 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 [amended] investigation and risk assessment and, where necessary, a[n amended] 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

16 No development shall take place until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Planning Authority. The development shall be carried out at all times in strict accordance with the approved scheme, or such other details as may be subsequently agreed in writing by the Planning Authority.

Reason To ensure, in accordance with Joint Local Plan Policy DEV21 and paragraph 141 of the National Planning Policy Framework (2012), that an appropriate record is made of archaeological evidence that may be affected by the development

17 The finished floor level for the dwelling on Plot 6 shall be set no lower than 107.2mAOD and the finished floor level for the dwelling on Plot 7 shall be set no lower than 107.7mAOD in perpetuity.

Reason: To reduce flood risk to the development.

18 The new site road shall be set at existing ground levels where it crosses Flood Zones 2 and 3. Prior to commencement of development the applicant shall submit level surveys of the site pre and post development to confirm that no ground raising has occurred within Flood Zone 2 and 3.

Reason: To reduce flood risk to the development and elsewhere.

19 The western watercourse channel beneath the widened existing access road shall be permanently maintained using a drainage gate and not filled in.

Reason: To reduce flood risk to the development and elsewhere.

20 No external lighting to be erected upon dwellings without agreement of details with LPA.

Reason: in the interest of protect species and biodiversity

21 Management of hedgerow and buffer features to fully accord with the submitted Landscape, Ecological Management Plan by Green Lane Ecology received by the Local Planning Authority on 24/12/2018

Reason: in the interest of protect species and biodiversity

22 Prior to the commencement of any works on site (including demolition and site clearance or tree works), a detailed Method Statement of specialist constructional techniques for the means of creating the element of the access that traverses the RPA of the protected Beech tree shall be submitted to and approved in writing by the Local Planning Authority. This shall provide for the long term retention of the tree and allow capacity for continued root, stem and crown growth. No development or other operations shall take place except in complete accordance with any approved Method Statement.

Reason: To ensure the continued well-being of the trees in the interests of the amenity of the area.

**23** No plot shall be occupied until the applicant has submitted to and had approved in writing by the Local Planning Authority a Flood Warning and Evacuation Plan (FEP). This Plan shall address the matters required pursuant to National Planning Practice Guidance and include the following information:

- Flood warning procedures (in terms of receipt and transmission of information and to whom);
- Site evacuation procedures and routes; and,
- Subscription details to Environment Agency flood warning system, 'Flood Warning Direct'.

Reason: To limit the risk to future users from flooding.

**24** Prior to development above slab/dpc level details of how the development will meet with the objectives of Policy DEV32 of the Plymouth and South West Devon Joint Local Plan shall be

submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and maintained in perpetuity thereafter.

Reason: To demonstrate that the development that the development can deliver low carbon development in accordance with Policy DEV32 of the Plymouth and South West Devon Joint Local Plan.

## PLANNING APPLICATION REPORT

**Case Officer:** Adam Williams  
Ugborough

**Parish:** Ermington **Ward:** Ermington and

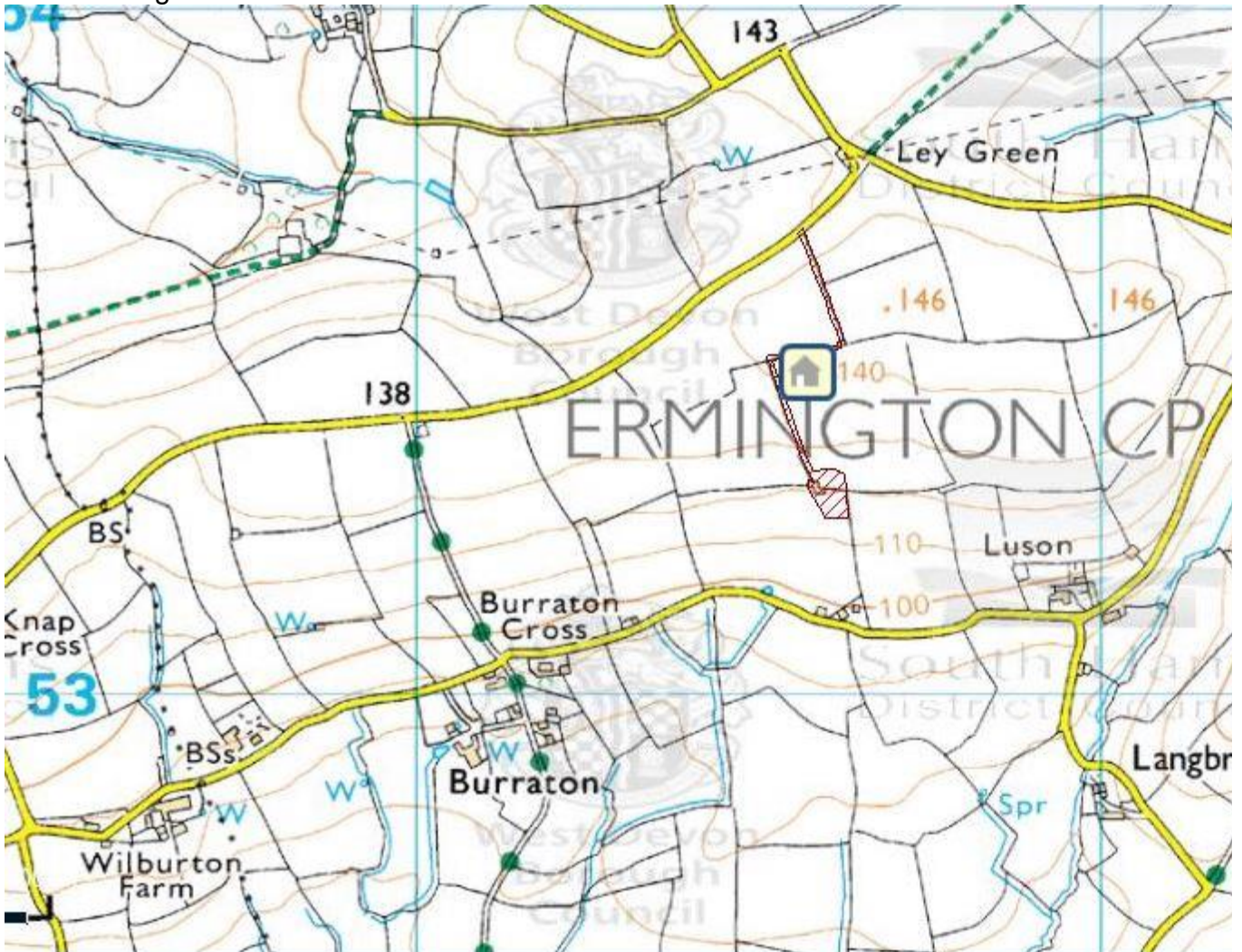
**Application No:** 3011/19/FUL

**Agent/Applicant:**  
Mrs Amanda Burden - Luscombe Maye  
59 Fore Street  
Totnes  
Devon  
TQ9 5NJ

**Applicant:**  
Mr & Mrs M Douglas  
C/o Agent

**Site Address:** The Shippen, Cowsberry Farm, Burraton, PL21 9JZ

**Development:** Demolition of existing barn following Class Q approval and construction of new dwelling



**Reason item is being put before Committee** Cllr Holway

*I tend to agree with the Parish Council and the three residents who live nearby that it will look better than the existing. The demolition and rebuild will allow the incorporation of much*

*better insulation than if the existing building were developed and it will also allow the installation of underfloor heating that can be run from an air or ground source heat pump. This together with the planting of an orchard will help to reduce carbon emissions and I would like the DM committee to consider this aspect and decide if it outweighs the reasons for refusal.*

## **Recommendation: Refusal**

### **Reasons for refusal**

1. The proposal, having regard to its scale, massing, siting and design, together with the extended change of use of agricultural land to residential curtilage, in this prominent position, within open countryside, would result in a harmful form of development which would detract from the character and appearance of this rural landscape contrary policy DEV23 of the Plymouth and South West Devon Joint Local Plan and advice in the Framework (notably but not limited to paragraphs 8, 127 and 170).

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

Principle of Development/Sustainability: including the location of the site in open countryside without its own services and remote from other services and amenities, outside any settlement boundary within the countryside but taking note of its fallback position for permitted development under Part 3, Class Q of the GDPO and the comparison between what could be built under prior approval and the scale of the proposals as submitted

Design/Landscape and Highways/ Access: the visual impact of the dwelling on local character and wider landscape

Neighbour Amenity: issues surrounding neighbourliness;

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

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

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### **Site Description:**

The Shippen' is a masonry and timber structure with timber posts that are set into the ground. The external walls comprise corrugated fibre cement sheets, timber weather board cladding and fibre cement roofing. It has a footprint of 93m<sup>2</sup>

The site is located 1.5 miles west of Ermington and south west of Westlake, the application site sits much higher in the landscape compared to the collection of buildings to the south

### **The Proposal:**

Demolition of existing barn following Class Q approval and construction of new dwelling

1 half of the dwelling will take the scale and form of the Shippen and another half to the south will comprise a two storey timber clad building.



The proposals also feature an extension of curtilage enclosed by new hedgebank.

**Consultations:**

- County Highways Authority – standing advice
- Town/Parish Council - support

**Representations:**

7 letters of the support were received stating;

- After viewing the post and current plans I feel that the current proposed plans are of a greater architectural and ecological merit. I feel incorporating the stone enclosure at the rear is a positive addition. The Devon bank and orchard will situate itself well within the landscape.
- The sympathetic design references the buildings past, incorporates and retains original features. The proposed landscaping will enhance the country setting of the new building. I fully support the application as it will have minimal impact on the local area.
- I support the purposes application , I feel it fits well in the landscape and prefer the selection of natural materials they intend to use.
- After viewing the plans I believe that the new dwelling will have a positive impact on the local area, the Devon bank and orchard will have a huge positive environmental effect.The overall appearance of the new dwelling will be fitting with the area giving an improvement to the existing site.
- The proposed development is within sight of our house. The plans are sympathetic to the local environment, and will improve the visual impact over the existing aspect. The proposed tree planting will add significantly to the local environment. I fully support the application.
- The proposed development is within sight of the road along which I pass on a regular basis.  
The current structure is rather an eyesore and the plans for development will significantly improve the visual impact and the proposed landscaping will enhance the setting and benefit the environment. I support the application.(commented twice)

**Relevant Planning History**

2725/19/PDM

Notification for prior approval for proposed change of use of agricultural building to dwellinghouse (Class C3) and for associated operational development (Class Q(a+b))

Conditional Approval

Barn At Sx 616 531 Cowsberry Farm Ivybridge PL21 9JZ 21 August 2019

4142/18/PDM

Notification for prior approval for proposed change of use of 2no. agricultural buildings to two dwellinghouses (Class C3) and for associated operational development (Class Q(a+b)) Prior

Approval Not required

Cowsberry Farm Ivybridge PL21 9JZ 19 December 2018

2912/18/AGR

Application for prior notification of agricultural development -Creation of agricultural access track to serve agricultural holding Ag Determination details not required

## **ANALYSIS**

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

The site is in open countryside where the principle of development is strongly controlled, it would otherwise be deemed a sustainable location for the provision of what is a very large house. In this case however, the existing barn benefits from Class Q prior approval for the conversion of the barn to 3 dwellings, therefore the principle of residential use is established

The case of The Court of Appeal at Mansell v Tonbridge and Malling BC [2017] EWCA Civ 1314 is relevant here - This clarifies that with respect to Class Q and Fallback that the "real prospect" of a fall-back development being implemented does not have to be probable or likely. "A possibility will suffice". The submission and approval of a Class Q prior approval together with the applicants ownership of the site lends a level of likelihood of the fall back being implemented more than theoretical, furthermore a Full Application was approved in 2017 which sought permission for some minor variations what was permitted through Class Q (in that case, an internal car port)

What is therefore for consideration is, do the proposals amount to an improvement over what could be developed through implementation of Class Q or its subsequent full application?

### **Design/Landscape:**

In landscape terms, the site is within the Landscape Character Type 3E, it is characterised by a settled, farmed landscape, with its rural qualities impacted by nearby urban development, historic quarrying activity, electricity infrastructure and other intensive industrial land uses. Its valued attributes are its remote and tranquil character in places, long views over the landscape and strong visual relationship of this area to Dartmoor National Park, with extensive views to and from the protected landscape.

This part of the landscape area is not as impacted by infrastructure found elsewhere and is more immediately characterised by the tranquil attributes with its settled, farmed landscape among undulated plain. The landscape character assessment guideline seeks to protect the rural character of the area and ensure careful siting of new development away from open or exposed locations such as this. Adopted local plan policy DEV23 seeks to conserve and enhance landscape character and scenic and visual quality by requiring development proposals to conserve and enhance the characteristics and views of an area

Officers acknowledge that the site benefits from permitted development with a prior approval application submitted and permitted, this means there is a degree of impact which could take place through the domestication of the existing structure, although the permitted development is for a conversion, the proposals seek to demolish the existing structure, replace it with a similar sized structure and construct a new two storey element on its south side.

When considering applications such as this there has to be betterment compared to what would have been possible through Class Q, and whilst this is subjective, the starting point is the context of the building itself together with its landscape context. There have been a number of appeals throughout the years where inspectors have concluded (not just with Mansell type applications) that agricultural buildings, whilst not wholly attractive in of themselves, are very much a feature of the rural landscape and in terms of what a visual receptor will read, largely go unnoticed, whereas a dwelling in an isolated and prominent position is much more prevalent and whilst an agricultural conversion will have a level of

domestication and character change, its form is retained and visual impact lessened and in a wider context their change and alteration is less pronounced.

In this instance, the site and building is highly prominent being up on the hillside and is therefore more sensitive to change. The existing building is very much a part of the agricultural landscape and whilst a level of domestication can occur through the insertion of windows and resulting external domestic clutter, the proposals for an additional two storey structure comprising a larch cladding is considered to appear at odds with the immediate vernacular and result in a highly incongruous structure in a prominent position within the landscape. Furthermore, the proposed floor space is above that which could otherwise be built under its prior approval and officers considered there was no fall-back position for a house this size on this plot, not least to the scale proposed, whilst allowance can be made for minor deviations in scale and size, the scale is more than double what could otherwise be developed under permitted development and as such no fall back exists for a development of this scale.

In addition to this, the proposal seeks to increase the domestic curtilage to a large degree to the south, although proposed as an Orchard, the change of use of this land, together with the irregular shape of its enclosure by new hedge bank, would be harmful to the overall landscape character over time.

Overall it is considered there is no betterment afforded by this proposal and a development of this scale and appearance, together with large extension of domestic curtilage, in this prominent position, are not considered to respect scenic quality and distinctive sense of place of the landscape, they do not conserve and enhance the characteristics and views of the area along with valued attributes of its landscape character type, nor do they restore positive landscape characteristics and features that reinforce local landscape quality and distinctiveness. Rather the proposals would detract from the character and appearance of this rural landscape contrary policy DEV23 of the Plymouth and South West Devon Joint Local Plan and advice in the Framework (notably but not limited to paragraphs 8, 127 and 170).

#### **Neighbour Amenity:**

Given what can be carried out through Class Q the level of fenestration changes will not impact the amenity of nearby resident to the south. Although new windows in a higher position and closer to the nearby property (and future conversions of agricultural buildings should they manifest following successful prior approval applications) to the south, the distance between them remains sufficient, couple with the principle of conversion existing, the potential for additional harm is not considered to be demonstrable harmful in comparison.

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

The site proposes to retain the existing access, this access was permitted through permitted development under Part 6 Class A(b) under reference 2912/18/AGR, there will be no change to this and the principle for its use is established by the prior approval for the conversion of the Shippen

#### **Other Matters:**

The site falls within the Zone of Influence for new residents have a recreational impact on the Tamar European Marine Site (comprising the Plymouth Sound and Estuaries SAC and Tamar Estuaries Complex SPA). This Zone of Influence has recently been updated as part of the evidence base gathering and Duty to Cooperate relating to the Joint Local Plan. A scheme to secure mitigation of the additional recreational pressures upon the Tamar

European Marine Site can be appropriately secured by condition, and this approach has been agreed by Natural England.

### **Planning Balance**

The proposal would provide a number of benefits, notably 1 dwelling that would boost the supply and provide investment in construction and related employment for its duration, however given this is only 1 house the benefits are not significant and weigh less in the balance.

On the other hand, the development would have a harmful impact on the character and appearance of the area and for the above reasons. These factors weigh heavily against the proposal and the proposals are not considered to respect scenic quality and distinctive sense of place of the landscape, they do not conserve and enhance the characteristics and views of the area along with valued attributes of its landscape character type, nor do they restore positive landscape characteristics and features that reinforce local landscape quality and distinctiveness. Rather the proposals would detract from the character and appearance of this rural landscape contrary policy DEV23 of the Plymouth and South West Devon Joint Local Plan and advice in the Framework (notably but not limited to paragraphs 8, 127 and 170).

In assessing the proposals against these policies, the possibility for fall back, taken as a whole, it is considered that the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits and it is recommended that planning permission is refused.

***This application has been considered in accordance with Section 38 of the Planning & Compulsory Purchase Act 2004***

### **Planning Policy**

Section 70 of the 1990 Town and Country Planning Act requires that regard be had to the development plan, any local finance and any other material considerations. Section 38(6) of the 2004 Planning and Compensation Act requires that applications are to be determined in accordance with the development plan unless material considerations indicate otherwise. For the purposes of decision making, as of March 26th 2019, the development plan for Plymouth City Council, South Hams District Council and West Devon Borough Council (other than parts South Hams and West Devon within Dartmoor National Park) comprises the Plymouth & South West Devon Joint Local Plan 2014 - 2034.

Following adoption of the Plymouth & South West Devon Joint Local Plan by all three of the component authorities, monitoring will be undertaken at a whole plan level. At the whole plan level, the combined authorities have a Housing Delivery Test percentage of 166%. This requires a 5% buffer to be applied for the purposes of calculating a 5 year land supply at a whole plan level. When applying the 5% buffer, the combined authorities can demonstrate a 5-year land supply of 6.5 years at the point of adoption.

Adopted policy names and numbers may have changed since the publication of the Main Modifications version of the JLP.

The relevant development plan policies are set out below:

**The Plymouth & South West Devon Joint Local Plan was adopted by South Hams District Council on March 21st 2019 and West Devon Borough Council on March 26th 2019.**

SPT1 Delivering sustainable development

SPT2 Sustainable linked neighbourhoods and sustainable rural communities

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

TTV27 Meeting local housing needs in rural areas

DEV1 Protecting health and amenity

DEV2 Air, water, soil, noise, land and light

DEV10 Delivering high quality housing

DEV23 Landscape character

DEV28 Trees, woodlands and hedgerows

DEV29 Specific provisions relating to transport

Other material considerations include the policies of the National Planning Policy Framework (NPPF) including but not limited to paragraphs 8, 127 and 170 and guidance in Planning Practice Guidance (PPG). Additionally, the following planning documents are also material considerations in the determination of the application:

### **Neighbourhood Plan**

#### **Considerations under Human Rights Act 1998 and Equalities Act 2010**

The provisions of the Human Rights Act 1998 and Equalities Act 2010 have been taken into account in reaching the recommendation contained in this report.

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## PLANNING APPLICATION REPORT

**Case Officer:** Wendy Ormsby

**Parish:** South Huish **Ward:** Salcombe and Thurlestone

**Application No:** 2101/19/FUL

**Applicant:**

Messrs Bird & Graham Lantern Lodge  
Hotels Ltd  
C/O Trinity Square Developments  
Airport House  
Purley Way, Croydon  
CR0 0XZ

**Site Address:** Lantern Lodge Hotel, Grand View Road, Hope Cove, TQ7 3HE

**Development:** Demolition of hotel (14 guest bedrooms, 4 staff bedrooms, indoor swimming pool, lounge/bar/dining areas etc) and construction of mixed use development of 9 serviced short term holiday let apartments (providing total of 16 bedrooms), 1 unit of managers accommodation and 5 residential apartments (resubmission of 2066/18/FUL)



**Reason item is being put before Committee:** At the request of Ward Member Cllr Pearce. As the previous application was refused by the Committee she considers it appropriate that the Committee should determine whether their reasons for refusal have now been overcome.

**Recommendation:** 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 to application in the absence of an agreed S106 Agreement.

