

South Hams Development Management Committee



Title:	Agenda										
Date:	Wednesday, 4th December, 2019										
Time:	9.30 am and 2.00 pm										
Venue:	Council Chamber - Follaton House										
Full Members:	<p style="text-align: center;">Chairman Cllr Brazil</p> <p style="text-align: center;">Vice Chairman Cllr Foss</p> <p><i>Members:</i></p> <table style="width: 100%; border: none;"> <tr> <td style="width: 33%;">Cllr Brown</td> <td style="width: 33%;">Cllr Kemp</td> </tr> <tr> <td>Cllr Hodgson</td> <td>Cllr Long</td> </tr> <tr> <td>Cllr Holway</td> <td>Cllr Pannell</td> </tr> <tr> <td>Cllr Rowe</td> <td>Cllr Pringle</td> </tr> <tr> <td>Cllr Abbott</td> <td>Cllr Taylor</td> </tr> </table>	Cllr Brown	Cllr Kemp	Cllr Hodgson	Cllr Long	Cllr Holway	Cllr Pannell	Cllr Rowe	Cllr Pringle	Cllr Abbott	Cllr Taylor
Cllr Brown	Cllr Kemp										
Cllr Hodgson	Cllr Long										
Cllr Holway	Cllr Pannell										
Cllr Rowe	Cllr Pringle										
Cllr Abbott	Cllr Taylor										
Interests – Declaration and Restriction on Participation:	Members are reminded of their responsibility to declare any disclosable pecuniary interest not entered in the Authority's register or local non pecuniary interest which they have in any item of business on the agenda (subject to the exception for sensitive information) and to leave the meeting prior to discussion and voting on an item in which they have a disclosable pecuniary interest.										
Committee administrator:	Kathy Trant Specialist- Democratic Services 01803 861185										

1. Minutes

1 – 8

To approve as a correct record and authorise the Chairman to sign the minutes of the meeting of the Committee held on 6 November 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) 2101/19/FUL

35 – 64

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.

	Page No
(c) 0545/19/FUL Demolition and rebuild of 2 existing dwellings "Hill Cottage", Herbert Road, Salcombe, Devon	65 – 76
(d) 2416/19/FUL Provision of a manege. "Land At SX 903 518", Kingswear	77 – 82
Upon the conclusion of the above agenda item, the meeting will be adjourned and reconvened at 2.00pm	
(e) 2198/19/FUL Cladding of existing gate and topping off of stone wall. (Retrospective). "Post Barn", Ashprington Cross, Ashprington, Totnes	83 – 90
(f) 3398/18/FUL Construction of side and rear extension to existing warehouse "The Display Works", East Way, Lee Mill Industrial Estate, Lee Mill, Devon	91 – 98
(g) 2738/18/FUL Erection of six small business units for Classes B1, B2 and B8 Use including parking, turning and alterations to access. "Richmond Place", Central Avenue, Lee Mill	99 - 106
(h) 1329/19/FUL READVERTISEMENT (Revised plans received) Construction of Commercial / Office Building (Class B1) with associated car parking, access and landscaping. "Commercial / Office Unit", Endsleigh Park (South Woodland Farm), Ivybridge	107 - 112
(i) 2948/19/FUL Erection of new 3 bedroom, 1 1/2 Storey, detached dwelling with subterranean garage and driveway (Resubmission of 1423/19/FUL) "Land Adjacent Sea View", West Hill, Heybrook Bay	113 - 124

****The following applications will not be heard before 4.00pm****

(j) 0379/19/FUL	125 - 150
Erection of new dwelling, landscape enhancements and associated works. Land on East side of New Road, Bickleigh, Plymouth, PL6 7AN	
(k) 2266/19/FUL	151 - 162
Erection of 4 dwellings (re-submission of 3151/18/FUL) "Land at SX 570 617", Lee Moor	
7. Planning Appeals Update	163 - 164

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

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

Other Members also in attendance and participating:
Cllrs K Baldry, H Bastone 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
	2556/19/FUL	Strategic Planning Specialist

DM.33/19 MINUTES
The minutes of the meeting of the Committee held on 9 October 2019 were confirmed as a correct record and signed by the Chairman.