The terms of the Section 106 Obligation are:

- A contribution of £15,112.50 towards the following OSSR projects which have been identified in Hope's Cove:
  - New roof for the Fishermans Reading Room (which is regularly used by various groups including a play group and is a meeting area for training for Stand Up Paddle boarding (SUP) and Kayaking sessions which set off from the nearby beach. The outside garden area is also used by local groups including the pre-school); and/or
  - Creation of a parish circular walk (installation of waymarkers and production of a leaflet); and/or
  - Provision of shower unit at the beach to serve sporting activities such as SUP, Kayaking, Bodyboarding, Surfing and Canoeing; and/or
  - Improvements to the South West Coast Path (improving the surface of the 1km disabled access path at Bolberry Down and improved gate onto SWCP at Hope Cove entrance to Bolt Tail as current access very narrow); and/or
  - Creation of running guide for Bolt Head to Bolt Tail area including production of a map and installation of waymarkers on the ground
- Secondary school infrastructure financial contribution of £16,440.00
- Primary school infrastructure: £17,065
- Primary school transport: £26,600
- Secondary school transport £3,097.00
- Holiday units to be used for the provision of short term holiday lets, to be marketed and available for rent all year round and retained within the control of a single management company.

## Conditions

1. Time
2. Accords with plans
3. Details of a minimum of 10 integral nest sites (swift bricks) to be agreed and provided
4. Parking and turning to be provided and retained
5. Material details and samples for external materials including roof, fascia, render type and balcony balustrades.
6. Hard and soft landscape scheme (full details of species, sizes, densities and locations of plants) to include the retention and enhancement of the existing boundary hedgerow, and material samples of hard landscaping. Scheme to be based on Landscape Concept Plan CD/C/553-01 D.
7. No works to or removal of boundary vegetation until a management plan has been submitted to and approved in writing by the LPA.
8. Hedge and tree protection



9. A lighting strategy, to include locations, fixtures, lumens, and measures to reduce light spill for any external light fixtures.
10. Unsuspected contamination
11. CEMP
12. Provision of electric vehicle charging points
13. Details of levels
14. Holiday use restriction on the 9 holiday let apartments
15. Owner's accommodation to be used by person who is mainly occupied in the management of the holiday units.
16. Pre-commencement – adoption and maintenance of drainage
17. Pre-commencement – detailed surface water drainage management scheme
18. Pre-commencement – construction phase surface water drainage management scheme
19. Pre-commencement – evidence agreed discharge rates with SWW
20. Travel plan for staff.
21. Full details of living walls including supplier, construction detail, proposed planting medium and plants and a maintenance schedules for life of wall.
22. Details of any ancillary structures including any fencing, gates, signage, sculptural features.

**Key issues for consideration:**

The main issues are any potential loss of the employment use and tourist asset, the visual impact of the proposal and any impact on the South Devon AONB, access and parking, any impact on the amenity of neighbouring properties and whether or not the proposed market dwellings meet local housing needs. It is particularly relevant to consider if the scheme overcomes the recent reasons for refusing a similar development.

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

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

**Site Description:**

The 0.245 hectare site lies in Outer Hope at the north western side of the settlement. The application building currently operates as a privately run bed and breakfast with 14 rooms to rent. To the front of the building, on the western elevation fronting the South West Coast Path, is an attached indoor swimming pool.

Lantern Lodge Hotel is bounded by residential development to the north, east and south. To the west of the site lies Cliff Road, which provides access to properties to the north of the site. To the west beyond the access road lies the South West Coast Path and the coastal cliffs.

The topography of the land slopes downwards from north to south. Properties to the north of Lantern Lodge Hotel, are at a higher level to Lantern Lodge, and Cliff House to the south is at a lower level. The main ridge levels to these properties step down following the natural topography of the land.

Viewed from the west seaward elevation, the existing building is two storeys in height with a main pitched roof over that runs in a north to south direction parallel to the coastal footpath. Three pitched roof projecting gables are a distinctive feature of the western elevation. The pitched roofs are clad in red tiles, the walls are predominantly painted render, windows and doors are white uPVC. Most of the first floor of the seaward elevation benefits from a projecting balcony. The building housing the swimming pool is single storey in height and projects out from the front face of the main building by

15.4m. The main view of the swimming pool from outside the site is of its flat roof which is clearly visible due to the topography, this is a negative, alien feature in the landscape.

The application site lies within the development boundary for Hope Cove as identified in the adopted Development Plan and lies within the South Devon Area of Outstanding Natural Beauty (AONB) and Heritage Coast

Public Rights of Way run along the western and northern site boundaries.

### **The Proposal:**

The proposed development is for the demolition of the existing hotel on the site which comprises 14 guest bedrooms, 4 staff bedrooms, indoor swimming pool, lounge/bar/dining areas etc and the construction of a mixed use development of 9 serviced short term holiday let apartments (providing total of 17 bedrooms), 1 unit of owner's/manager's accommodation and 5 residential apartments.

The Design and Access Statement describes the development as follows:

*The proposals on the accompanying plans show three buildings that step down the site fully respecting both the fall of the land and the ridge heights of existing neighbouring buildings. Viewed from the prominent west, seaward elevation, the appropriate scale of the three buildings and their stepped appearance contribute towards the overall development sitting comfortably on the site.*

*Accommodation in the apartments is arranged over three levels. The use of gables and contemporary flat roof dormer windows enables area in the roof space of the buildings to be utilised as the upper level of accommodation.*

*The lower floor of each building on the seaward elevation is shown to be clad in natural stone. Smooth render and red clay hanging is used on the upper floor levels. On the east elevation the walls are a mixture of white render and natural slate hanging. The use of different materials acts to break up the visual mass of the buildings and adds interest to the elevations. The use of natural stone to the lower floor of the buildings on the seaward elevation will soften the visual appearance of the development and contribute to the buildings being assimilated into the landscape. Red clay is proposed for the pitched roofs over the buildings. This is in keeping with the traditional local vernacular.*

*Fenestration on the seaward elevation has been carefully designed to achieve a good balance between glass and solid walls. Fenestration at each level of the building is well proportioned. With regard to glazing, the design respects the sensitive coastal position of the site and the need to respect the character of the local vernacular and also avoid light pollution within the AONB.*

*Railings rather than glass as balustrade to the balcony areas add visual interest to the seaward elevation and reduces the use of glass within the development.*

*Upper level balcony areas are inset within the gables to the buildings. The upper level glazing within each gable on the seaward elevation is set back from the front face of the building. This feature will create a shading effect that will again act to reduce the visual mass of the building, add interest to the facade and reduce the visual impact of glass on the west elevation.*

*On the east elevation, fenestration has been designed to respect the relationship with*

adjacent neighbouring properties and keep to a minimum the effects of overlooking (both real and perceived). Apertures are much smaller on the east elevation compared to the west elevation. No balcony areas are proposed on the east elevation.

The north and south elevations of the development feature inset areas within which are hidden additional glazing. This is a design solution to achieve good levels of light and natural ventilation in the proposed buildings whilst at the same time respecting the relationship with neighbouring properties.

The southern most gable is clad in a living green wall that references the existing hotel. As with the existing, this will serve to soften the impact at this end and integrate the building into the landscape.

Outdoor amenity space is provided through communal gardens on the west, seaward side of the building. In addition, the apartments feature private balcony areas on the west elevation

The existing *Elaeagnus* hedge along the seaward boundary is to be retained and strengthened, with new planting to fill any gaps as required, and extended around to the northern boundary where a new mixed evergreen hedge is proposed to form an attractive physical and visual boundary of the site.

The proposed access to the site from Grand View Road will remain unchanged from the present layout.

The parking and arrival area will mainly be located at the rear of the building. Provision is made for 32 vehicles to park on-site with an additional area for temporary set down/overflow for up to 4 parking spaces.

This application has been amended since submission to better meet local housing need, this has resulted in two of the open market apartments moving to the ground floor where they can be wheelchair accessible/generally more accessible to persons with mobility restrictions.

The accommodation schedule is proposed as follows:

Name	Area	Area Schedule (GIA)		Comments
		Type	Area	
Unit 1	Floor Area	70 m <sup>2</sup>		2 Bedroom, 4 People (open market)
Unit 2	Floor Area	98 m <sup>2</sup>		3 Bedroom, 6 People (open market)
Unit 3	Floor Area	61 m <sup>2</sup>		2 Bedroom, 3 People (manager apartment)
Unit 4	Floor Area	78 m <sup>2</sup>		3 Bedroom, 4 People (holiday let)
Unit 5	Floor Area	93 m <sup>2</sup>		2 Bedroom, 4 People (open market)
Unit 6	Floor Area	61 m <sup>2</sup>		1 Bedroom, 2 People (holiday let)
Unit 7	Floor Area	89 m <sup>2</sup>		3 Bedroom, 5 People (holiday let)
Unit 8	Floor Area	49 m <sup>2</sup>		1 Bedroom, 2 People (holiday let)
Unit 9	Floor Area	71 m <sup>2</sup>		3 Bedroom, 4 People (holiday let)
Unit 10	Floor Area	86 m <sup>2</sup>		2 Bedroom, 4 People (open market)
Unit 11	Floor Area	62 m <sup>2</sup>		1 Bedroom, 2 People (holiday let)
Unit 12	Floor Area	62 m <sup>2</sup>		2 Bedroom, 4 People (holiday let)
Unit 13	Floor Area	52 m <sup>2</sup>		2 Bedroom, 3 People (holiday let)
Unit 14	Floor Area	39 m <sup>2</sup>		1 Bedroom, 2 People (holiday let)
Unit 15	Floor Area	77 m <sup>2</sup>		2 Bedroom, 4 People (open market)
Office & Store	Office Area	20 m <sup>2</sup>		

Plant Store Area        6 m<sup>2</sup>  
Refuse Store Area       11 m<sup>2</sup>

Grand total 1083 m<sup>2</sup>

This can be summarised as:

4 x 1 no bed units  
7 x 2 bed no units (including 4 open market)  
4 x 3 bed no units (including 1 open market)

## **Community Engagement**

The Design and Access provides details of community engagement by the applicant over the past 2 years including an open exhibition advertised in the local press and by flyers. Following the recent refusal of planning permission for a similar development on site the applicants have engaged further with neighbours and the Parish Council.

### **Consultations:**

- County Highways Authority: The Highway Authority notes the increased parking numbers submitted with this application and as with the previous application has no objections subject to conditions
- Environmental Health Section : No objection subject to conditions.

Police AOL: Do not object to the proposal per se and have only ever sought reassurance that the on-site parking provision will be sufficient when balanced against the accommodation schedule and that the design and layout of the parking provides generous enough space for safe access and movement for both pedestrians and vehicles, and to accommodate vehicles of all shapes and sizes as this is likely to encourage the space to be used as intended and deter from parking off site. The increase in parking spaces goes some considerable way in alleviating the police's previous concerns.

- SWW: No objections subject to surface water being drained in accordance with the drainage strategy as submitted
- DCC Education: No objection subject to the following financial contributions to mitigate impacts :

£17,065.00 towards primary school infrastructure  
£16,440.00 for secondary school infrastructure  
£26,600 for primary school transport  
£3,097 for secondary school transport

- Natural England: The application could have potential significant effects on the South Devon AONB. Natural England requires a Landscape and Visual Impact Assessment in order to determine the significance. Without this information Natural England may need to object to this proposal.
- DCC Historic Environment (Archaeology): No comments to make
- DCC Flood Risk: No Objection subject to conditions
- AONB: No comment received

- SHDC Landscape: No objection
- SHDC OSSR: No objection subject to financial contributions towards necessary open space, sport and recreation projects
- SHDC Biodiversity: No objection
- Town/Parish Council: Objection:

*South Huish Parish Councillors have viewed the information received in respect of the above application. Again, the councillors are dismayed by the standard of the submission and the lack of understanding of the special nature of the area being an AONB and the impact the proposals would have on both the AONB and the local community.*

*At the September Council meeting the applicants confirmed that they had purchased the property as an investment property. They are not owners of hotels and had no intention of being so. The applicant states that the investment required to continue to operate the property as a hotel is too heavy to allow for a profit, however, there are other successful hotels in the immediate area who are investing in their businesses and seeing healthy dividends. Sadly, it is easier for the applicants to assume that objectors to the development have no idea of what profit levels are available in the area and so they continue to try and steamroller through plans be it via this new application or by taking 2066/18/FUL to appeal.*

- *DP3 Residential Amenity – the proposals will have an unacceptable impact on the living conditions of the owners of nearby properties. There will be an overbearing impact. Significantly increased vehicles will cause noise and disturbance at all hours as well as associated odours and fumes. The parking provision inadequate and will lead to vehicles parking on Grand View Road. This is not acceptable to the Highway Authority. Parking on Grand View Road would restrict access to residents' land/garages as well as hindering delivery vehicles and, more importantly, it would prevent emergency vehicle access.*
- *DP6: Historic Environment – the demolition and replacement of the existing structure will detract from both the character and appearance of the area. The property is not beyond repair or reuse and evidence exists to show that the viability of the existing property should not be in question.*
- *DP7 – Transport Access & Parking – Hope Cove is located in a rural area; the local transport services are infrequent, and access is mostly by private car. Parking is a particularly contentious issue in the South Hams and especially so in Hope Cove. This application does not give priority to pedestrians or cyclists over the private car. There is no safe easy and direct movement available for those with mobility issues. There is inadequate manoeuvring area for all modes of transport and furthermore the highway safety and traffic movement will be severely impacted when the overflow vehicles then park on Grand View Road – something not accepted by the Highways Authority or the Police.*
- *DP9 Local Facilities – Change of use should not be given unless there is alternate provision, absence of demand for the facility or it can be shown as non-viable. The application proposes the loss of a valued tourist facility in a prime location without any explanation of why an alternative solution cannot be found to maintain a business providing tourist services and some local employment. The loss of such a facility would be harmful to the purposes of the AONB designation and is contrary to policies DP12, DP14 of the South Hams Development Policies DPD and the National Planning Policy Framework.*

*The National Planning Policy with reference to development in Coastal Villages states that in these locations it is important to strike a balance and to maintain/improve viability while being of appropriate scale AND meeting the needs of LOCAL people. If developers can truly prove that Lantern Lodge is not viable and can then give an option to make changes that comply to the letter of this document, councillors may reconsider.*

*However, at a South Huish Parish Council meeting on 15<sup>th</sup> August 2018, the applicant, Mr Bird, clearly stated to the councillors and the other 45 attendees that the Lantern Lodge is neither making nor losing money – we would argue that an unviable business is loss making. If Mr Bird is putting no effort into this business in the form of investment or marketing and it is still not making a loss the overall business can hardly be deemed unviable.*

*At the same meeting, a parishioner commented that the turnover of this established B&B could be easily developed further by increasing the food/beverage offering to provide lunches, dinners and a fully licensed bar area. There is a large lawn and significant passing trade to allow for increased seating with an outstanding view during fine weather. The current turnover is minimal in comparison to properly run hotel – and a direct comparison would always be shown as detrimental to viability. A local stock auditor with knowledge of similarly located venues has also confirmed that turnover could be very significantly improved by the Lantern Lodge providing an increased food/drink offering as you would expect from a venue of this nature.*

*Lantern Lodge Hotels Ltd was formed in July 2017 for this development – it is listed as a business for development of building projects. Proof that owners did not ever intend to run the property as a hotel and only ever purchased it to develop it and sell on, contrary to Section 12 local plan, 1. Provide 2 years of occupancy. Advertise hotel as going concern at market rate for one year. The current owners have not listed it for sale and it has not been run as a hotel, only as a B&B. The accounts ended 2018 are not representative of a hotel and show distorted figures with closure of the hotel for 5m having only been run for 3m. Virtually nothing has been spent on advertising/marketing – a simple method of distorting success and viability.*

- *DP11 Housing Mix & Tenure - Hope Cove currently stands at 80% second homes. These second home figures are damaging to the community – a community that will not be sustainable if this type of development continues. The proposals incorporate 9 holiday apartments, one manager property and 5 homes for sale on the open market. This immediately increases the second home percentage as **no consideration has been given to local affordable housing in an area with an exceptional need.***

*There are no guarantees in place that the properties won't, in time, all be sold off as residential properties thus further negatively impacting the local community and economy.*

- *DP12 Tourism & Leisure – The South Hams is renowned for being a very popular tourist destination and Hope Cove relies on tourism for the survival of its economy. It is true that there is pressure in Hope Cove to convert tourist accommodation to other uses, particularly from hotels to residential uses. If this can happen the appeal of Hope Cove will be threatened, and the local economy will suffer as a direct result.*

*When staying at hotels, guests often eat out and shop locally compared to those staying at holiday lets who are now shown to be using supermarket deliveries and eating at home thus directly depriving the local economy as money spent does not remain in the area.*

*The proposed residential properties will become second homes as their market price will be outside of that afforded by residents.*

*We have already shown that the existing owner had no intention of running the property as a hotel and has allowed the property to become further run down to aid with proof of unviability, however, despite these efforts, the owner has also declared that the hotel is neither making nor losing money, the Lantern Lodge Hotel could clearly be a perfectly viable property given the right management. There is a proven demand for the Lantern Lodge Hotel and it most certainly does make a positive contribution to the economy.*

*The application proposes the loss of a valued tourist facility in a prime location without any explanation of why an alternative solution cannot be found to maintain a business providing tourist services and some local employment. The loss of such a facility would be harmful to the purposes of the AONB designation and is contrary to policies DP12, DP14 of the South Hams Development Policies DPD and the National Planning Policy Framework.*

- *AONB - There will be cumulative effects that will have a great impact on the AONB, if this is successful, other applications will be forthcoming with similar proposals to reduce hotel space in Hope Cove with a view to increased second home ownership.*

*Re Section 15, July 2018 NPPF, Paragraphs 170, 171 and 172 should all be given great consideration, the applicant has failed to establish any contribution or enhancement or to recognise the land instability of the immediate surrounding area. The application falls into the Area of Outstanding Natural Beauty which has the highest status of protection, yet the plans want to increase the footprint/height of the building, reduce trees, shrubs/hedges and to mar the stunning views from the world renown South West Coast Path.*

*Development on the site will affect the AONB landscape and increase the incidence of cliff falls.*

*Current guests are generally adults with few children, the proposed development will bring more children to the area. There is currently signage in place stating, "unstable cliff stay away". The proposed removal of the trees/hedges will affect root structure and there are no plans for any additional safety features on the cliff edge. This is clearly a very significant Health & Safety issue as well as being detrimental to the AONB and the geology of the area.*

*Noted that there have been two recent cliff falls.*

- *The new building gives no consideration to local housing need and, as already stated, the market value housing will be outside of the affordability of those who have local housing need. Being in an AONB it has been determined that Hope Cove is a small village with no requirement for new housing to be built. We request that South Hams give very careful consideration to the impact on the AONB and how it complies with other policies, including the housing mix being appropriate. The properties will fail to meet any housing need if they are used as second homes.*
- *This site is within the Heritage Coast and policy is clear that development should only be supported in exceptional circumstances. These are not exceptional circumstances.*

- *The JLP has a recurring theme that development should respond to an identified local need ie, policies TTV27, – no such consideration has been given to local need and although the application shows a manager’s flat this would be housing for an employee which could be sold at any time for significant profit. The applicant has already made it clear that this has been purchased as an investment, it must be anticipated that they are seeking to maximise profit and as such will not retain a management property for long when it could be sold on the open market to a second home owner for a very significant sum.*
- *The change of use from hotel to apartments/open market housing should not be allowed as per policy DEV14. Furthermore the proposal would reduce the employment and balance of jobs in the area and is therefore contrary to DEV15.*
- *These proposals will not conserve and enhance the landscape, the visual impact will be detrimental to the Heritage Coast and AONB including via increased light pollution. There is nothing about the development that has taken into account the needs of the local community and therefore the application is contrary to DEV23 and DEV24.*
- *Finally Policy DEV25 Nationally protected landscapes should be very carefully considered prior to any decision being made:  
The highest degree of protection will be given to the protected landscapes of the South Devon AONB, Tamar Valley AONB and Dartmoor National Park.  
The LPAs will protect the AONBs and National Park from potentially damaging or inappropriate development located either within the protected landscapes or their settings. In considering development proposals the LPAs will:  
1. **Refuse permission** for major developments within a protected landscape, except in exceptional circumstances and where it can be demonstrated that they are in the public interest.*

## **Representations:**

Approx 13 letters in objection to the development have been received raising issues that include the following:

- 75% of homes in Hope Cove are holiday homes – residents should be protected from more holiday homes
- Loss of an existing hotel is against policy, detrimental to tourist industry and an undesirable precedent.
- Out of character with the area
- Overflow car parking close to the coast will impact on the AONB
- No provision for boat or trailer parking
- Disruption during construction
- Risk of cliff instability and possible loss of footpath
- Hope Cove is not a sustainable settlement in the JLP
- Not needed
- Too large
- Highway safety issues.
- Traffic assessment is flawed and underestimates traffic movements and vehicles sizes
- Insufficient parking
- Visual impact assessments do not consider 4 overflow parking spaces forward of building
- Negative impact on existing holiday rentals
- Will reduce use of pubs and restaurants
- Structural impacts of attenuation tanks on cliff stability
- Car spaces don’t look big enough
- Existing hotel makes a positive contribution to village and should be retained.
- Inadequate sewage capacity



2 letters have been received in support of this application raising issues that include the following:

- Design is in keeping with recent developments in Hope Cove and represents progress
- Huge extension to Cottage Hotel allowed on basis that hotels need to be big to be viable – the same arguments supports this scheme justifying the fact that the existing small hotel is not viable.
- Do not want another derelict eyesore in Hope Cove

Support from neighbours at Cove House and Cliff House:

- The developers have addressed their previous concerns
- Recognise the site needs to move forward
- Increased parking overcomes concerns about parking on congestion on neighbouring streets
- Moving southern building line to the north has reduced overbearing impact on Cliff House
- Changes to rear aspect reduce overlooking of Cove House
- Design is more in keeping
- Roads locally not suited to a busy commercial hotel
- Suitable mixed use development in keeping with the area

### **Relevant Planning History**

1333/16/FUL: Demolition of the Lantern Lodge Hotel and construction of 5 Dwellings

Lantern Lodge Hotel Grand View Road Hope Cove Kingsbridge TQ7 3HE

Refused for the following reasons:

*1. The application proposes the loss of a valued tourist facility in a prime location without any explanation of why an alternative solution cannot be found to maintain a business providing tourist services and some local employment. The loss of such a facility would be harmful to the purposes of the AONB designation and is contrary to policies DP12, DP14 of the South Hams Development Policies DPD and the National Planning Policy Framework.*

*2. The proposed development does not provide affordable housing provision in an area with an exceptional and demonstrable local need. No justification has been provided by way of submission of a suitable viability study that indicates that such provision would compromise the overall viability of the development. As such the proposed development is considered contrary to South Hams Core Strategy Policy CS6 and the provisions of the South Hams Affordable Housing SPD.*

2066/18/FUL: Demolition of hotel (14 guest bedrooms, 4 staff bedrooms, indoor swimming pool, lounge/bar/dining areas etc) and construction of mixed use development of 9 serviced short term holiday let apartments (providing total of 15 bedrooms), 1 unit of managers accommodation and 5 residential apartments (resubmission of 2066/18/FUL)

Refused planning permission on 15 Feb 2019 for the following reasons:

- 1. Having regard to the scale, massing, design and siting of the proposed development it fails to conserve and enhance the landscape and scenic beauty of this part of the South Devon Area of Outstanding Natural Beauty and is out of character with the area. As such the proposed development is contrary to Policies DP1, DP2, CS7 and CS9 of the South Hams LDF Development Plan Policies and Policies DEV10, DEV20, DEV24 and DEV27 of the*

*emerging Plymouth and South West Devon Joint Local Plan and the National Planning Policy Framework in particular paras 127, 130, 170, 172 and 173.*

- 2. Having regard to the extent to which the proposed development fills the plot, the number of apartments to be provided and inadequate provision of on-site parking the proposal represents an overdevelopment of the site that is likely to lead to over-spill parking onto the adjacent road(s) causing inconvenience to users of the highway and adversely impacting on residential amenity. As such the proposed development is contrary to Policies DP1 and DP7 of the adopted South Hams LDF Development Plan Policies and Policies DEV 20 and DEV31 of the emerging Plymouth and South West Devon Joint Local Plan and the National Planning Policy Framework in particular paragraphs 127 and 102.*
- 3. Having regard to the scale, massing and siting of the proposed development it will have an overbearing impact on and result in an unacceptable level of overlooking to its neighbours to the south and east of the site. As such the proposed development is contrary to Policy DP3 of the adopted South Hams LDF Development Plan Policies and Policy DEV1 of the emerging Plymouth and South West Devon Joint Local Plan.*

This refusal is currently at appeal awaiting a decision.

## **ANALYSIS**

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

This application is very similar to the scheme refused earlier this year. The previous scheme was not refused on the grounds of any matter of principle, it was refused instead on grounds of landscape/AONB impact, overdevelopment of the site (lack of parking) and impact on neighbour amenity. The current scheme seeks to address these three issues.

Since the previous refusal of planning permission there has been a material change in circumstance in that the Plymouth and South West Devon Joint Local Plan (JLP) has been adopted.

In draft form the JLP included Hope Cove in the list of sustainable villages capable of accommodating a limited amount of additional development. The adopted JLP however does not include any AONB villages within the list of sustainable villages referenced in Policy TTV25 as insufficient evidence had been made available to the local plan inspector to demonstrate that the impact on the AONB of development in these villages would be acceptable. As such the principle of development in AONB villages needs to be assessed on a case by case basis.

Hope Cove contains a number of local facilities such as pubs, cafes, restaurants and a post office and has a bus service.

The development site is a brown field site containing an existing hotel. The principal of tourist related development on this site has therefore already been established and the existing building is not a heritage asset. There is no objection in principle to the re-development of this site.

The proposed development will provide 9 holiday letting units, 1 unit of manager's accommodation and 5 open market dwellings.

### Economic considerations.

Policy DEV 15 of the JLP states, inter alia, that:

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

- *Appropriate and proportionate expansion of existing employment sites in order to enable retention and growth of local employers will be supported, subject to an assessment that demonstrates no adverse residual impacts on neighbouring uses and the environment.....*
- *The loss of tourist or leisure development will only be permitted where there is no proven demand for the facility.*

*Development proposals should:*

- i. Demonstrate safe access to the existing highway network.*
- ii. Avoid a significant increase in the number of trips requiring the private car and facilitate the use of sustainable transport, including walking and cycling, where appropriate. Sustainable Travel Plans will be required to demonstrate how the traffic impacts of the development have been considered and mitigated.*
- iii. Demonstrate how a positive relationship with existing buildings has been achieved, including scale, design, massing and orientation.*
- iv. Avoid incongruous or isolated new buildings. If there are unused existing buildings within the site, applicants are required to demonstrate why these cannot be used for the uses proposed before new buildings will be considered.*

This application is supported by a Commercial Viability Statement which seeks to demonstrate through the submission of recent accounts that the existing bed and breakfast business is not profitable and considerable investment would be needed to convert the property into a modern hotel; it is argued however that such re-development would not be viable as the market for smaller hotels is diminishing. The report quotes competition from the expansion proposals at the Cottage Hotel in Hope Cove and a shift in market demand to self-catering holidays reinforced through enterprises such as Air BnB.

The report sets out that the number of tourist bedroom will increase from 14 to 16 through this proposal and that it is possible that some of the market dwellings will also be rented out as holiday lets, adding to the number of beds. Servicing the nine holiday lets is expected to generate the same staffing requirements as the current business. There will be no loss of tourism accommodation.

The existing B & B use is open for only 7 months of the year, the holiday letting units will be available for letting year round; they are likely to attract longer, one or two week stays rather than shorter weekend visits currently common at the B&B. The consequence is that the extended season, greater number of letting rooms and longer stays could generate a greater economic benefit to the local area.

Objectors to the application believe the hotel use could be viably reinstated and that hotel or B & B use has greater local economic benefit as people are required to use external catering services. The only evidence regarding viability however indicates it would not be viable to bring the building back into use as a hotel. Whilst self-catering accommodation does allow for guests to cook their own food, when on holiday there is a tendency for people to eat out often, and when shopping to use local food suppliers if available as this is part of the holiday experience.

On balance Officer's consider that the proposed re-development of the site is likely to enhance the local economy and the principal of redeveloping the hotel site to provide holiday letting accommodation is acceptable and accords with the JLP.

## Principle of Housing Development

The proposed development, in addition to the 9 holiday letting flats includes a 2 bed manager's apartment and 5 open-market dwellings. The applicants states that the open market dwellings are necessary to fund the wider site re-development costs to ensure a viable, high quality form of development.

The manager's accommodation would be controlled by planning condition to be retained for the life time of the development for occupation only by the site manager (and dependents). This effectively results in the provision of a more affordable dwelling on the site.

The principal of providing new homes on this site falls to be considered against a number of JLP policies.

Policy TTV1 (prioritising growth through a hierarchy of sustainable settlements) states that the LPAs will distribute growth and development delivering homes and jobs in accordance with a hierarchy of settlements, enabling each town and village to play its role within the rural area.

Within sustainable villages development to meet locally identified needs and to sustain limited services and amenities will be supported.

Within smaller villages, hamlets and the countryside development will 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.

Of particular relevance within Policy SPT1 is part 3i where the effective use of land is encouraged for development through optimising reuse of previously developed sites, therefore reducing the need for greenfield development, protecting natural assets and creating opportunities for viable low carbon energy schemes.

Of particular relevance within Policy SPT2 (Sustainable linked neighbourhoods and sustainable rural communities) are the following statements:

- The LPAs will apply the following principles of sustainable linked neighbourhoods and sustainable rural communities to guide how development and growth takes place in the Plan Area. Development should support the overall spatial strategy through the creation of neighbourhoods and communities which:
- Have reasonable access to a vibrant mixed use centre, which meets daily community needs for local services such as neighbourhood shops, health and wellbeing services and community facilities, and includes where appropriate dual uses of facilities in community hubs.
- Provide for higher density living appropriate to the local area in the areas that are best connected to sustainable transport, services and amenities, as well as appropriate opportunities for home working, reducing the need to travel.
- Have a good balance of housing types and tenures to support a range of household sizes, ages and incomes to meet identified housing needs.
- Promote resilience to future change by ensuring a well-balanced demographic profile with equal access to housing and services.
- Are well served by public transport, walking and cycling opportunities.
- Have a safe, accessible, healthy and wildlife-rich local environment, with well-designed public and natural spaces that are family friendly and welcoming to all.

- Have services and facilities that promote equality and inclusion and that provide for all sectors of the local population.
- Have the appropriate level of facilities to meet the identified needs of the local community, including provision of education and training opportunities, employment uses, health care, arts, culture, community facilities, open space, sport and recreation, and places of worship.
- Provide a positive sense of place and identity, including through the recognition of good quality design, unique character, the role of culture, and the protection and enhancement of the natural and historic environment.
- Explore opportunities for the use of renewable energy, including community energy schemes where appropriate, and reduce the use of energy through design and energy efficiency.

The proposed development accords with Policies SPT1 and SPT2 in that it involves development of a brownfield site to deliver a greater number of tourism beds, one unit of 'affordable' managers accommodation and 5 open market dwelling on a site that is in easy walking distance of the local services and community of Hope Cove. As will be discussed in more detail later the scheme is well related to natural open spaces, protects the natural environment and reflects local identity in its design. The building is designed to be a significant improvement on the current building in terms of energy efficiencies and carbon emissions.

Policies TTV26 and TTV 27 are referenced in Policy TTV1 as being relevant for the consideration of development proposals in the smaller villages, hamlets and countryside. Policy TTV26 considers development in the countryside, the application site is very much part of the built up area of Hope Cove where the provisions of Policy TTV26 are not appropriate.

Policy TTV27 (Meeting local housing need in rural areas) is essentially an exception site policy to consider development sites adjoining or very near to an existing settlement. This application site is within the village of Hope Cove where the application of this policy is also inappropriate.

Policy TTV25 considers development in the sustainable villages and states that the LPA will support development that meets the identified local needs of local communities and development which responds positively to the indicative housing figures set out in Fig 5.8 of the JLP. AONB villages such as Hope Cove are not allocated an indicative housing figure in Fig 5.8 having regard to the great weight that needs to be given to conserving their landscape and scenic beauty, and Policy DEV25 sets out the policy approach to considering development proposals in AONBs.

As such, subject to consideration against Policy DEV25, the principal of providing new dwellings in AONB villages could be acceptable provided it meets the identified local need.

As set out in the draft SPD, new housing proposals can demonstrate that they meet local need by providing homes for people with a local connection to the Parish; this can be controlled through s.106 obligations restricting occupation of the new dwellings to persons with a local connection only. This generally has the knock on impact of suppressing value of the new home(s). On greenfield, windfall sites this impact can still lead to viable development.

In this case the development site is a brownfield site which is delivering a mixed use scheme of mainly tourist accommodation to retain and enhance the economic benefits of the site which, the applicant states, is enabled through the provision of 5 open market dwellings. The applicant is very clear that if a local occupancy restriction were to be applied to the scheme it would not be viable. Having considered the information provided officers are satisfied that in the case of this brownfield, mixed use re-development scheme a local occupancy restriction is likely to significantly impact on the viability of the scheme to the detriment of the economic and environmental benefits that this scheme can deliver.

## Housing Mix

Policy DEV8 of the JLP considers 'meeting the local housing need in the thriving towns and villages' policy area stating, inter alia:

*The LPAs will seek to deliver a wide choice of high quality homes which widen opportunities for home ownership, meet needs for social and rented housing, and create sustainable, inclusive and mixed communities. The following provisions will apply:*

*1. A mix of housing sizes, types and tenure appropriate to the area and as supported by local housing evidence should be provided, to ensure that there is a range of housing, broadening choice and meeting specialist needs for existing and future residents. The most particular needs in the policy area are:*

- i. Homes that redress an imbalance within the existing housing stock.*
- ii. Housing suitable for households with specific need.*
- iii. Dwellings most suited to younger people, working families and older people who wish to retain a sense of self-sufficiency.*

This application is supported by a detailed statement addressing this policy requirement.

ONS data for the South Huish Parish indicates a need for smaller housing units. This proposal delivers one x 2 bed 'affordable' managers apartment, 4 x 2 bed open market apartments and 1 x 3 bed open market apartment. The scheme has been amended so that 2 of the open market dwellings are on the ground floor, accessible by wheelchair and/or by persons with mobility restrictions. The apartments are not unusually large with 3 of the 5 units at or only just above National Space Standards and will offer opportunities for downsizers within the community and meet the local need for smaller housing units.

The housing mix meets local needs and accords with Policy DEV8 of the JLP

## Conclusion on the principal of development

The principal of developing brownfield sites is supported by the JLP as is development that will enhance the rural economy and retain or enhance tourism facilities including accommodation. Sustainably located rural housing development that meets local housing needs and which accords with Policy DEV25 (Nationally protected landscapes) is also supported by the JLP.

Subject to all other material planning considerations the principal of the proposed development is considered to be acceptable and in accordance with the JLP.

## **Design/Landscape:**

The site is in a sensitive and prominent location in the AONB and Heritage coast and sits adjacent to the very well-used SW Coast Path.

Adopted policies DEV24 and DEV25 require that landscape character should be conserved and that great weight should be given to conserving landscape and scenic beauty. This reflects the provisions of para 172 of the National Planning Policy Framework.

The previous scheme was refused for reasons including that *the scale, massing, design and siting of the proposed development would fail to conserve and enhance the landscape and scenic beauty of this part of the South Devon Area of Outstanding Natural Beauty and is out of character with the area.*

The current differs from the refused scheme in the following key ways:

- The height of the gable ridges have been decreased further by approximately 300mm
- The main roof will be clad in red clay tiles to reference the existing hotel and in response to previous local comment that a red tiled roof would be preferred and more in keeping with Hope Cove
- The Southern-most gable will be clad in a living green wall, softening the impact of the building and helping it to blend into the landscape, as with the existing hotel
- The landscaping has been amended to allow level access to units 1 and 2.
- The southern building line has moved approx. 3.6m to the north, significantly increasing the visual gap between the new building and the neighbour to the south.

This application has been considered by the Council's landscape specialist, who in consultation with the AONB has commented as follows:

*In considering this application and assessing potential impacts of the development proposal against nationally protected landscapes, in addition to the Development Plan, the following legislation, policies and guidance have been considered:*

- *Section 85 of the Countryside and Rights of Way (CRoW) Act;*
- *Sections 12 and 15 of the NPPF in particular paragraphs; 127, and 170, 172 & 173;*
- *The National Planning Practice Guidance (NPPG) particularly Section 8-036 to 8-043 on Landscape; and*
- *The South Devon AONB Management Plan and its Annexes.*

*As set out previously, in respect of the principle policy tests in the NPPF, this application is not considered to constitute "major development" in the context of paragraph 172, due to the replacement nature of the proposals, in the context of an existing settlement.*

*The previous application successfully addressed officer concerns in respect of the design, scale and massing of the proposals. The current scheme is broadly comparable with the earlier iteration in terms of landscape and visual impact, with welcomed minor changes to the site layout, scale and detailed finish. As previously noted, subject to high quality materials and finishes (the render and fascia boards should not be white to avoid a stark finish, and the roof/wall tiles should be a muted red clay shade), the replacement building would not be considered to be overly prominent or harmful to character.*

*There remains opportunity to secure enhancement to the character and appearance of the site. The removal of the flat-roofed swimming pool building would remove a built feature noticeably extending seawards of the building line on this stretch of the South West Coast Path. Its removal would improve close-proximity views from the coast path.*

*If we accept the arguments given for the need to replace the hotel with a building accommodating the level of accommodation now proposed, as before I would consider that the changes to the site as a whole resulting from the proposed development would not conflict with the landscape policy objectives of DEV23, DEV24 and DEV25, and would therefore raise no objection to the application on landscape or AONB grounds.*

It is noted that Natural England have indicated that they consider a full LVIA should be submitted in support of this application. The Council's landscape specialist in consultation with officers from the AONB consider that the information already submitted is adequate to assess the impacts of this scheme.

The reduction in scale and massing and increase in space around the building, in particular to the south, reduce its visual impact in the AONB compared to the refused scheme. The use of red roof tiles reflects the character of the existing building and the unusual prevalence of red tiles in Hope

Cove, therefore in keeping with local character. The proposed development is well considered and sympathetic to its setting, it will conserve and enhance this part of the South Devon AONB in accordance with local and national planning policy and conserves the local identity of Hope Cove.

### **Neighbour Amenity:**

The previous scheme was refused for reasons that *the scale, massing and siting of the proposed development would have an overbearing impact on and result in an unacceptable level of overlooking to its neighbours to the south and east of the site.*

The current scheme has been amended in the following ways to address these issues:

- The proposed southern building line has been moved in line with the southernmost wall of the existing hotel. The gap between boundary wall to the proposed building line has now increased from approx. 4.6m to 8.2m, as per the proposed site plan. This will reduce any potential for an overbearing impact on the neighbour to the south.
- The upper level windows to the East elevation, that overlook Cove House will now include a louvre screen, to direct the line of site away neighbouring windows. This is notwithstanding the fact that the distance between the new building and Cove House is over 23m, which exceeds recommended standards.

The occupiers of the adjoining properties of Cliff House and Cove House have written in support of the current application.

Officers are satisfied that the impact on neighbours will be acceptable with regard to any loss of light, privacy and noise disturbance and the development accords with Policy DEV1 of the JLP.

### **Highways/Access:**

The previous application was refused on the ground that having regard to the extent to which the proposed development would fill the plot, the number of apartments to be provided and inadequate provision of on-site parking the proposal represented an overdevelopment of the site that was likely to lead to over-spill parking onto the adjacent road(s) causing inconvenience to users of the highway and adversely impacting on residential amenity. The previous scheme proposed the same number of apartments with 26 off site parking spaces.

The current scheme proposes 32 permanent parking spaces with 4 overspill spaces in the front garden area of the site, providing 36 spaces in total.

The Highway Authority raised no objection to the previous application and noting the increase in parking provision raise no objection now. The Police AOL is now satisfied with the parking provision.

The LPA has no adopted parking standards but generally applies the following criteria to assess parking need:

- 1 space per 1 bedroom unit
- 2 spaces per 2 -3 bedroom units
- 3 spaces per 4 bedroom plus units

This would equate to a requirement for 25 spaces and up to 36 spaces are now provided.