DM.34/19 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 T Holway declared a personal interest in application **3460/17/OPA: READVERTISEMENT (Revised Plans Received) Outline** application with some matters reserved for 7 self-build/custom build dwellings (five open market and two affordable self-build plots), by virtue of knowing the applicant and the neighbours. He remained in the meeting and took part in the vote thereon;

Cllr J Brazil declared a personal interest on behalf of all Members of the Committee in application **2821/19/FUL: New agricultural shed – Stanborough Farm, Moreleigh**, by virtue of the applicant being a fellow Member of the Council. They remained in the meeting and took part in the debate and vote thereon.

DM.35/19 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.36/19 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) 3460/17/OPA Lutterburn Farm, Lutterburn Street, Ugborough**
Parish: Ugborough

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

Case Officer Update: One late letter of representation from Under Town Residents Association stating that the applicant did not have consent to make alterations to their land

Speakers included: Objector – Mrs Joan Fletcher: Supporter – Mr Simon Baker: Parish Council representative – Cllr George Beable (statement read): Ward Member – Cllr Holway

Recommendation: Delegate to the HOP Lead Development Management in consultation with the Chairman to conditionally approve 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 Lead to refuse the application in the absence of an agreed s106 Agreement.

During discussion, the Ward Member advised that he was representing the views of the local residents who were concerned about flooding and, whilst the drainage engineers had advised that the proposed flood alleviation scheme was acceptable, the residents had to undergo the stress of waiting to see if the scheme would work. Other Members noted that the proposed conditions attached to the approval would require flood mitigation work to be undertaken prior to commencement of the development. Members discussed the more technical aspects of the flood mitigation measures. Some Members accepted that the proposal, having previously been approved, did not present reasons for refusal. On taking the vote however, a majority of Members did not vote to approve the application, although Members were not minded to refuse the application either and it was clear that further information in respect of the flood alleviation scheme would assist them in coming to a view.

Committee Decision: Deferral, for further information on if and when the flood alleviation scheme can be implemented and information on the depth of flood waters.

b) 3011/19/FUL The Shippen, Cowsberry Farm, Burraton

Parish: Ermington

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

Case Officer Update: The case officer corrected two inaccuracies within the Principle of Development section of the report in that reference to three barns and a car port were incorrect.

Speakers included: Supporter – Mrs Amanda Burden: local Ward Member - Cllr Holway

Recommendation: Refusal

Committee Decision: Refusal

c) 2101/19/FUL Lantern Lodge Hotel, Grand View Road, Hope Cove

Parish: South Huish

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)

Prior to the presentation on this application, the Chairman advised that a site inspection had been requested by one of the local Ward Members. It was **PROPOSED, SECONDED** and on being put to the vote declared **CARRIED**, that the application be deferred for a site inspection.

d) 1676/19/HHO Summerleaze, Drake Road, Salcombe

Parish: Salcombe

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

Case Officer Update: None

Speakers included: Objector – Mr Rob Wheeler: Supporter – Mr Murray Ross: Town Council representative – Cllr Mike Fice: Ward Members – Cllrs Long and Pearce

Recommendation: Conditional Approval

During discussion, concerns were raised over the impact of the proposal on the neighbouring property, Myrana. Members were also advised that the suggested Kilowatt per annum figures quoted for the solar panels on the neighbouring property differed significantly from the actual figures, and therefore there was a negative impact in terms of renewable energy and the development would not be sustainable. Having attended the site inspection, a number of Members had concerns over the design of the building, particularly the ‘butterfly’ roof, and noted that the proposal would be out of character with the existing street scene, contrary to policies within the Salcombe Neighbourhood Plan.

Committee Decision: Refusal

Reasons:

1. The proposal will result in overlooking and loss of sunlight and daylight to Myrana, resulting in a detrimental impact on amenity, contrary to the provisions of policy DEV1 (1) Protecting health and amenity of the Plymouth and South West Devon Joint Local Plan.
2. The proposal by reason of its design will result in the introduction of an incongruent feature within the townscape in the form of the butterfly roof and by reason of its scale, bulk, massing and forward projection will result in an overbearing impact on the surrounding townscape, contrary to the provisions of DEV10 (1) Delivering high quality housing and DEV20 (2 & 4) Place shaping and the quality of the built environment, DEV25 (2 and (8 i, ii, iii) Nationally protected landscapes of the Plymouth and South West Devon Joint Local Plan, policies SALCENV1 (a) and SALCB1 (1, 3a & b) of the Salcombe Neighbourhood Plan and the guidance of the National Planning Policy Framework (NPPF) contained within, but not limited to, paragraphs 124-132, 170 and 172.
3. The proposal by reason of its design, scale, bulk, massing and forward projection will overshadow the neighbouring property, Myrana, resulting in a loss of solar gain to the building and shading of solar PV panels, without it having been demonstrated that such losses have been offset within the proposal contrary to the provisions of policy DEV32 (3 & 4) Delivering low carbon development of the Plymouth and South West Devon Joint Local Plan.

e) 2556/19/FUL Land adjacent to Bowden Hill, Yealmpton**Parish: Yealmpton**

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

Case Officer Update: Additional condition should be included – to secure details of any retaining walls or structures prior to them being built.