Objections have still been received with regard to adverse impacts from additional traffic on the approach roads, inadequate parking spaces and that boats or similar would fill up the car parking causing overspill onto the road.

The proposed number of parking spaces meet the requirements of DCC, and this Council has no policy that requires a greater provision. It is not reasonable to suggest that provision needs to take into account potential parking of boats where this is not a requirement in other tourism related developments.

It is considered that impacts on the safety and convenience of users of the highway is acceptable

### **Open Space Sport and Recreation:**

Impacts on open space, sport and recreation have been considered by the Council's relevant specialist who has commented as follows:

*My response to application 2066/18/FUL dated 7<sup>th</sup> August 2018 (reproduced below) remains valid, and should be read in conjunction with this response.*

*It should be noted that the Joint Local Plan has now been adopted and the new policies setting out the rationale for seeking OSSR provisions as key infrastructure for securing the delivery of sustainable development and meeting the various needs of the community are DEV3, DEV4 and DEV27.*

*Until a new Supplementary Planning Document (SPD) is adopted, levels of reasonable contributions for OSSR are detailed within the SHDC OSSR Supplementary Planning Document (2006), and thus the financial contribution requested in my previous response remains unchanged.*

#### OSSR Comments – 7<sup>th</sup> August 2018

*SHDC Core Strategy Policy CS8 and SHDC Development Plan Policies DPD (2010) Policy DP8 set out the rationale for seeking OSSR provisions as key infrastructure for securing the delivery of sustainable development and meeting the various needs of the community. Levels of reasonable contributions based upon existing deficiencies and future demand for various OSSR provisions are detailed within the SHDC OSSR SPD (2006).*

*The application is for the demolition of the existing hotel (comprising 14 guest bedrooms and 4 staff bedrooms) and replacement with 9 holiday let apartments (16 bedrooms), 1 unit of managers accommodation (2 bedrooms) and 5 residential apartments (2 x 3 bedrooms and 3 x 2 bedrooms).*

*The proposed development is unable to incorporate levels of open space, play and pitch as required by policy on site at the proposed development, however the additional new residents (within the five residential apartments) will generate increased pressure on existing local open space, sports and recreation facilities off site within Hope Cove.*

*A financial contribution will therefore be required in accordance with the SHDC OSSR SPD to assist with making the local facilities sustainable. On the understanding that the proposal is for 2 x 3 bed residential apartments and 3 x 2 bed residential apartments, which applying Table 3 of the SPOD gives an anticipated 15.5 occupants, a contribution of £15,112.50 should be sought.*

*The contribution would be used towards the following OSSR projects which have been identified in Hope's Cove:*

- *New roof for the Fishermans Reading Room (which is regularly used by various groups including a play group and is a meeting area for training for Stand Up Paddle boarding*

(SUP) and Kayaking sessions which set off from the nearby beach. The outside garden area is also used by local groups including the pre-school); and/or

- Creation of a parish circular walk (installation of waymarkers and production of a leaflet); and/or
- Provision of shower unit at the beach to serve sporting activities such as SUP, Kayaking, Bodyboarding, Surfing and Canoeing; and/or
- Improvements to the South West Coast Path (improving the surface of the 1km disabled access path at Bolberry Down and improved gate onto SWCP at Hope Cove entrance to Bolt Tail as current access very narrow); and/or
- Creation of running guide for Bolt Head to Bolt Tail area including production of a map and installation of waymarkers on the ground.

## Drainage

The application has been considered by Devon Flood Risk who raise no objections subject to conditions. South West Water raise no objections to the application.

## Ecology

The application is supported by a recently updated Ecological Appraisal, which considered amongst other matters, bats. No evidence of bats or nesting birds was found.

Ecological impacts of the development are acceptable.

## Low Carbon Development

This application is supported by an Energy Statement, the summary of which reads as follows:

*For this development the recommended strategy is the implementation of a 'fabric first' holistic approach that is based on ensuring the building fabric and core services are designed and installed correctly. This has allowed the proposed dwelling to achieve a compliance Fabric Energy Efficiency specification.*

*In order to achieve the required 20% DER<TER an element of renewable technology in the form of Solar PV and air sourced heat pumps are required. For this development it is proposed that 3.60 kW peak of PV is specified to achieve a 20.24% reduction which meets the reduction target from South Hams District Council.*

*Table 5.a shows the reduction in kWh and tonnes of CO2 per year through the recommended fabric improvements and energy efficiency system measures which ensure the development will meet and exceed current building regulations, whilst also demonstrating the improvement over the existing hotel*

### Contribution from renewables:

	<b>Tonnes CO2 per year</b>	<b>kWh/year</b>
Existing Hotel using CIBSE TM46	61.50	323,661
Part L Baseline	27.03	77,460
'Be lean' & 'Be clean' specification	22.84 (-15.50%)	44,007 (-43.19%)
'Be lean', 'Be clean' & 'Be Green' specification	21.30	41,038
Reduction over Building Regulations target	-21.20%	-47.02%
Reduction over existing hotel	65.37%	87.32%

This report demonstrates that the proposed development will significantly reduce carbon emissions when compared to the existing hotel building and the proposed development will comply with Policy DEV32 of the JLP

### **Cliff Stability**

Concerns have been raised about the impact on cliff stability of redevelopment of the site. The proposed building will be set well back from the cliff edge, the building line set back further than the existing building. No evidence has been provided to suggest this site cannot be developed safely and construction methodology will be assessed and controlled via the Building Regulations process

### **Representations that the current hotel is a viable business concern and should be retained**

A number of representations, including the Parish Council have stated that the existing hotel should be retained and its business model improved to make it viable.

The existing building is not of an age or quality to be defined as a non-designated heritage asset and so there is no in-principal objection to its demolition.

It is not the role of the planning process to determine if there are better alternatives for a site; the role of the planning process in this context is to consider the proposal put to the LPA and to determine whether or not it accords with local and national planning policy and guidance.

### **Proposed additional contributions**

The applicant has stated that following suggestions by locals they would be prepared to contribute up to £25,000 to the Breakwater Fund and to undertake remedial works to the coast path including signage. Neither of these proposals are necessary in planning terms to make the development acceptable and so cannot be included as s.106 obligations. If the applicant wishes to pursue these matters they would have to take place outside of the planning process.

### **Planning Balance**

The proposal will redevelop a brownfield site to deliver a greater number of holiday bed spaces than currently present, low cost accommodation for a manager and 5 market dwellings which meet local need in terms of size and type, delivering local economic benefit and adding to the housing stock.

The proposed development is sympathetically designed such that it is in keeping with the local character and will conserve and enhance the AONB.

The scale, siting, massing and design will not adversely impact on neighbouring amenity.

Adequate parking and turning is provided within the site to prevent any significant increase in danger or inconvenience to users of the highway.

The proposed development represents sustainable development, accords with the development plan and has overcome all of the previous reasons for refusal. As such it is recommended that conditional planning permission be granted subject to the S.106 obligations set out at the beginning of this report.

***This application has been considered in accordance with Section 38 of the Planning & Compulsory Purchase Act 2004***

## Planning Policy

Section 70 of the 1990 Town and Country Planning Act requires that regard be had to the development plan, any local finance and any other material considerations. Section 38(6) of the 2004 Planning and Compensation Act requires that applications are to be determined in accordance with the development plan unless material considerations indicate otherwise. For the purposes of decision making, as of March 26th 2019, the development plan for Plymouth City Council, South Hams District Council and West Devon Borough Council (other than parts South Hams and West Devon within Dartmoor National Park) comprises the Plymouth & South West Devon Joint Local Plan 2014 - 2034.

Following adoption of the Plymouth & South West Devon Joint Local Plan by all three of the component authorities, monitoring will be undertaken at a whole plan level. At the whole plan level, the combined authorities have a Housing Delivery Test percentage of 166%. This requires a 5% buffer to be applied for the purposes of calculating a 5 year land supply at a whole plan level. When applying the 5% buffer, the combined authorities can demonstrate a 5-year land supply of 6.5 years at the point of adoption.

Adopted policy names and numbers may have changed since the publication of the Main Modifications version of the JLP.

The relevant development plan policies are set out below:

**The Plymouth & South West Devon Joint Local Plan was adopted by South Hams District Council on March 21st 2019 and West Devon Borough Council on March 26th 2019.**

SPT1 Delivering sustainable development  
SPT2 Sustainable linked neighbourhoods and sustainable rural communities  
SPT3 Provision for new homes  
TTV1 Prioritising growth through a hierarchy of sustainable settlements  
TTV2 Delivering sustainable development in the Thriving Towns and Villages Policy Area  
TTV25 Development in the Sustainable Villages  
TTV26 Development in the Countryside  
TTV27 Meeting local housing needs in rural areas  
DEV1 Protecting health and amenity  
DEV2 Air, water, soil, noise, land and light  
DEV3 Sport and recreation  
DEV4 Playing pitches  
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  
DEV14 Maintaining a flexible mix of employment sites  
DEV15 Supporting the rural economy  
DEV20 Place shaping and the quality of the built environment  
DEV21 Development affecting the historic environment  
DEV23 Landscape character  
DEV24 Undeveloped coast and Heritage Coast  
DEV25 Nationally protected landscapes  
DEV26 Protecting and enhancing biodiversity and geological conservation  
DEV27 Green and play spaces  
DEV28 Trees, woodlands and hedgerows  
DEV29 Specific provisions relating to transport  
DEV30 Meeting the community infrastructure needs of new homes  
DEV32 Delivering low carbon development  
DEV35 Managing flood risk and Water Quality Impacts  
DEV36 Coastal Change Management Areas

## Neighbourhood Plan

South Huish Neighbourhood Plan - Regulation 7 stage so carries no weight

### Considerations under Human Rights Act 1998 and Equalities Act 2010

The provisions of the Human Rights Act 1998 and Equalities Act 2010 have been taken into account in reaching the recommendation contained in this report.

### Proposed conditions in full

1. The development to which this permission relates must be begun not later than the expiration of three years beginning with the date on which this permission is granted.

Reason: To comply with Section 91 of the Town and Country Planning Act, 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development hereby approved shall in all respects accord strictly with the following documents and drawing numbers:

General Plan	Site Plan & Site Section A&B	100	Rev E
Proposed	Site Plan	100	Rev E
Proposed	Ground Floor Plan	101	Rev E
Proposed	1st Floor Plan	102	Rev F
Proposed	2nd Floor Plan	103	Rev E
Proposed	Roof Plan	104	Rev F
Proposed	North & South Elevations	105	Rev C
Proposed	East Elevation	106	Rev C
Proposed	West Elevation	107	Rev C
Proposed	Contextual Elevation East	108	Rev C
Proposed	Contextual Elevation West	109	Rev C
Proposed	Section 1	110	Rev C
Proposed	Section 2	111	Rev C
Proposed	Office, Store and Refuse	112	Rev C
Proposed	3D Visual Impact Assesment 01	114	Rev B
Proposed	3D Visual Impact Assesment 02	115	Rev B
Proposed	3D Visual Impact Assesment	116	Rev B

Proposed	Proposed Drainage Layout & Details	202	Rev A
Proposed	Landscape Concept Plan	553-01	Rev D
Additional	Surface Water Drainage Strategy		

Design & Access General Plan	D&A Statement Construction Management Plan
General Plan	Appendix 2 Site Logistics
General Plan	Appendix 3 Outline Construction Programme
General Plan	Appendix 4 Traffic Management Plan and Appendix 5 Delivery Details
General Plan	Appendix 6 Current Exit & Entrance Photographs
General Plan	2019 Update Ecological Appraisal
General Plan	Site Waste Management Plan
Statement	MES Energy Statement

Reason: To ensure that the proposed development is carried out in accordance with the drawings forming part of the application to which this approval relates

3. Notwithstanding any details shown on the approved plans, prior to their installation details / samples of facing materials, and of roofing materials to be used in the construction of the proposed development, including details of balcony balustrading, facias and rainwater goods 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. Prior to development continuing above slab level details of a minimum of 10 integral nest sites (swift bricks) to be provided within the site shall be submitted to and agreed in writing by the Local Planning Authority. The nest sites shall be provided in accordance with the approved details prior to the occupation of the building and shall be retained for the lifetime of the development.

Reason: In the interest of biodiversity.

5. Prior to the commencement of development details showing how the existing hedges and/or trees will be protected throughout the course of the development shall be submitted to and approved in writing by the local planning authority. The details shall include a tree and hedge protection plan, in

accordance with BS:5837:2010, which shall include the precise location and design details for the erection of protective barriers and any other physical protection measures and a method statement in relation to construction operations in accordance with paragraph 7.2 of the British Standard. Development of each phase shall be carried out in accordance with the approved tree and hedge protection plan.

Reason: In the interests of visual and residential amenity.

This needs to be a pre-commencement condition to ensure the protection of the trees/hedges before any activity commences on site.

6. Vehicle Parking and turning shall be laid out in accordance with the approved plans and shall be made available for use by occupants of the apartments/dwellings(s) to which it relates prior to the occupation of the related apartment(s)/dwelling(s). Parking areas shall be retained for the primary purpose of the parking of private vehicles or commercial vehicles directly related to the operation of the holiday letting units only for the lifetime of the development and shall not be used for boat, trailer, caravan or similar types of non-car storage.

Reason: In the interests of the safety and convenience of users of the highways and in the interests of amenity

7. Prior to the first planting season following commencement of the development hard and soft landscaping details which shall include detailed landscape designs and specifications for the site shall be submitted to and approved in writing by the Local Planning Authority.

The landscape designs and specifications shall include the following:

(a) Full details of planting plans and written specifications, including cultivation proposals for maintenance and management associated with plant and grass establishment, details of the mix, size, distribution, density and levels of all trees/hedges/shrubs to be planted and the proposed time of planting. The planting plan shall use botanic names to avoid misinterpretation. The plans should include a full schedule of plants;

(b) A specification for the establishment of trees within hard landscaped areas including details of space standards;

(c) Details of any changes of level across the site to be carried out.

(d) Details of ground preparation prior to importation of topsoil, including decompaction of material and removal of any debris including plastic, wood, rock and stone greater in size than 50mm in any dimension;

(e) Details, including design and materials, of ancillary structures such as bin stores and signage, gates, sculptural features, etc;

(f) Details of all boundary treatments

(g) Details of hard landscape materials including samples if requested by the local planning authority;

(h) A timetable for the implementation of all hard and soft landscape treatment

All hardsurfacing, planting, seeding or turfing comprised in the approved details of landscaping, shall be carried out in accordance with the approved timetable for implementation. Any trees or plants which, within a period of 5 years from the completion of any phase of the development, die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species as those originally planted, unless the local planning authority gives written consent to any variation.

Reason: In the interests of visual and residential amenity

8. No works to or removal of boundary vegetation shall take place until a landscape management plan has been submitted to and approved in writing by the LPA. Thereafter the landscape management shall be strictly adhered to for the lifetime of the development

Reason: In the interest of visual amenity and biodiversity.

9. Prior to occupation of the first dwelling, if exterior lighting is to be provided, a detailed outdoor lighting scheme shall be submitted to and approved in writing by the local planning authority. Such a scheme shall specify the method of lighting (if any) (including details of the type of lights, orientation/angle of the luminaries, the spacing and height of lighting columns/fixings), the extent/levels of illumination over the site and on adjacent land through the submission of a isolux contour plan and measures to be taken to contain light within the curtilage of the site. The scheme shall be implemented in accordance with approved details and shall thereafter be maintained as such.

Reason: In the interests of visual amenity; to protect existing and future residential amenity; and in the interests of biodiversity.

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

(a) the timetable of the works;

(b) daily hours of construction;

(c) any road closure;

(d) hours during which delivery and construction traffic will travel to and from the site, with such vehicular movements being restricted to between 8:00am and 6pm Mondays to Fridays inc.; 9.00am to 1.00pm Saturdays, and no such vehicular movements taking place on Sundays and Bank/Public Holidays unless agreed by the planning Authority in advance;

(e) the number and sizes of vehicles visiting the site in connection with the development and the frequency of their visits;

(f) the compound/location where all building materials, finished or unfinished products, parts, crates, packing materials and waste will be stored during the demolition and construction phases;

(g) areas on-site where delivery vehicles and construction traffic will load or unload building materials, finished or unfinished products, parts, crates, packing materials and waste with confirmation that no construction traffic or delivery vehicles will park on the County highway for loading or unloading purposes, unless prior written agreement has been given by the Local Planning Authority;

(h) hours during which no construction traffic will be present at the site;

(i) the means of enclosure of the site during construction works; and

(j) details of proposals to promote car sharing amongst construction staff in order to limit construction staff vehicles parking off-site (k) details of wheel washing facilities and obligations

(l) The proposed route of all construction traffic exceeding 7.5 tonnes.

(m) Details of the amount and location of construction worker parking.

(n) Photographic evidence of the condition of adjacent public highway prior to commencement of any work;



(o) Details of noise impacts and controls

(p) Dust impact assessment and proposed control in accordance with the Institute of Air Quality Management guidance for dust assessment from construction sites.

This approved CEMP shall be strictly adhered to during the construction of the development hereby permitted, unless variation is approved in writing by the Local Planning Authority.

Reason: In interests of the safety and convenience of users of the highway, the in interests of residential amenity and in the interests of biodiversity.

This needs to be a pre-commencement condition as the agreed details need to be implemented immediately upon commencement of development or prior to the commencement of development.

11. Prior to the laying of any new foundations details of the levels of all new buildings, parking and landscaped areas shall have previously been submitted to and approved by the Local Planning Authority. Development shall take place in accordance with the approved details.

Reason: In the interests of visual and residential amenity.

12. Units 4, 6 – 9 and 11 – 14 inclusive of the apartments hereby permitted shall be used solely as holiday letting accommodation and shall not be occupied as any person's sole or main place of residence. The owners/operators shall maintain an up-to-date register of the names and main home addresses of all owners/occupiers of the holiday units, and shall make this information available at all reasonable times to the Local Planning Authority.

Reason: The development proposed is on a site where there is a presumption against the loss of tourism accommodation.

13. Unit 3, as identified on the approved plans, shall only be occupied by a person(s) who sole or main employment is related to the management of the nine holiday letting units hereby approved, their spouse and any dependants and to no other person(s).

Reason: The development is proposed on a site where there is a presumption against the loss of tourism accommodation and where only a limited number of open market dwellings would be acceptable and because if this apartment were an open market dwelling a financial contribution towards affordable housing would be required

14. 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.*

15. Prior to development continuing above slab level the applicant shall submit for approval, full details of proposed electric vehicle charging points to be provided, these details shall include the location, number and power rating of the charging points. This shall accord with good practice

guidance on mitigating air quality impacts from developments produced by the Institute of Air Quality Management.

This agreed scheme shall be implemented as agreed and available for use prior to first occupation of any building approved by this permission, and retained as such.

Reason: In the interests of air quality

16. No part of the development hereby permitted shall be commenced until the detailed design of the proposed permanent surface water drainage management system has been submitted to, and approved in writing by, the Local Planning Authority, in consultation with Devon County Council as the Lead Local Flood Authority. The design of this permanent surface water drainage management system will be in accordance with the principles of sustainable drainage systems, and those set out in the Surface Water Drainage Strategy (Rev. C, dated October 2019). No part of the development shall be occupied until the surface water management scheme serving that part of the development has been provided in accordance with the approved details and the drainage infrastructure shall be retained and maintained for the lifetime of the development.

Reason: To ensure that surface water runoff from the development is managed in accordance with the principles of sustainable drainage systems.

Reason for being a pre-commencement condition: A detailed permanent surface water drainage management plan is required prior to commencement of any works to demonstrate that the plan fits within the site layout, manages surface water safely and does not increase flood risk downstream.

Advice: Refer to Devon County Council's Sustainable Drainage Guidance.

17. No part of the development hereby permitted shall be commenced until the detailed design of the proposed surface water drainage management system which will serve the development site for the full period of its construction has been submitted to, and approved in writing by, the Local Planning Authority, in consultation with Devon County Council as the Lead Local Flood Authority. This temporary surface water drainage management system must satisfactorily address both the rates and volumes, and quality, of the surface water runoff from the construction site.

Reason: To ensure that surface water runoff from the construction site is appropriately managed so as to not increase the flood risk, or pose water quality issues, to the surrounding area.

Reason for being a pre-commencement condition: A plan needs to be demonstrated prior to the commencement of any works to ensure that surface water can be managed suitably without increasing flood risk downstream, negatively affecting water quality downstream or negatively impacting on surrounding areas and infrastructure.

Advice: Refer to Devon County Council's Sustainable Drainage Guidance.

18. No part of the development hereby permitted shall be commenced until the full details of the adoption and maintenance arrangements for the proposed permanent surface water drainage management system have been submitted to, and approved in writing by, the Local Planning Authority, in consultation with Devon County Council as the Lead Local Flood Authority.

Reason: To ensure that the development's permanent surface water drainage management systems will remain fully operational throughout the lifetime of the development.

Reason for being a pre-commencement condition: These details need to be submitted prior to commencement of any works to ensure that suitable plans are in place for the maintenance of the permanent surface water drainage management plan, for the reason above.

19. Prior to the commencement of development evidence of the agreement with South West Water for discharge into the combined public sewer network at 5.6l/s shall be submitted to the Local Planning Authority

Reason: To ensure the proper management of surface water and flood risk.

Reason for pre-commencement condition: A fully evidenced detailed permanent surface water drainage management plan is required prior to commencement of any works to demonstrate that the plan fits within the site layout, manages surface water safely and does not increase flood risk downstream.

20. Prior to the occupation of any of the apartments hereby approved a Travel Plan shall be submitted to and approved in writing by the Local Planning Authority. The Travel Plan shall set out means to encourage staff working at the site to access the site using means other than the private car, or if a car is to be used to demonstrate how car sharing will be promoted and achieved. The plan shall set out a mechanism for the on-going implementation and monitoring of the provisions of the plan for the lifetime of the development, the details of which shall be made available to the Local Planning Authority within 10 working days of request.

Reason: In the interests of the safety and convenience of users of the highway and in the interests of air quality.

21. Prior to development continuing above slab level full details of the living wall(s), including supplier, construction detail, proposed planting medium and plants and a maintenance schedules for life of wall shall be submitted to and approved in writing by the LPA. Development shall take place in accordance with the approved details and the maintenance schedule implemented for the lifetime of the development.

Reason: To ensure the living wall has the best opportunity to establish and grow, in the interests of amenity.

22. Prior to their installation details of any ancillary structures including any fencing, gates, signage, sculptural features shall have previously been submitted to and approved in writing by the LPA. Development shall take place in accordance with the approved details.

Reason: In the interests of amenity

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## PLANNING APPLICATION REPORT

**Case Officer:** Bryony Hanlon

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

**Application No:** 1676/19/HHO

**Agent:**

Mr Murray Ross  
Avalon Planning & Heritage  
11-15 Dix's Field  
Exeter  
EX1 1QA

**Applicant:**

Ms Lucinda Davies  
C/O Agent

**Site Address:** Summerleaze, Drake Road, Salcombe, Devon, TQ8 8EG

**Development:** Householder application for proposed roof extension and alterations to front, side and rear (Resubmission of 2098/18/HHO).

**Reason item is being put before Committee:**

Cllrs Long and Pearce have concerns with regards to design, scale and massing, with the associated impacts on townscape, plus the impacts on Myrana.



**Recommendation: Conditional approval**

**Conditions**

- Time limit
- Accord with plans
- Materials as per details
- Stone wall sample panel
- Surface water drainage
- Privacy screens
- Windows to be obscured glazed and fixed shut
- Geotechnical report
- Solar PV panels
- Landscaping scheme
- Limit on hours of construction

Adhere to ecology report

**Key issues for consideration:**

Design, scale and massing, impacts on neighbour amenity, impacts on low carbon energy generation (solar photo voltaic (PV) panels), impacts on the South Devon Area of Outstanding Natural Beauty.

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**Site Description:**

The application site is located within the built form of Salcombe, as well as the South Devon Area of Outstanding Natural Beauty. The site comprises a south facing, single storey 1960s residential bungalow set above a steeply sloping driveway and single garage. The plot is rectangular and the land rises steeply from east to west, with the existing bungalow cut into the hillside and set back from the road. The site enjoys elevated views over Salcombe and the estuary to the south east, with extensive views of the surrounding countryside beyond. There is a small balcony to the front of the property and the rear garden has been terraced in part, in order to facilitate enjoyment of these views.

The site is accessed via Drake Road; a single-track road connecting Onslow Road to the south with Bonfire Hill to the north. The applicant has advised that the road is the property of the Crown Estates. The road is identified on Devon County Council’s Open Data System as “Class Q.” For clarity; “the class identifier Q is used to represent those roads which are not maintainable at public expense but have been digitised in order to give a true reflection of the highway network as it will appear on site”. At the entrance with Bonfire Hill there is a street sign that identifies Drake Road as a private road with vehicle access for residents only.

To the south of Summerleaze is its neighbour, Pengwern and to the north, Myrana. It should be noted that Myrana is a reverse level property. Both Pengwern and Myrana are angled with the primary windows to their main living space facing in an easterly direction.

**The Proposal:**

The applicant seeks to remove the roof of the existing bungalow and construct additional space over four levels. This includes; construction of an enlarged garage and improved access via the driveway, creation of a new front door, additional bedrooms and bathrooms, external balconies to the front of the building and enlargement of the internal living spaces. The existing pitched roof will be replaced with a butterfly roof and permeable sedum covering. The proposal is accompanied by landscaping plans that include a planting scheme for the front of the property and the replacement of hedges on the northern and southern boundaries. The applicant has also included solar PV panels on the roof.

**Consultations:**

- County Highways Authority                      No objection
- SHDC Environmental Health Officer              No comments
- SHDC Landscape Officer                          No comments
  
- Salcombe Town Council                              Object

Objection as this was still overdevelopment of the site and would be overdominant and although this application proposal removed the deck terrace and opaque glass in the balcony but was not felt to address the size of construction and large removal of earth. This would be overdevelopment of the site and the design was not in keeping with other Drake Road properties and the street scene. A major concern was the loss of light to Miranah and the proposal was felt to be unneighbourly to neighbouring properties as both would visually have a distinct large expanse of wall with windows in them. Concern of overlooking to Miranah from the garden was noted as the upper terrace level included a bridge going across to the garden which was situated at exactly the height of the living accommodation of the neighbouring property. Construction works in that locality, were questioned due to the rocky, instability of the area and access to site was difficult with large vehicles unable to turn

around within the road and town council was not sure how the road would cope with such activity. The design was not felt to blend and nor even use the local vernacular of slate and with its pitches was grossly out of keeping. Housing within that type of area and street scene should evolve and not be a revolution with its completely overbearing mass when viewed from Coronation Road and Drake Road. It would also be contrary to SALCB1 relating to design as it did not respect the scale and design of surrounding buildings and on the other side the south elevation was unneighbourly.

- SHDC Drainage Engineer No objection subject to condition
- South Hams District Council Joint Local Plan Policy Team No objection

## **Representations:**

### **Representations from Residents**

A number of letters of objection have been received (15); due to the planning history some objectors resubmitted their objections to the original scheme. For clarity, only the points of objection relevant to the current scheme can be considered within this report. The comments received include the following points:

#### Principle of development

- The application has only been revised to a marginal extent which fails to make any substantial improvements or alteration that would amend the appeal inspector's decision (APP/121128/D/18/3213974), dated 22 March 2019.
- A more appropriate cost-effective and reduced bulk solution could perhaps be better achieved with a complete replacement house, which would better respond to the slope, building line, height and impact on neighbours.
- The proposal needs to be carefully assessed in terms of the previously approved scheme for the site because the outline of that scheme, as shown on the drawings, does not reflect the volume and bulk compared with the current proposals. It would have had far less impact in terms of skyline and bulk.
- The description of the development is inaccurate; very little of the original house will remain.
- The plans are inaccurate and Officers cannot make an informed determination.
- The current application makes comparisons with a previous planning appeal decision 41/0190/10/F but it does not appear that this permission was ever implemented. As this permission has now lapsed, it should not be used as a basis to justify the new development.

#### Scale and Massing

- Overdevelopment.
- Bulky.
- There remains an additional storey above the current bungalow and significant extensions forward of the current bungalow, and significant extensions forward of the current building lines at all levels. The perception of the proposal is the replacement of a single storey bungalow and a lower single storey garage with a four storey house.
- Will have a detrimental impact on the street scene due to the increased height and bulk.

#### Design

- A pitched roof was previously approved under 41/0190/10/F; this is considered less imposing.
- The balustrade has been chamfered at 45 degrees and this now looks contrived over the roof of the room below. This is a poor attempt to appease the overlooking and loss of light and further demonstrates the design of the building has no integrity or strong design code.
- Out of keeping with the area.
- It is now far too close to the road which will negatively impact on the character of the area, with corresponding loss of soft landscaping which softens the steeply sloping hillside to the west of Drake Road.
- The design appears contrived to suit 45° splay lines from the corner of the neighbours' properties. This has led to a dull and contrived architecture with no finesse. The result is bulky,

poorly detailed and ill proportioned which is totally out of character with the other buildings on Drake Road. This is accentuated by the uncharacteristic butterfly roof, which results in a bulky and brutal top floor, out of character with the normal pitched roofs of the neighbours.

- The removal of the roof and new top floor, with what is essentially a flat roof, does not provide a compact or site specific design solution.

#### Highways and Access

- Drake Road is not a private road, it is an unadopted road, and as such does not benefit from any of the rules or regulations imposed by the Highways Department.
- There is limited access for plant access during construction via Drake Road as it is a single width road (measuring 225cm wide at its narrowest point) on a steep incline that provides the sole access for seven houses.
- There is the potential for damage to the unmetalled surface of Drake Road caused by plant during construction works and no details as to how any damage would be rectified by the applicant if this occurred.
- Due to the gradient of the road and the surrounding area, heavy plant may leave the road and damage adjacent properties.
- The garage and parking spaces appear too small and too close to Drake Road causing unnecessary constriction or perceived narrowing of Drake Road at this point. This is exacerbated by the harsh stone wall and minimal planting proposed.

#### Neighbour Amenity

- Overbearing and leads to a sense of enclosure for neighbours.
- Changes to the balustrade fail to address the overlooking issue and privacy. The proposed terrace at first floor level would still allow views down into the side facing windows of Myrana from a more imposing position. The compromises proposed have no effect on actual or perceived overlooking from here. This would be harmful to the living conditions of the occupants of Myrana.
- The walkways and terraces previously proposed to the rear have been removed. This is not acceptable because these could easily be reinstated with decking or landscaping at a later date.
- Any attempt to provide justification that a high quality landscape scheme would mitigate overlooking should not be taken into account.
- The increase in height of Summerleaze would still affect the amount of sunlight reaching the first floor windows. This loss would therefore be harmful to the living conditions of the occupants of Myrana through loss of sunlight for long periods of the day during the winter. The submitted sunlight and daylight impact assessment demonstrates this.
- The Daylight Impact Assessment by Mach Group suggests that BR209 only identifies kitchens, living rooms and bedrooms as daylight sensitive spaces. I would disagree in this instance, as the whole house relies on south facing daylight to central hall and landing spaces to give it its character and light and airy feel. Any diminution of daylight/sunlight on windows, W1, W7 and W8 would have significant consequences on the house and wellbeing of the occupants on Myrana. Window W1 fails the VSC test, window W7 is reduced from 33.97 to 29.17 – a 15% drop – and window W8 is reduced from 33.94 to 27.43 – a 19% drop. These are considered unacceptable and would severely impact Myrana. The same figures apply to either with or without the trees
- The walkway from the upper floor to the rear decking has been removed from this re-application and if permission were granted, strict planning conditions should be applied to prevent decking being added in future.
- The windows on the north elevation should be obscured glass in perpetuity.
- The corner window on the kitchen/living area on the plan which is clear glass is also an invasion of privacy to the front patio at Myrana, as it is extended beyond the current building line and causing lack of privacy and amenity due to the proximity of the building, despite overlooking of others not so close.



- Harm to Pengwern is considered significant due to loss of light and amenity; the rear terrace which, although not adjacent to the boundary with Pengwern, is at a high level and will overlook the rear garden.
- Obscure glazing has been proposed for windows in the side elevations but lightspill from these windows will still have a detrimental impact on amenity enjoyed by adjoining properties.
- The applicant has noted that boundary hedges will be removed and replaced; a fence and some vegetation have been removed and as such, a boundary dispute is ongoing.
- The proposals also seem to remove planting on the boundary and open up terraces and garden spaces which will overlook the south windows and sitting areas. This will impact on the privacy of the occupants in Myrana.
- Some of the boundary hedges are “party hedges” and the applicant should not assume that these can be removed to facilitate development.

#### Solar Panels

- The proposal will overshadow solar panels on the roof of Myrana which will have a significant impact on their sustainability and viability. The comments regarding shadowing by existing trees are due to a boundary dispute which has prevented maintenance of the trees.
- The building will overshadow the next door property. The energy document RP190910 states under site context that the overshadowing of Myrana may result in a small increase in efficiency of the solar panels, the table however shows that there will in fact be a decrease.
- The loss of sunlight to Myrana result in a loss of income from the feed in tariff and increased electricity bills.
- Many paragraphs in the energy statement contain the wording 'understood,' it is therefore quite appropriate to contend that this Energy Statement is a somewhat generic document that has been produced with very little specific reference to the development proposal and the particular site conditions, or the effect that it will have on neighbouring dwellings

#### Geotechnical

- Concerns have been raised with respect to ground stability.
- The hillside contains a number of springs which may impact ground stability.

#### Planning Policy

- The proposal does not accord with JLP policy DEV25 (1, 2 and 3) Protected Landscapes.
- The proposal does not accord with JLP policy DEV32.
- The proposal does not accord with Salcombe Neighbourhood Plan policy SALC B1 (1).
- The proposal does not accord with Salcombe Neighbourhood Plan policy SALC ENV1.
- The proposal does not accord with Salcombe Neighbourhood Plan policy SALC ENV2 (b and c).

#### Other:

- Previous permissions have been granted for concrete, steel and glass monstrosities which have then been sold on as second homes.
- The supporting documents with the application contain plans that are subject to copyright.
- If the Summerleaze Planning Application is passed, it would appear that the solid wall at the side of Summerleaze will be so near Pengwern, that there would be insufficient room for scaffolding to be erected.
- The windows on the side elevation of Myrana are as original, having never been obscured.
- Any suggestion of subsidence at Beacon House is false; no evidence has been produced by any third party to support this claim.

## Relevant Planning History

Planning Application Reference	Proposal	Site Address	Decision	Appeal
41/2250/03/F: FUL	Alterations and extension to dwelling	Summerleaze, Drake Road, Salcombe, Devon, TQ8 8EG	Refusal: 08 Jan 04	Upheld (Conditional Approval): 12 Nov 04
41/0190/10/F: FUL	Householder application for extension and alteration of existing property	Summerleaze, Drake Road, Salcombe, Devon, TQ8 8EG	Conditional approval: 17 Jun 10	N/A
2098/18/HHO	Householder application for proposed removal of roof and construction of additional accommodation	Summerleaze, Drake Road, Salcombe, Devon, TQ8 8EG	Refusal: 10 Sep 18	Dismissed: 22 Mar 19

## ANALYSIS

### Principle of Development/Sustainability:

The site is located within the built form of Salcombe, as well as the South Devon Area of Outstanding Natural Beauty. A residential dwelling currently occupies the site and the principle of development is therefore established.

### Planning History:

Planning Appeal: Planning Reference: 41/2250/03/F: Appeal Reference: APP/K1128/A/04/1146526  
In 2003, the then owner submitted an application for “alterations and extension to dwelling” that included the addition of a further storey to the bungalow. This application was refused on the basis that; “the proposed development, by virtue of its scale, detailed design, siting and prominence would unacceptably affect the appearance of the locality and would harmfully affect the amenities of adjacent residential occupiers. Such development, if approved, would conflict with the objectives of Development Plan Policies C2, C4, SHDC1, SHDC15 and the supporting Planning Principles”. The decision was subsequently overturned by the Planning Inspectorate at an appeal in 2004 and planning permission was granted.

Planning Application: Planning Reference: 41/0190/10/F: In 2010, the then owner submitted a further application for the “extension and alteration of existing property.” This was identical in scale and appearance to the proposal granted under the 2004 planning appeal outlined above. The appeal decision was viewed as a material consideration to the determination process and permission was granted.

Pre-Application Advice: In 2018, the applicant sought advice on the proposal through the Local Planning Authority’s Pre-Application Service. Officers were broadly supportive of the scheme including;

- The proposed increase in height as it was similar to that approved under the 2010 planning appeal.
- The contemporary design, given the variety in size and style of surrounding dwellings, providing the materials were in keeping with the local vernacular.
- The butterfly roof design, as it would reduce the overall height of the building and contribute to the contemporary design.

However, Officers did raise concerns regarding;

- The scale and massing of the proposal, particularly when viewed from Drake Road. Officers advised the applicant to reduce the bulk of the building (particularly the lower floors) and further soften the appearance through planting and landscaping.

- Potential overlooking from the rear access to the external deck area (although the deck itself was not considered unacceptable in principle or design).
- Potential overlooking from the external balcony areas at the front of the property; the installation of privacy screens were suggested as one option to address this issue.

Following the pre-application advice, the applicant did remove some of the bulk on the two lower storeys surrounding the entrance on the south west corner. These changes were reflected in the 2018 application.

#### Planning Application: 2098/18/HHO

The application was subsequently refused as Officers considered that; “The proposed extensions and alterations to the dwelling, by reason of their height, mass and bulk and the introduction of fenestration and useable living and sitting areas at high level, would result in an overbearing impact and an unacceptable loss of privacy and amenity, to the neighbouring properties, in particular Myrana. As such, it is considered to be contrary to adopted policies; DP3: Residential Amenity 1, 2 (a), (b), (c) and (d) of the South Hams Local Development Framework, emerging policies; DEV1: Protecting Health and Amenity (1), DEV2: Air, water, soil, noise, land and light pollution (1) and (4) of the Plymouth and South West Devon Joint Local Plan, and the guidance of the National Planning Policy Framework (NPPF) especially paragraphs; 180 (a) and (c)”.

The applicant appealed the decision and in 2019, the Inspector found “no harm to the living conditions of the occupants of Pengwern, Mallards or the houses in Frobisher Lane” and that; “the proposals also would not result in a significant loss of outlook for the occupants of Myrana”. However, the Inspector did make it clear that that proposal would result in “harmful loss of sunlight, arising from the increased height of the proposal, and the unacceptable increase in overlooking of Myrana, resulting from the elevated terrace and deck/bridge access” and the appeal was dismissed.

The current application is effectively a resubmission of 2098/18/HHO, with some alterations aimed to address the Inspector’s reasons for refusal, along with additional supporting information, including a Daylight Impact Assessment. The key changes comprise; removal of the external deck to the rear of the building, alterations to the balustrading on the first floor balcony and the addition of an obscured glazed full height balustrade on the north elevation to serve as screening. The applicant has also included solar PV panels on the roof.

#### Planning Policy:

Since the 2019 appeal decision was issued, it should be noted that there have been a number of changes to planning policy;

- National Planning Policy Framework – revised 19 June 2019
- Plymouth and South West Devon Joint Local Plan – adopted by all three JLP authorities on 26 March 2019
- Salcombe Neighbourhood Plan – approved at a public referendum on Thursday 25 July 2019

#### Design/Landscape:

Officers maintain that the contemporary design and materials are acceptable. Officers considered that the original proposal was unacceptable due to its bulk/overbearing impact but the Inspector was silent on this issue within the appeal decision and as such it should be assumed that the Inspector considered these aspects to be acceptable. As such, while the objections to the revised proposal regarding bulk and overbearing impact are noted, it is not considered that this matter can be revisited as part of the current scheme and the scheme is considered acceptable on this basis. It is considered appropriate to secure the details of the stone walling at the front of the house, to enable the Local Planning Authority to consider the details of all stonework to be constructed as part of the development hereby permitted in order to ensure that the development displays good design and is of a locally distinctive style, and to ensure that all stonework is retained in its natural stone finish.

#### Neighbour Amenity:

It should be noted that the Planning Inspector found no harm to neighbours other than Myrana and as such, it is only the harm to Myrana that can be assessed as part of the current application.

- Rear Decking

As the rear decking and terracing has been removed from the scheme; there is no concern with regards to overlooking from this element. Objectors have raised concern that this could be added at a later date but the General Permitted Development Order 2015 (as amended) specifically excludes the provision or creation of a verandah, balcony or raised platform under permitted development rights and any such development would therefore require planning permission.

- Overlooking – terrace and windows

The proposal includes an obscured glass full height balustrade in the corner of the first floor balcony on the north side facing Myrana and a retraction of the balustrade away from the eastern corner of the terrace. It is acknowledged that the changes to the balustrading will appear contrived, however, it is not considered that such changes will have such a significantly detrimental impact on the design of the scheme so as to warrant a refusal solely on this basis. As such, the revised balustrading and privacy screen are considered to sufficiently address concerns regarding overlooking at Myrana and are considered acceptable. It is considered appropriate to secure the details and retention of the privacy screen by condition, in the interests of neighbour amenity.

Obscured glazed windows are proposed within the north and south elevations to safeguard amenity of neighbours; it is also considered necessary that these windows should also be fixed shut to prevent overlooking. It is considered appropriate to secure the details and retention of the obscured glazed and fixed shut windows through a planning condition in the interests of residential privacy and amenity.

On this basis, the proposal is unlikely to give rise to significant overlooking and is considered to accord with policy DEV1.

- Loss of Light (including Solar Panels)

The previous application was refused partly on the basis that the proposal would result in a harmful loss of sunlight to the first floor windows in the side (south) elevation of Myrana. The applicant has supplied information to assess the impacts on both daylight and sunlight reaching Myrana. The assessment indicates that while there is loss of both daylight and sunlight to windows on the south elevation of Myrana, “all windows show that at least 80% of available sunlight will still be achieved with the proposed development, and as such the proposed development is in compliance with BRE (Building Research Establishment) guidance” (p. 7, Mach Acoustics Ltd., 25 July 2019). Notwithstanding the loss of both daylight and sunlight at Myrana, it has not been demonstrated that these losses are significantly harmful and as such, it is not considered that loss of sunlight to Myrana could be substantiated as a reason for refusal.

A recent Court ruling confirms that loss of light to solar panels is a material planning consideration where planning policies exist to mitigate climate change and deliver low carbon development or where it impacts on a renewable energy system [*McLennan, R (on the application of) v Medway Council & Anor [2019] EWHC 1738 (Admin) (10 July 2019)*]. The Court made it clear that this is distinct from protecting private interests. The applicant has supplied information that states shadowing by the proposed development “is recognised to impact the nearest 3 panels only with only a 12% reduction. Across all of the existing panels, the overall reduction will be only 3%” (letter from agent dated 12 July 2019). Officers consider that the area of shading is not the relevant factor, it is the fact that there is shading and that this will reduce the capacity of the installed system. Limiting the ability of the adjoining neighbour to reduce their carbon footprint through the use of their solar PV system does not accord with the wider provisions of the JLP low carbon policy DEV32, as noted by the South Hams District Council JLP Policy Team.

After discussions with the applicant, further information was supplied to demonstrate that through the inclusion of solar panels within the scheme at Summerlease, there would be no net loss of low-carbon solar energy generation and the proposal would comply with the provisions of policy DEV32. It is acknowledged that the shading of panels at Myrana is likely to result in a loss of power output and a reduction in income associated with the sale of electricity. However, the consideration of impacts to

solar panels in this instance is limited to the overall impact on carbon emissions across the District, rather than protecting the private financial interest in an existing PV installation, as this element was not expressly considered in the Medway case. It is considered appropriate to secure the details of the solar panels by condition, in the interests of sustainability and the environment. On this basis, the proposal is considered to accord with policy DEV32 and the South Hams District Council JLP Policy Team have withdrawn their objection to the scheme.

#### Highways/Access:

The proposal includes a new garage and driveway proposed to improve access to the garage and facilitate off-road parking. Devon County Council Highways have raised no objection to the application and having regard to DCC Highways Standing Advice and to the existing access arrangements, it is not considered that the proposal will result in an increased risk to highways safety.

Drake Road is an unadopted road which the applicant has advised is owned by the Crown Estates; maintenance and upkeep is therefore a civil matter and cannot be considered with this report.

#### Ecology:

The Ecological Report dated 12 June 2018 has concluded that the site is unlikely to support the presence of protected species, such as bats, but, in 2018, did support one herring gull nest. Biodiversity enhancement measures are also set out in the report. As such, it is considered that the proposal is acceptable with regards to ecological constraints, provided that the recommendations of the Ecology Report are followed.

#### Drainage:

The SHDC Drainage Engineer has reviewed the proposal and has recommended a pre-commencement drainage condition 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. As such, the proposal is considered acceptable with respect to drainage, subject to condition. A pre-commencement condition is considered necessary, given the extent of excavation proposed within the site. The applicant confirmed acceptance of the pre-commencement condition in writing on 04 October 2019.

#### Geotechnical:

A number of objections have cited concerns regarding ground stability; this issue can only be considered with specific reference to the application site. The National Planning Policy Framework (NPPF) makes it clear in paragraph 179 that; "Where a site is affected by contamination or land stability issues, responsibility for securing a safe development rests with the developer and/or landowner". The applicant has previously confirmed that; "Before starting work the client will appoint a suitably qualified consultant engineer to prepared detailed designs for the structure and substructure and if deemed required carry out a geotechnical survey of the site to confirm the ground conditions". However, the LPA also has a responsibility to ensure that it prevents "new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability" (paragraph 170 (e); see also paragraph 178; NPPF, 2019). While there is presently a dwelling on the site, the alterations are extensive and involve substantial construction works under the floor level of the existing dwelling, the construction of additional floor above, as well as removal of an earth bank at the front of the site. Due to the scale of the proposed works, the gradient of the site and the proximity of neighbouring properties it would be appropriate to impose a planning condition in order to secure the Local Planning Authority's approval of a geotechnical survey (a land instability risk assessment report) prior to the commencement of excavation works. The applicant confirmed acceptance of the pre-commencement condition in writing on 04 October 2019.

#### Construction Management Plan:

A Construction Management Plan is not usually required on a single residential development as the scale of the development limits the potential impact. However, in order to prevent nuisance and protect the amenity currently enjoyed by neighbouring properties, it would be appropriate to impose a planning condition that limits the hours of construction to;

- Monday – Friday 08:00 – 18:00
- Saturday 09:00 – 14:00
- No construction works to be undertaken that are audible beyond the site boundary outside of the hours listed above.

#### South Devon AONB:

The Strategic Planning Team have noted that as proposed, the scheme was contrary to the provisions of DEV25 8(i) in that it fails to conserve and enhance the natural beauty of the protected landscape with particular reference to their special qualities and distinctive characteristics or valued attributes of the AONB. The proposal is located well within the built form of Salcombe and while it does not offer enhancement, given the small scale of the proposal and having regard to the current condition of the site, including the presence of an existing residential dwelling, Officers consider that it would be difficult to substantiate a reason for refusal solely on this basis. It should be noted that the Council's Landscape Officer has not raised an objection to the proposal on landscape grounds. The previous appeal was not dismissed on grounds of landscape impact and the landscape impact of this development is not materially different, therefore the proposal is considered acceptable with regards to DEV25.

#### Conclusion:

The assessment of the current proposal is limited solely to the matters raised in the Inspector's appeal decision (namely; loss of sunlight and impacts on neighbour amenity at Myrana) and to the impacts of shading on the solar panels at Myrana, following a recent appeal decision that confirmed this matter now constitutes a material planning consideration. Officers consider that while the revisions to the scheme are minimal, they do address the Inspector's concerns with regarding to overlooking and loss of sunlight at Myrana. Officers consider that the impacts associated with shading of solar panels at Myrana can be addressed through the installation of solar panels at Summerlease to comply with the requirements of DEV32. As such, the previous reasons for dismissing the appeal have been overcome and the application is recommended for conditional approval.

***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 26 March 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 21 March 2019 and West Devon Borough Council on 26 March 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  
TTV1 Prioritising growth through a hierarchy of sustainable settlements  
TTV2 Delivering sustainable development in the Thriving Towns and Villages Policy Area  
DEV1 Protecting health and amenity  
DEV2 Air, water, soil, noise, land and light  
DEV10 Delivering high quality housing  
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  
DEV35 Managing flood risk and Water Quality Impacts

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

### **Neighbourhood Plan**

Following a successful referendum, the Salcombe Neighbourhood Plan was made at Executive Committee on 19 September 2019. It now forms part of the Development Plan for South Hams District and is used when determining planning applications within the Salcombe Neighbourhood Area. It is not considered that the proposal conflicts with the policies below;

SALC ENV1 Impact on the South Devon Area of Outstanding Natural Beauty.  
SALC B1 Design Quality and safeguarding Heritage Assets.

### **Considerations under Human Rights Act 1998 and Equalities Act 2010**

The provisions of the Human Rights Act 1998 and Equalities Act 2010 have been taken into account in reaching the recommendation contained in this report.

### **Conditions**

1. *The development to which this permission relates must be begun not later than the expiration of three years beginning with the date on which this permission is granted.*

*Reason: To comply with Section 91 of the Town and Country Planning Act, 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.*

2. *The development hereby approved shall in all respects accord strictly with drawing numbers;*

*Proposed Landscaping Schedule A.16*

*Proposed Section D-D A.14*

*Proposed Wst Elevation A.08*

*Proposed Est Elevation A.07*

*Proposed FF Plan A.06*

*Proposed GF Plan A.05*

*Proposed Lwr GF Plan A.04*

*Proposed Garage Level A.03*

*Proposed Block Plan A.01*

*Site Location Plan T.01*

*Received by the Local Planning Authority on 30 May 2019*

*Proposed Site Plan A.02 Rev A*

*Proposed Sth Elevation A.09 Rev A*

*Proposed Nth Elevation A.10 Rev A*

*Proposed Section A-A A.11 Rev A*

*Proposed Section B-B A.12 Rev A*

*Proposed Section C-C A.13 Rev A*

*Received by the Local Planning Authority on 25 September 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. The new stone walls shall be constructed of natural random stone laid traditionally on its quarry bedding. A sample panel of not less than two square metres shall be provided for inspection and written agreement by the Local Planning Authority prior to the construction of any of the new walls. Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and reenacting this Order), all new stone walls, constructed in accordance with the approved drawings and the terms of this condition, and all existing stone boundary walls shall be retained in their natural stone finish and shall not be rendered, colourwashed or otherwise treated in a manner which would obscure the natural stone finish, nor shall they be demolished either in whole or in part.*

*Reason: To enable the Local Planning Authority to consider the details of all stonework to be constructed as part of the development hereby permitted in order to ensure that the development displays good design and is of a locally distinctive style, and to ensure that all stonework is retained in its natural stone finish.*

*4. The 1.8 m obscure glazed privacy screen as detailed on drawing A.10 Proposed North Elevation Rev A and on the north elevation of the first floor roof terrace hereby permitted shall be installed prior to the use of the terrace and shall thereafter be retained and maintained.*

*Reason: In the interests of the residential amenities of the adjoining occupiers,*

*5. The vertical slot windows on the north and south elevations shall be obscure glazed, non-opening and permanently retained as such.*

*Reason: In the interests of the residential amenities of the adjoining occupiers.*

*6. Surface Water Drainage*



*Notwithstanding the submitted information, no development shall be commenced until full details of the most sustainable drainage option has been submitted to and approved in writing by the Local Planning Authority (LPA). Design steps as below:*

*1. Attenuation should be designed for a 1:100 year return period plus an allowance for Climate change (currently 40%).*

*2. The offsite discharge will need to be limited to the Greenfield runoff rate. This must be calculated in accordance with CIRIA C753. The discharge must meet each of the critical return periods. Full details of the flow control device will be required.*

*However, if the calculated Greenfield runoff rate is too small to be practically achievable, then a maximum offsite discharge rate of 1.0l/s can be considered. Which is achievable in most cases with suitable pre-treatment and shallower storage depth.*

*3. A scaled plan showing full drainage scheme, including design dimensions and invert/cover levels, within the private ownership will be required.*

*4. 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.*

*7. Prior to commencement of the development hereby permitted, a land instability risk assessment report, including details of measures to ensure no adverse impact on land stability within the site or affecting neighbouring land, prepared by a suitably qualified person (s) for the site shall be submitted to and approved in writing by the Local Planning Authority. The development shall then take place in accordance with those approved details, unless otherwise agreed in writing with the Local Planning Authority.*

*Reason: In order to minimise the risk and effects of land instability on surrounding property, infrastructure and the public.*

*8. Construction works shall only take place during the hours of*

*• Monday – Friday 08:00 – 18:00*

*• Saturday 09:00 – 14:00*

*No construction works that are audible beyond the site boundary are to be undertaken outside of the hours listed above.*

*Reason: In the interests of residential amenity.*

*9. Notwithstanding the details submitted, prior to the development being brought into use, solar panels shall be provided on the roof of the dwellinghouse and shall provide at least the same power output as set out in the Energy Statement Report by the Mach Group, dated 09 September 2019. The solar panels shall be retained and maintained for the lifetime of the development.*

*Reason: In the interests of sustainability and the environment.*

*10. The recommendations, mitigation and enhancement measures of the Ecological Report, by EcoLogic on 12 June 2018, shall be fully implemented prior to the commencement of the use hereby approved and adhered to at all times. In the event that it is not possible to do so all work shall immediately cease and not recommence until such time as an alternative strategy has been agreed in writing with the local planning authority.*

*Reason: To safeguard the interests of protected species.*

## PLANNING APPLICATION REPORT

**Case Officer:** Lucy Hall

**Parish:** Yealmpton **Ward:** Newton and Yealmpton

**Application No:** 2556/19/FUL

**Agent:**

Mr Peter Brodbelt  
Roderick James Architects LLP  
Discovery House  
Steamer Quay Road  
Totnes  
TQ9 5AL

**Applicant:**

Mr M Bastard  
Shipsen Hill Barn  
Yealmpton  
Devon  
PL8 2NN

**Site Address:** Land Adjacent to Bowden Hill, Yealmpton

**Development:** Proposed new single storey dwelling with internal double garage and associated landscaping

**Reason item is being put before Committee**

At the request of ward members, Cllr Baldry and Cllr Thomas for the following reasons: -

1. It is outside the settlement boundary.
2. It is not an exception site but lies in good quality farmland.
3. I have concerns for overlooking.
4. I am not satisfied about the safety visibility of the splay on to the highway.
5. There is no demonstrated housing need.
6. Unhappiness from local residents



**Recommendation: conditional approval**

**Conditions**

1. Standard 3 year time limit for commencement of development
2. Development to be carried out in accordance with approved plans
3. Program of archaeological works to be undertaken (pre commencement)

4. Landscaping (in interest of visual amenity, ecology and neighbours)
5. Removal of PD rights
6. Drainage – foul sewage
7. Drainage – surface water
8. Tamar EMS
9. Adherence with recommendations in ecology report
10. Garage to be retained for motor vehicles
11. Materials
12. Low Carbon to include details of air source heat pump
13. Unsuspected land contamination

**Site Description:**

The application site relates to a section of green field located on the northern edge of Yealmpton just beyond the limits of existing residential development on Bowden Hill. The site itself is rectangular and measures around 0.1ha. The site slopes gradually from north-east to north-west. There are existing dwellings located immediately to the south ‘High Close and May Cottage’ and to the west ‘Yealmstead’. Due to changes in topography the dwellings to the south are elevated to the site. Access is gained from an existing track on the south western side situated between the properties of Yealmstead and High Close.

**The Proposal:**

The application seeks full planning consent for the provision of a new single storey dwelling with integral double garage. The building is traditional in its form, with a pitch roof. External materials include render walls with stone plinth and timber cladding, natural slate to the main roof with zinc to the veranda and porch roof and aluminium windows.

The internal accommodation includes 3 bedrooms, all with en-suites, office, open plan kitchen/dining/living area, utility, snug and integral double garage.

**Consultations:**

- County Highways Authority                      no objection
- Environmental Health Section                      no objection subject to condition
- Drainage (SHDC)                                      refer to standing advice
- Yealmpton Parish Council                              objection

*‘The proposal is outside the village development boundary. Highways issues as Bowden Hill is a ‘rat run’ for commuters’*

- Landscape (verbal discussion)                      no objection
- DCC Archaeology                                      no objection subject to pre commencement condition

**Representations:**

The Council has received 17 letters of representation all raising objection to the application. The comments received can be summarised as follows: -

- Proposal is an unnecessary development, already too many houses within Yealmpton following Kitley development

- Site falls outside of the settlement boundary and should remain as an undeveloped green field
- Proposed development would spoil the area
- Result in loss of habitats
- Cause adverse harm to neighbours
- Proposal will result in the site being overdeveloped
- Scale of dwelling is too large and not in keeping with size of other properties within the area
- Proposal fails to comply with highway standing advice. Access is inadequate, with a narrow driveway and poor visibility due to insufficient splay.
- Applicant's cannot change the visibility splay as it falls outside his control, and nothing to prevent adjoining land owners erecting fences/planting which would restrict visibility even further.
- Existing access has only been opened up recently and has not been used by agricultural vehicles for a number of years.
- Bowden Hill is used as a 'rat run' and speeds are often in excess of 30mph. Potential for pedestrian or road traffic accidents
- Noise pollution from development will affect local wildlife
- Area could be of archaeological significance
- Approval would set undesirable precedent for future development within the fields
- Concerned about possible access into the field from 'Floodapool'
- Can the Council give assurances that the approval would not lead to further development within the field?
- Result in decreased property values
- Scale of proposed dwelling is akin to a 4 bed rather than a 3 bed and will not address housing needs within Yealmpton
- Proposed design does not compliment design of local dwellings
- Privacy of neighbouring properties will be compromised. Proposed hedge and tree planting will adversely affect light to neighbours internal spaces.
- Inadequate drainage information.
- Number of inaccuracies within the wildlife report.
- Missed opportunity for developer to enhance the biodiversity of the area with additional trees in the coppice opposite the development.
- Proposal fails to satisfy the NPPF

### **Relevant Planning History**

None

### **ANALYSIS**

Principle of Development/Sustainability:

This site is outside but adjoining the built form of Yealmpton. The JLP does not define settlement boundaries but does distribute the growth and development of delivering homes and jobs in accordance with a hierarchy of settlements which is identified in Policy TTV1. Yealmpton is identified as a smaller town and key village within policy, in recognition of the good level of services and facilities on offer within Yealmpton, and its spatial relationship with other sustainable settlements along the A379. The site is located close to existing residential properties on Bowden Hill and is considered to be well related to Yealmpton with easy access to the services and facilities within it.

Development in this location would accord with the spatial strategy of the JLP, which is to direct the majority of growth to the top two tiers of the settlement hierarchy, and only deliver development at the bottom two tiers of the hierarchy where a local need is being demonstrably met.

The JLP identifies and allocates strategic allocations within the top two tiers of the TTV settlement hierarchy. A notable exception in the strategy is the absence of housing allocations within or adjoining Yealmpton. The absence of housing allocations to support future growth of the village does not undermine the status of the village in the settlement hierarchy, and the contribution of small-scale, strategy compliant windfall proposals will make a valuable contribution to housing supply in this location.

The site is located close to existing residential properties on Bowden Hill and is considered to be well related to Yealmpton with easy access to the services and facilities within it. Therefore the principle of development on the site is considered to be acceptable subject to other policy considerations.

#### Housing Mix:

Concerns have been expressed about the scale of the proposed dwelling and that it would not meet the needs of the community. JLP policy SPT2.4 identifies a good balance of housing types and tenures to support a range of household sizes, ages and incomes to meet identified housing needs as one of the key components of a sustainable community. Policy DEV8 seeks to deliver a wide choice of high quality homes which widen opportunities for home ownership and redress existing housing imbalances. Albeit generous, the proposal is for a three bed property. The available housing data for Yealmpton indicates that it has a lower percentage of 3 bed properties compared with the South Hams average so in this respect the size of the building would not conflict with policy.

#### Design/Landscape:

Concerns have been raised regarding the proposed design approach and the scale of the dwelling when compared with neighbouring plots. Paragraph 124 of the NPPF states 'good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities'. The need for good design, which respects its setting and the crucial role this plays in creating a sense of place and identity is reinforced within the Council's policies. Policy DEV20 requires proposals to have regard to the '*pattern of local development and the wider development context and surroundings*'. Policy DEV23 requires development to 'conserve and enhance landscape, townscape and seascape character and scenic and visual quality'. It goes on to say in DEV23.3 that the development should be of '*high quality architectural and landscape design appropriate to its landscape context*'.

The architectural design, scale and age of residential properties along Bowden Hill is diverse. However, perhaps as an indication of its edge of settlement location, the immediate context is bungalows and 1 ½ storey buildings, traditional in form with pitched roofs and generally clad in render. Hard landscaping such as paving for car parking areas generally fronts onto Bowden Hill, with private gardens to the rear. Where they do exist boundary treatments are typically soft such as hedges respecting its edge of settlement position.

With regards to the proposed development, the case officer has discussed it with the Council's landscape specialist. They raise no objections to the principle of development on the site, and consider that the low profile building which has a traditional bungalow form is respectful of its edge of settlement location and would not harm the character of the area.

The scale of the building is generous but because it is broken up the mass is not considered to be so readily apparent. While the plot is larger compared with some of its immediate neighbours, plot sizes along Bowden Hill vary and again in this context the development is not considered to be so out of keeping that a recommendation of refusal could be justified on this matter.

The development pattern at the edge of the settlement is uneven. In its context the proposal would be seen against the backdrop of residential development and would read as part of the built environment rather than the countryside. The Council's landscape specialist was satisfied the proposal met the policy tests set out within JLP Policy DEV23. A landscaping condition is proposed to secure the details of the proposed hedge and boundary treatments, as well as other proposed planting.

#### Neighbour Amenity:

Paragraph 127 of the NPPF requires that developments should provide a high standard of amenity for existing and future users. JLP Policy DEV1 requires proposals to safeguard the health and amenity of local communities. DEV1.1 states *'ensuring that new development provides for satisfactory daylight, sunlight, outlook, privacy and the protection from noise disturbance for both new and existing residents, workers and visitors. Unacceptable impacts will be judged against the level of amenity generally in the locality.'*

The site sits within close proximity to a number of residential properties, but when assessing impact on amenity, careful consideration is afforded to Yealmstead, High Close and May Cottage which sit immediately beyond the southern and eastern boundary of the dwelling.

Yealmstead currently has an open boundary on its eastern side and therefore looks directly into the application site. The proposal includes planting on its western boundary, the details of which will be secured as part of the landscaping condition. Officers consider this screening is necessary to safeguard the amenity of both the occupiers of Yealmstead and any future occupants of the proposed dwelling. Yealmstead benefits from a generous rear garden and while they currently have an open boundary, planted screening between gardens is not an uncommon feature.

Officers are also satisfied that the amenity of High Close would not be compromised with the dwelling. This property is slightly elevated to the site and proposal dwelling, and there is an established hedge along the rear boundary which screens the garden from the site. While there might be opportunities to look at the site from windows within the property this is not considered to result in a loss of privacy for either High Close or the proposal dwelling.

May Cottage also has an open boundary on its northern side and enjoys views into the field beyond. To safeguard the privacy of these occupiers and the future occupiers tree planting and a hedge are proposed along this boundary. Concerns have been raised from the existing occupants of May Cottage about reduction to natural day light within their property from the presence of planting along the boundary. While this concern is noted, hedging along boundaries is a typical feature in the area and there is nothing to prevent the existing owner of the field undertaking planting along this boundary. Details of the heights that the new boundary hedge banks will be retained at will be requested as part of the landscape condition.

#### Highways/Access:

Almost all of the comments received from third parties and the Parish Council raise highway matters as a reason for objection. This is on the basis that the visibility splay is inadequate

and the applicant cannot change it because the splay falls on land which is outside of their ownership. There are also concerns with additional traffic on Bowden Hill which is used as a 'rat run', a situation which has exacerbated following the development at Kitley Place. The visibility splay does not conform to the standing advice guidance published by DCC and as such the case officer sought further advice from the highway authority. They have not raised any objections and this is on the basis they do not consider the access is any worse than others in the direct vicinity, no fatal or serious accidents have been reported to the Police in the last 3 years and on average the dwelling would generate around 3 vehicle movements per day coming out of the access. While the local concerns are noted, Officers are guided by the advice of specialist highway officers, and without an objection from the Highway Authority it would be difficult for officers to object on matters of highway safety.

#### Archaeology:

DCC Historic team have confirmed that the site lies on the north western boundary of an enclosure that could have its origins in the prehistoric or early medieval periods. The fieldnames recorded here in the mid-19th century Tithe Map of 'Yealmbury' indicate that there were earthworks in this area. In addition, the Historic Environment Record indicates the presence of ancient earthworks and prehistoric standing stones in the surrounding landscape, indicating human activity in this area from this period. As such, groundworks for the construction of the proposed development have the potential to expose and destroy archaeological and artefactual deposits associated with the known prehistoric and later heritage assets in this area. The impact of development upon the archaeological resource here should be mitigated by a programme of archaeological work that should investigate, record and analyse the archaeological evidence that will otherwise be destroyed by the proposed development. It is recommended that the application should be supported by a written scheme of investigation setting out a programme of archaeological works to be undertaken in mitigation for the loss of heritage assets with archaeological interest. Within their response the Historic Team advise that if the work is not undertaken prior to determination of the application it could be dealt with by way of a pre commencement condition. The applicant has indicated they have no objections with a pre commencement condition.

#### Biodiversity:

A wildlife survey has been undertaken for the site and this confirms that there are no overriding wildlife objections to the proposal. The landscape proposals, which will be agreed in detail via a condition will ensure the proposal results in a net gain in biodiversity.

The site falls within the Zone of Influence for new residents have a recreational impact on the Tamar European Marine Site (comprising the Plymouth Sound and Estuaries SAC and Tamar Estuaries Complex SPA). This Zone of Influence has recently been updated as part of the evidence base gathering and Duty to Cooperate relating to the Joint Local Plan. A scheme to secure mitigation of the additional recreational pressures upon the Tamar European Marine Site can be appropriately secured by condition, and this approach has been agreed by Natural England.

#### Drainage:

It is stated within the application form that surface water would be discharged via a soakaway and foul via a septic tank. The site is considered to be within a low risk area, being outside Flood Zones 2&3 and not within a Critical Drainage Area and therefore a drainage assessment is not required. An indicative location for the soakaway is shown on the block plan. Officers are satisfied this demonstrates a workable scheme but the final design will



need to be agreed with the Council's drainage engineers. This can be agreed via a planning condition.

#### Low Carbon:

Policy DEV32 requires all development to minimise its use of natural resources over its lifetime, such as water, minerals and consumable products, by reuse or recycling of materials in construction. Developments should be considered in relation to the energy hierarchy of i) Reducing the energy load of the development ii). Maximising the energy efficiency of fabric iii). Delivering on-site low carbon or renewable energy systems and iv) Delivering carbon reductions through off-site measures. In addition the policy states 'Developments should reduce the energy load of the development by good layout, orientation and design to maximise natural heating, cooling and lighting, and reduce the heat loss area'.

The proposal includes an air source heat pump, the principle of which is considered to be acceptable in helping to deliver a low carbon development. However, details on this are limited and officers would like assurances that it would not cause harm to the amenity of the neighbouring occupiers. This can be secured via condition. Further information to secure further details of carbon reductions from the development will be requested as part of a planning condition.

#### Other Matters:

Concern is raised that approval of this application would set a precedent for further development within the field. Officers have discussed why in this instance the proposal put forward is considered to be acceptable. Each application must be considered on its own merits having regard to the policy context at that time.

#### Planning Balance:

This is considered a sustainable location and is well related to the settlement of Yealmpton which is identified within the Joint Local Plan as one of the main locations where development should be focused towards. While the dwelling is generous in its scale, Officers consider the proposed dwelling is well designed and will sit comfortably within the plot without causing harm to neighbouring occupants or appearing out of place in the context of the surrounding landscape. The Council has not received any technical objections to the proposal including from the Highway Authority, who recognise the splays do not meet the minimum requirement but in the context of the surrounding properties are satisfied that it would not result in a highway safety issue. The application is therefore recommended for approval subject to conditions.

***This application has been considered in accordance with Section 38 of the Planning & Compulsory Purchase Act 2004.***

#### Planning Policy

Section 70 of the 1990 Town and Country Planning Act requires that regard be had to the development plan, any local finance and any other material considerations. Section 38(6) of the 2004 Planning and Compensation Act requires that applications are to be determined in accordance with the development plan unless material considerations indicate otherwise. For the purposes of decision making, as of March 26th 2019, the development plan for Plymouth City Council, South Hams District Council and West Devon Borough Council (other than parts South Hams and West Devon within Dartmoor National Park) comprises the Plymouth & South West Devon Joint Local Plan 2014 - 2034.

Following adoption of the Plymouth & South West Devon Joint Local Plan by all three of the component authorities, monitoring will be undertaken at a whole plan level. At the whole plan level, the combined authorities have a Housing Delivery Test percentage of 166%. This requires a 5% buffer to be applied for the purposes of calculating a 5 year land supply at a whole plan level. When applying the 5% buffer, the combined authorities can demonstrate a 5-year land supply of 6.5 years at the point of adoption.

Adopted policy names and numbers may have changed since the publication of the Main Modifications version of the JLP.

The relevant development plan policies are set out below:

**The Plymouth & South West Devon Joint Local Plan was adopted by South Hams District Council on March 21st 2019 and West Devon Borough Council on March 26th 2019.**

SPT1 Delivering sustainable development  
SPT2 Sustainable linked neighbourhoods and sustainable rural communities  
SPT3 Provision for new homes  
SPT9 Strategic principles for transport planning and strategy  
SPT10 Balanced transport strategy for growth and healthy and sustainable communities  
SPT12 Strategic approach to the natural environment  
SPT13 Strategic infrastructure measures to deliver the spatial strategy  
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  
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) and guidance in Planning Practice Guidance (PPG).

### **Considerations under Human Rights Act 1998 and Equalities Act 2010**

The provisions of the Human Rights Act 1998 and Equalities Act 2010 have been taken into account in reaching the recommendation contained in this report.

### **Conditions**

1. The development to which this permission relates must be begun not later than the expiration of three years beginning with the date on which this permission is granted.

Reason: To comply with Section 91 of the Town and Country Planning Act, 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development hereby approved shall in all respects accord strictly with drawing numbers Bastard/5/P100 (location plan), Bastard/5/P101 Rev A (Block Plan), Bastard/5/P102 (ground floor plan), Bastard/5/P103 (elevations), Bastard/5/P104 (elevations) and Bastard/5/P105 (site section) received by the Local Planning Authority on 29.08.19.

Reason: To ensure that the proposed development is carried out in accordance with the drawings forming part of the application to which this approval relates.

3. No development shall take place until the developer has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation (WSI) which has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out at all times in accordance with the approved scheme, or such other details as may be subsequently agreed in writing by the Local Planning Authority.

Reason: To ensure, in accordance with Policy DEV21 in the Plymouth and South West Devon Joint Local Plan 2014 - 2034 and paragraph 199 of the National Planning Policy Framework (2018), that an appropriate record is made of archaeological evidence that may be affected by the development

4. Within 3 months following commencement of development, full details of a hard and soft Landscape Scheme have been submitted to, and approved in writing by the Local Planning Authority. The Landscape Scheme shall be prepared by an appropriately qualified professional and shall include:

- details of earthworks associated with the development, including volumes of cut and fill and arrangements for disposal of any excess excavated material or importation of material;
- details, including design and materials, of ancillary structures such as bin stores and signage;
- details of lighting including function, location, design and intensity;
- details of new ground profiles including retaining bunds and banks;
- materials, heights and details of fencing and other boundary treatments;
- materials, heights, levels and extent of hard landscape treatment, including access points, tracks, roads and any hardstanding areas;
- the location, number, species, density, form and size of proposed tree, hedge and shrub planting including boundary treatment and the heights these features should be maintained at. ;
- the method of planting, establishment and protection of tree, hedge and shrub planting;

- maintenance schedules for the establishment of new planting and its ongoing management;
- a timetable for the implementation of all hard and soft landscape treatment

All elements of the Landscape Scheme shall be implemented in the first planting season following reasonable completion of the development [or occupation of the dwelling (whichever is sooner)] and maintained in accordance with the approved details unless otherwise agreed in writing by the local planning authority. Any plant that dies, is removed or fails to thrive within the first five years after implementation shall be replaced with a plant of the same specification unless otherwise agreed in writing with the local planning authority.

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

5. Notwithstanding the provisions of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (or any Order revoking, re enacting or further amending that Order), no development of the types described in Schedule 2, Part 1, Classes A-H of the Order and Part 2 Class A shall be carried out on the site, other than that hereby permitted, unless the permission in writing of the Local Planning Authority is obtained.

Reason: To protect the character and appearance of the character and appearance of the surrounding area, to ensure adequate space about the dwellings, in the interests of amenity and to ensure the scale of the dwelling is retained in the interests of the housing needs of Yealmpton.

6. Notwithstanding the submitted details, prior to the installation of any part of the foul drainage scheme or before development continues above slab level, whichever is the sooner, full details of the works for the disposal of sewage shall be submitted to and approved in writing by the Local Planning Authority (LPA). Please note that a treatment plant should be used rather than a septic tank.

Reason: In the interests of the prevention of pollution.

7. Notwithstanding the submitted details, prior to the installation of any part of the surface water management scheme or before development continues above slab level, whichever is the sooner, full details of the most sustainable drainage option shall be submitted to and approved in writing by the Local Planning Authority (LPA). Design steps as below:

- 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.
- 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%).
- 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%).

- The offsite discharge will need to be limited to the Greenfield runoff rate. This must be calculated in accordance with CIRIA C753. The discharge must meet each of the critical return periods. Full details of the flow control device will be required.
- The drainage details of the car park and access will be required. If it is proposed to be permeable then it should be designed in accordance with CIRIA C753. Full design details and sectional drawing showing the specification and make up will be required.
- A scaled plan showing full drainage scheme, including design dimensions and invert/cover levels of the soakaways/attenuation features, within the private ownership. The soakaways should be sited 5m away from all buildings and highways to accord with Building Regulations and 2.5m from all other site boundaries for best practice.
- 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.

8. Prior to first occupation of any residential unit, a scheme to secure mitigation of the additional recreational pressures upon the Tamar European Marine Site, shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in full prior to first occupation.

Informative: This condition can be satisfactorily addressed by means of a pre-occupation contribution towards improved management within the Tamar European Marine Site (informed by the SAMMS list).

Calculated at the time the contribution is triggered. At that time the Applicant should contact the Council's Development Management team to arrange payment of the contribution.

Reason: The development lies in the Zone Of Influence of the Tamar European Marine Site (comprising the Plymouth Sound and Estuaries SAC and Tamar Estuaries Complex SPA) where it is considered there would be a likely significant effect from this development, when taken in combination with other plans and projects, upon these European designated sites. To ensure that the proposal may proceed as sustainable development, there is a duty upon the Local Planning Authority to provide sufficient mitigation for any recreational impacts which might arise upon the European designated sites. In coming to this decision, the Council has had regard to Regulation 63 of the Conservation of Habitats and Species Regulations 2017 and the requirements of policies SPT12, SPT14 and DEV26 of the Plymouth and South West Devon Joint Local Plan.

9. The recommendations, mitigation and enhancement measures of the Ecological Report, by Butler Ecology (July 2019), shall be fully implemented prior to the commencement of the use hereby approved and adhered to at all times. In the event that it is not possible to do so all work shall immediately cease and not recommence until such time as an alternative strategy has been agreed in writing with the local planning authority.

Reason: To safeguard the interests of protected species.

10. The garage and/or hardstanding hereby permitted shall remain available in perpetuity for the parking of motor vehicles in association with the use of the dwelling, and the garage shall not be used for any habitable accommodation.

Reason: To ensure that the off-street parking facilities remain available in the interests of highway safety and to ensure the scale of the dwelling is retained in the interests of the housing needs of Yealmpton.

11. 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.

12. Prior to development above slab/dpc level details of how the development will meet with the objectives of Policy DEV32 of the Plymouth and South West Devon Joint Local Plan shall be submitted to and approved in writing by the Local Planning Authority. The information should include details of the proposed air source heat pump including exact measurements and technical specifications. The development shall be carried out in accordance with the approved details and maintained in perpetuity thereafter.

Reason: To demonstrate that the development that the development can deliver low carbon development in accordance with Policy DEV32 of the Plymouth and South West Devon Joint Local Plan and in the interests of safeguarding residential amenity.

13. 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.

## PLANNING APPLICATION REPORT

**Case Officer:** Rob Heard  
Stoke Fleming

**Parish:** Halwell & Moreleigh **Ward:** Blackawton and

**Application No:** 2821/19/FUL

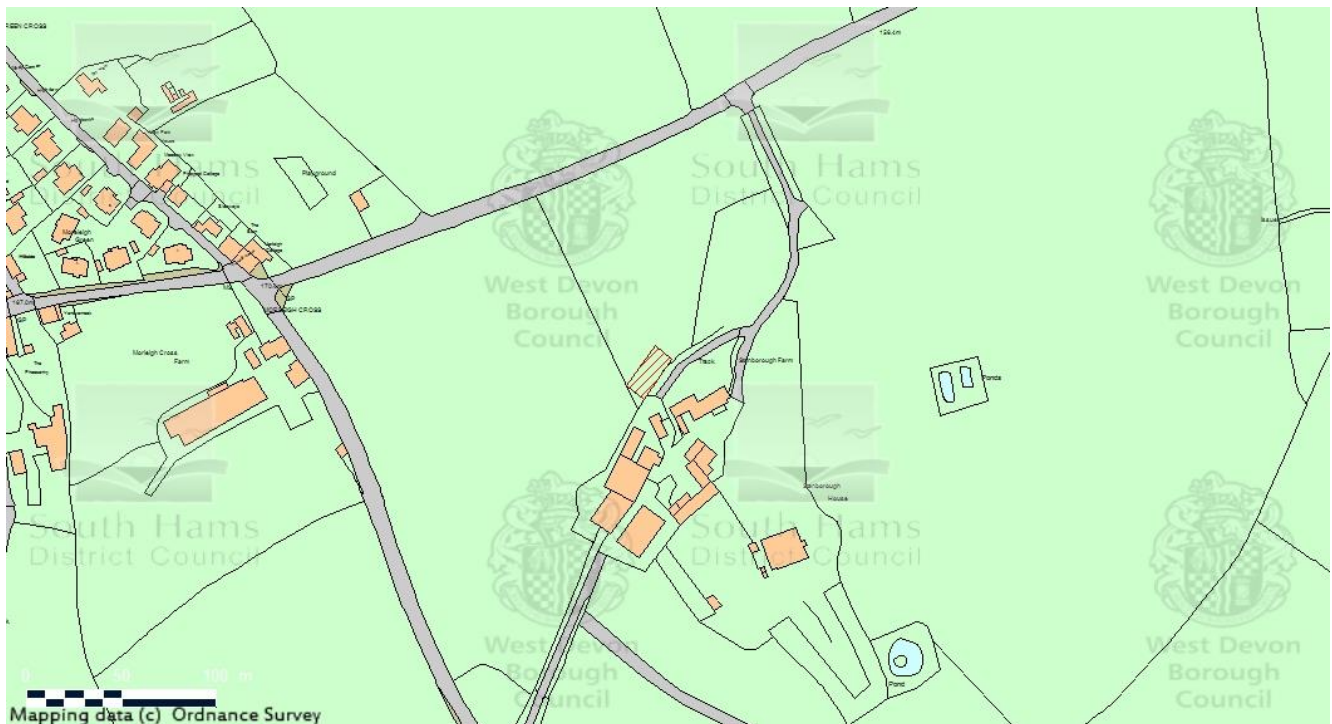
**Agent/Applicant:**  
Clare Collings  
Etheridge Farm Barn  
Diptford  
Devon  
TQ9 7NQ

**Applicant:**  
Mr & Mrs R Reeve  
Stanborough Farm  
Halwell  
Totnes  
Devon

**Site Address:** Stanborough Farm, Moreleigh, TQ9 7JQ

**Development:** New agricultural shed

The application is presented to the committee due to the applicant being a Ward Councillor.



### Recommendation:

Planning Permission Granted subject to conditions

### Conditions:

1. Time Limit
2. Approved Plans
3. Materials
4. Drainage

## **Key issues for consideration:**

- **Principle of Development**
  - **Impact upon landscape**
  - **Highways**
- 

## **Site Description:**

The site is part of an established farm holding that is located just outside of the settlement of Moreleigh, in the open countryside but outside of the South Devon Area of Outstanding Natural Beauty. It is a large farm holding, consisting of 200 acres of land, with most of the buildings grouped together in the north-west corner of the site.

## **The Proposal:**

The proposal is for a new pole type barn which will be sited close to the existing buildings on the site, adjacent to the existing barns and main farmhouse in what is a typical farmyard setting. It is a large barn, 9 metres x 18 metres with 2 open sides. Proposed materials consist of featherboarding for the elevations and profiled sheeting for the roof. The farm is served by existing vehicular access points.

## **Consultations:**

- County Highways Authority; standing advice.
- Town/Parish Council; no comments received.

## **Representations:**

### **Representations from Residents**

No representations received.

### **Relevant Planning History**

No relevant history.

## **ANALYSIS**

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

Policy TTV26 of the JLP addresses development in the countryside and seeks to protect the special characteristics and role of the countryside. This policy allows for developments that respond to a proven agricultural need that genuinely require a countryside location. The



proposals would be in accordance with this policy, being part of a large established farm holding and required for agricultural purposes.

#### Design/Landscape:

The proposed barn is a large structure, 9 metres in width and 18 metres in length, with 2 open (gated) sides. Proposed materials consist of featheredged boarding and dung boarding for the elevations and profiled sheeting for the roof.

The scale, massing and design are considered to be appropriate given the setting and proposed use. The site is not prominent and there are other rural buildings in close proximity, as well as the existing farmhouse. The setting can be described as a typical farmyard and the proposals will sit comfortably within their context.

The proposed barn has been located and designed to respect the local scenic quality and maintain the area distinctive sense of place and is in accordance with policy DEV23 (Landscape character) of the JLP.

#### Neighbour Amenity:

The applicants have a significant land holding and there are no nearby neighbours or conflicting land uses close to the site. The proposals are thus in accordance with policy DEV1 (Protecting health and amenity) of the JLP.

#### Highways/Access:

There is an existing access to the site that serves the farm and the other agricultural buildings that are grouped together at the site. Access arrangements at the site are not proposed to be changed and will be from the access driveway to the site from the adopted highway lane that provides access to the wider highway network. This is considered acceptable and not contrary to the advice and guidance within policy DEV29 (Specific provisions relating to transport) of the JLP.

#### Drainage:

No information has been submitted with regards to drainage proposals but it is considered that there is adequate space within the site for soakaways.

Other Matters:

***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.

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  
TTV26 Development in the Countryside  
DEV1 Protecting health and amenity  
DEV15 Supporting the rural economy  
DEV23 Landscape character  
DEV26 Protecting and enhancing biodiversity and geological conservation  
DEV29 Specific provisions relating to transport  
DEV35 Managing flood risk and Water Quality Impacts

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

### **Neighbourhood Plan**

The site does not fall within any of the NP boundaries.

### **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.

### **Conclusion**

The proposals are for a new agricultural building on a significant existing farm holding and are thus acceptable in principle. The scale, massing and design is appropriate given the setting and there is an existing vehicular access that serves the site.

The proposals are acceptable and compliant with the relevant policies in the JLP. The application is therefore recommended for approval subject to conditions.

### **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, Agricultural Holdings Boundary, Plan and Elevations (1057/19/03) received by the Local Planning Authority on 30th August 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 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. PRIOR TO COMMENCEMENT

Prior to the commencement of the development, details of the surface water design shall be submitted to and approved in writing by the local planning authority. Details of maintenance and management responsibility for the drainage system must be submitted to and approved in writing by the local planning authority prior to commencement on site. Such approved drainage details shall be completed and become fully operational before the development first brought into use. Following its installation the approved scheme shall be permanently retained and maintained thereafter. Surface water drainage systems design and installation shall be accordance with CIRIA C697 The SuDS Manual and CIRIA C698 Site Handbook for the Construction of SuDS.

Reason: To safeguard the amenities of the locality and environment and to ensure that the development is adequately drained. A pre- commencement condition is considered necessary to safeguard the environment in the interests of the amenities of the area.

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**DEVELOPMENT MANAGEMENT COMMITTEE 6-Nov-19**

Appeals Update from 28-Sep-19 to 24-Oct-19

**Ward Allington and Strete**

APPLICATION NUMBER : **0869/19/FUL** APP/K1128/W/19/3235270  
APPELLANT NAME: Mr C Grigg  
PROPOSAL : Associated operational development to allow for conversion of stone barn to flexible use (cafe) as consented under prior approval 0189/19/PAU, including change of use of land to provide extended curtilage for associated access, parking, turning and landscaping  
LOCATION : Old Stone Barn With Land At Sx778426 Frogmore  
APPEAL STATUS : Appeal Lodged  
APPEAL START DATE: 15-October-2019  
APPEAL DECISION:  
APPEAL DECISION DATE:

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**Ward Ermington and Ugborough**

APPLICATION NUMBER : **1386/19/OPA** APP/K1128/W/19/3236347  
APPELLANT NAME: Mrs Rachel French  
PROPOSAL : Construction of 2no. residential dwellings on an infill site, formerly Whiteoaks camp site  
LOCATION : Whiteoaks Davids Lane Filham PL21 0DW  
APPEAL STATUS : Appeal Lodged  
APPEAL START DATE: 01-October-2019  
APPEAL DECISION:  
APPEAL DECISION DATE:

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**Ward Ivybridge West**

APPLICATION NUMBER : **1559/19/TPO** APP/TPO/K1128/7616  
APPELLANT NAME: Bruce Robinson  
PROPOSAL : T1-T4: Copper Beech - crown reduction by 2 metres on all sides due to proximity to buildings and other trees. Works will recreate shape of trees and ensure they remain healthy.  
LOCATION : 5 The Groves Crescent Road Ivybridge PL21 0SY  
APPEAL STATUS :  
APPEAL START DATE: 07-October-2019  
APPEAL DECISION:  
APPEAL DECISION DATE:

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**Ward Loddiswell and Aveton Gifford**

APPLICATION NUMBER : **1383/19/FUL** APP/K1128/W/19/3235854  
APPELLANT NAME: Mrs E Perraton  
PROPOSAL : 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)  
LOCATION : Redundant Barn Gratton Farm Loddiswell Devon TQ7 4DA  
APPEAL STATUS : Appeal Lodged  
APPEAL START DATE: 15-October-2019  
APPEAL DECISION:  
APPEAL DECISION DATE:

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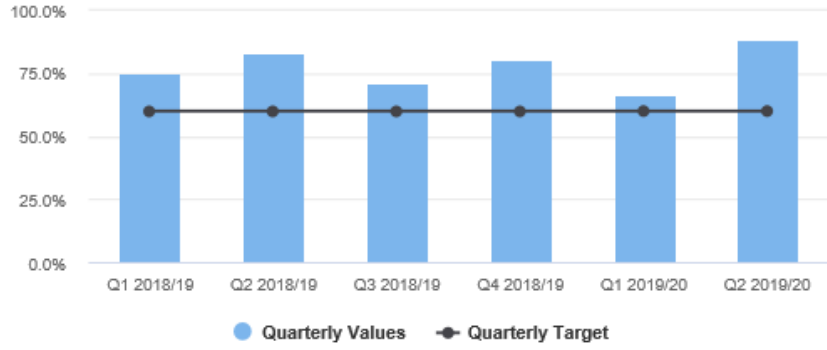
**Ward Salcombe and Thurlestone**

APPLICATION NUMBER : **2933/18/FUL** APP/K1128/W/19/3230870  
APPELLANT NAME: Mr Peter Fane  
PROPOSAL : READVERTISEMENT (Revised Plans) Demolition of existing dwelling and replacement with new dwelling  
LOCATION : Highwood Moulton Road Salcombe TQ8 8LG  
APPEAL STATUS : Appeal Lodged  
APPEAL START DATE: 27-June-2019  
APPEAL DECISION: Dismissed (Refusal)  
APPEAL DECISION DATE: 11-October-2019

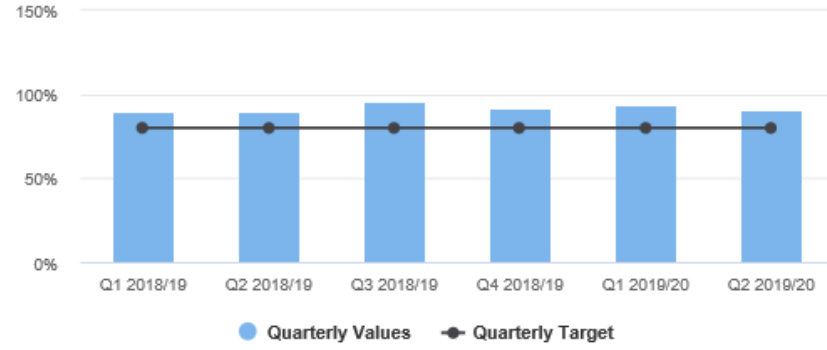
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SH-P1 Major apps on target



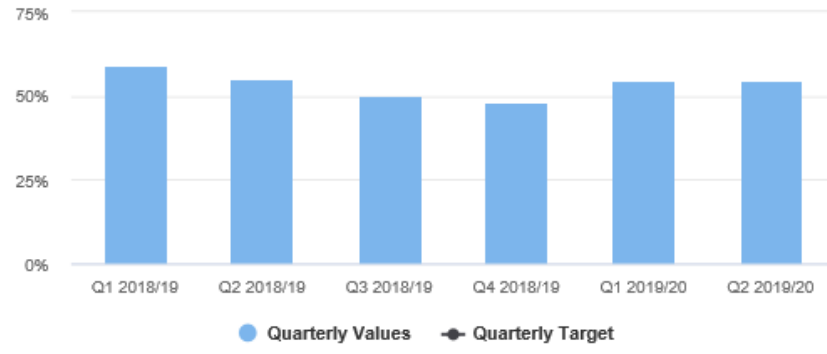
SH-P2 Non-Major apps on target



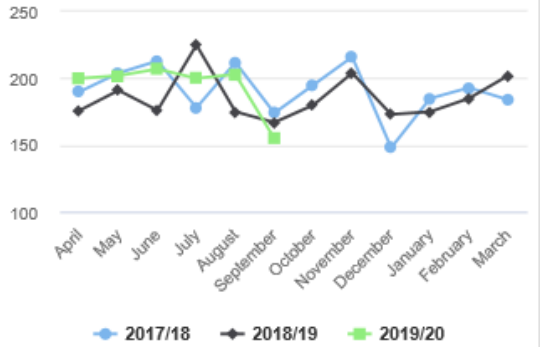
SH-P4 Major on target without eot



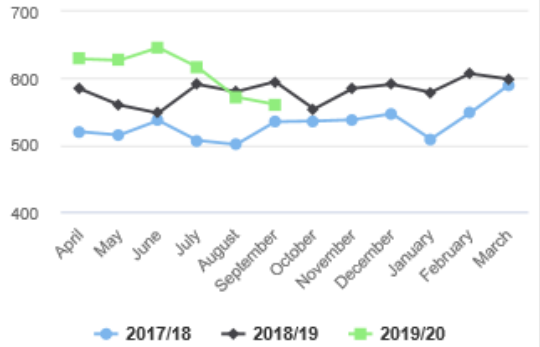
SH-P5 Non-Major apps on target without eot



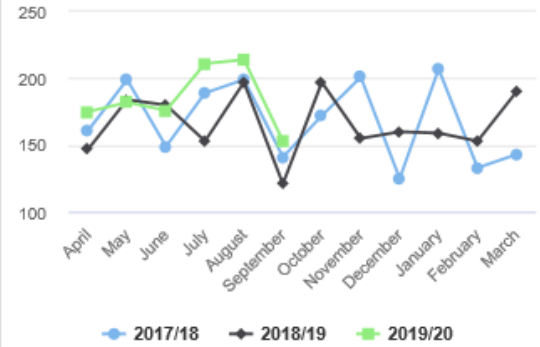
SH-P7 No of applications registered



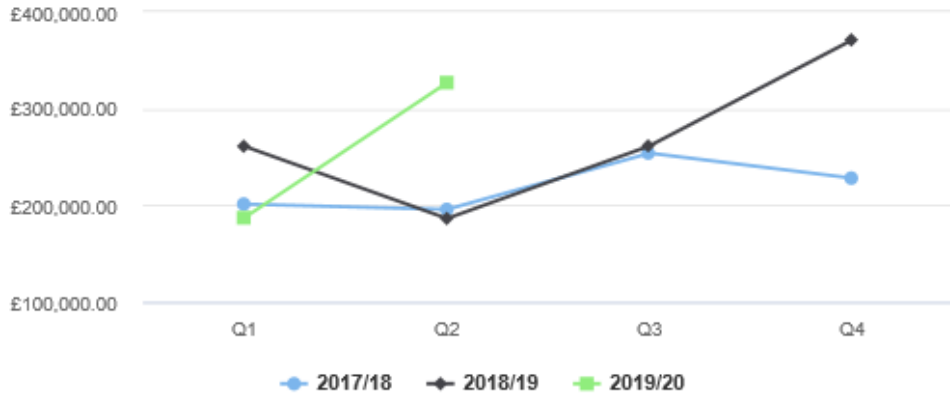
SH-P8 Planning Workload



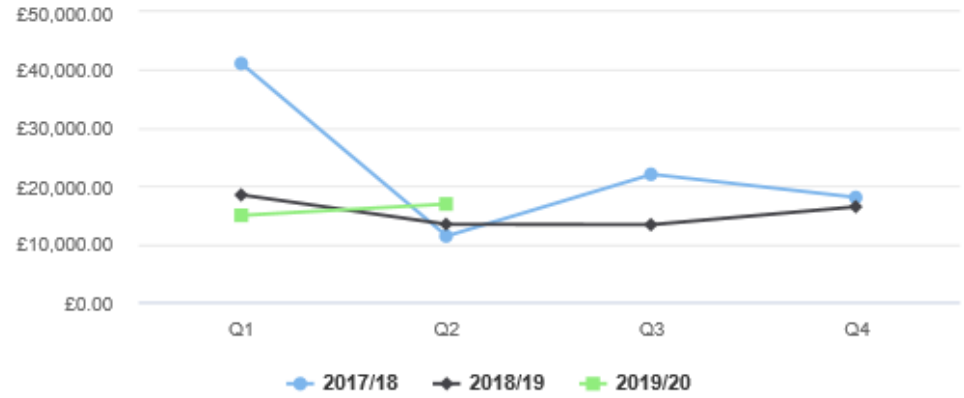
SH-P9 No of applications determined



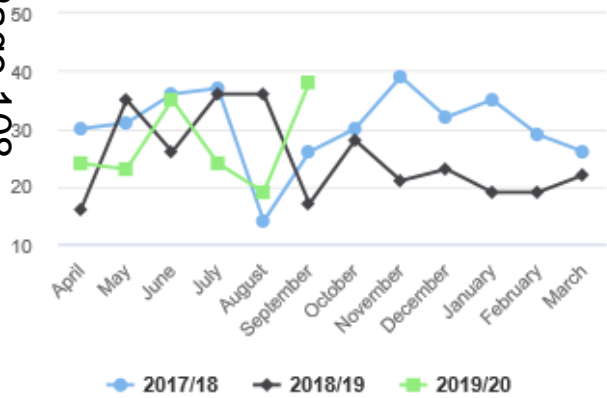
SH-P10 Fee Income from Planning Applications



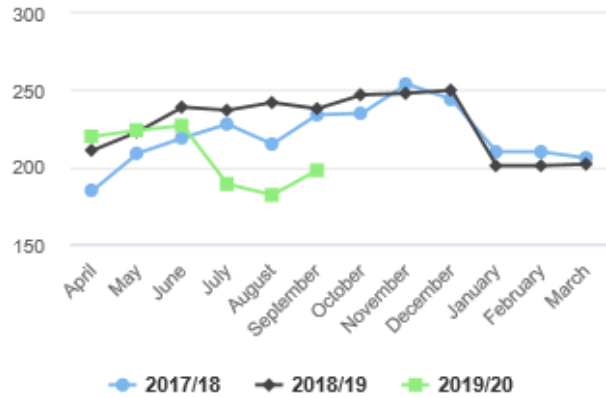
SH-P11 Fee Income from Pre-Apps



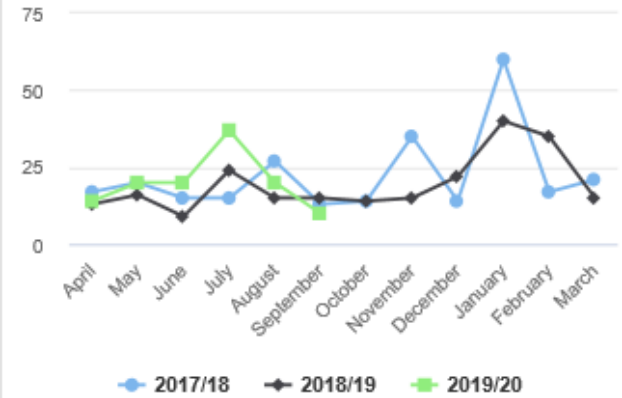
SH-P12 Pre-Apps Received



SH-P13 Pre-Application workload

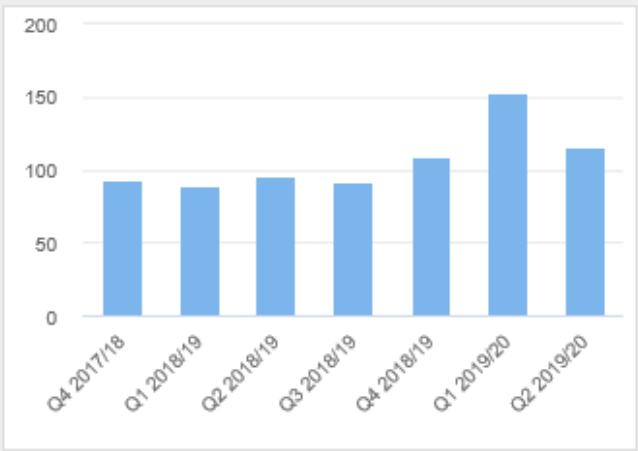


SH-P14 Pre-Apps closed

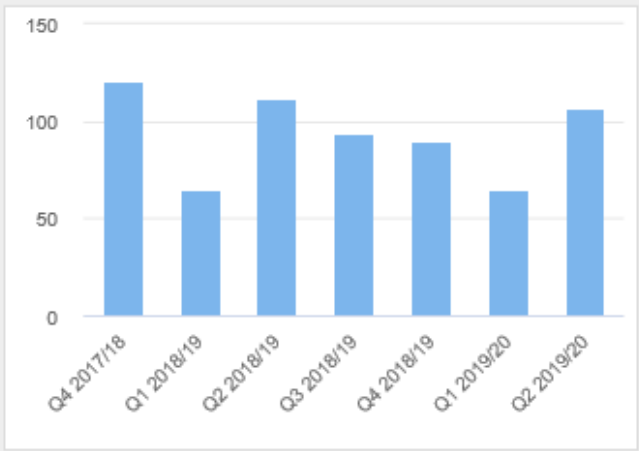




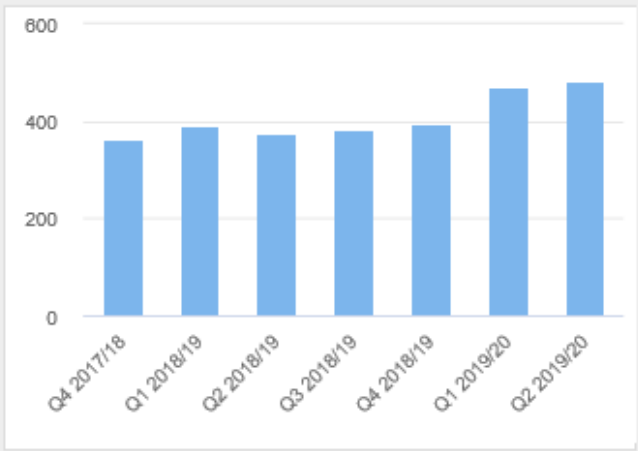
SH-E3 Enf Cases Received (since March 2016)



SH-E4 Enf Cases Closed (since March 2016)



SH-E5 Enforcement Cases Outstanding



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