Speakers included: Objector – Mr Ron Cole: Supporter – Mr Mark Evans: Parish Council representative – Cllr Alan Cooper: Ward Member – Cllr Baldry

Recommendation: Conditional Approval

Committee Decision: Conditional Approval

Conditions

Standard 3 year time limit

Development to be carried out in accordance with plans

Program of archaeological works to be undertaken (pre commencement)

Landscaping (in interests of visual amenity, ecology and neighbours)

Removal of PD rights

Drainage – foul sewerage

Drainage – surface water

Tamar EMS

Adherence with recommendations in ecologist report

Garage to be retained for motor vehicles

Materials

Low carbon to include details of air source heat pump

Unsuspected land contamination

Details of any retaining walls/structures prior to them being built

f) 2821/19/FUL Stanborough Farm, Moreleigh**Parish: Halwell & Moreleigh**

New agricultural shed

Case Officer Update: None

Recommendation: Conditional Approval

Committee Decision: Conditional Approval

Conditions:

Time limit

Approved Plans

Materials

Drainage

DM.37/19 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 the Case Officer provided further detail of the dismissed appeal decision that was listed.

DM.38/19 PLANNING PERFORMANCE INDICATORS

Members noted the Performance Indicators as outlined in the presented agenda report.

The Head of Development Management responded to questions of clarity.

(Meeting commenced at 11.00am and concluded at 3.35pm)

Chairman

Voting Analysis for Planning Applications – DM Committee 6 November 2019

Application No:	Site Address	Vote	Councillors who Voted Yes	Councillors who Voted No	Councillors who Voted Abstain	Absent
3460/17/OPA	Lutterburn Farm, Lutterburn Street, Ugborough	Conditional Approval	Cllrs Brazil, Pannell, Abbott and Foss (4)	Cllrs Kemp, Long, Brown, Holway and Pringle (5)	Cllr Taylor (1)	Cllrs Hodgson and Rowe (2)
3460/17/OPA	Lutterburn Farm, Lutterburn Street, Ugborough	Deferral	Cllrs Brazil, Pannell, Abbott, Foss, Kemp, Long, Brown, Holway, Pringle and Taylor (10)	(0)	(0)	Cllrs Hodgson and Rowe (2)
3011/19/FUL	The Shippen, Cowsberry Farm, Burraton	Refusal	Cllrs Brazil, Pannell, Foss, Kemp, Long, Pringle and Taylor (7)	Cllrs Holway, Abbott and Brown (3)	(0)	Cllrs Hodgson and Rowe (2)
2101/19/FUL	Lantern Lodge Hotel, Grand View Road, Hope Cove	Defer for site inspection	Cllrs Long, Pannell, Kemp and Brown (4)	Cllrs Brazil, Holway and Pringle (3)	Cllrs Abbott and Foss (2)	Cllrs Hodgson, Rowe and Taylor (3)
1676/19/HHO	Summerleaze, Drake Road, Salcombe	Refusal	Cllrs Holway, Foss, Abbott, Pannell, Long, Kemp, Pringle and Brown (8)	(0)	Cllr Brazil (1)	Cllrs Hodgson, Rowe and Taylor (3)
2556/19/FUL	Land adjacent to Bowden Hill, Yealmpton	Conditional Approval	Cllrs Brazil, Holway, Foss, Abbott, Pannell, Pringle and Brown (7)	Cllrs Long and Kemp (2)	(0)	Cllrs Hodgson, Rowe and Taylor (3)
2821/19/FUL	Stanborough Farm, Moreleigh	Conditional Approval	Cllrs Holway, Foss, Pannell, Abbott, Brown, Brazil, Kemp, Long and Pringle (9)	(0)	(0)	Cllrs Hodgson, Rowe and Taylor (3)

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PLANNING APPLICATION REPORT

Case Officer: Adam Williams

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

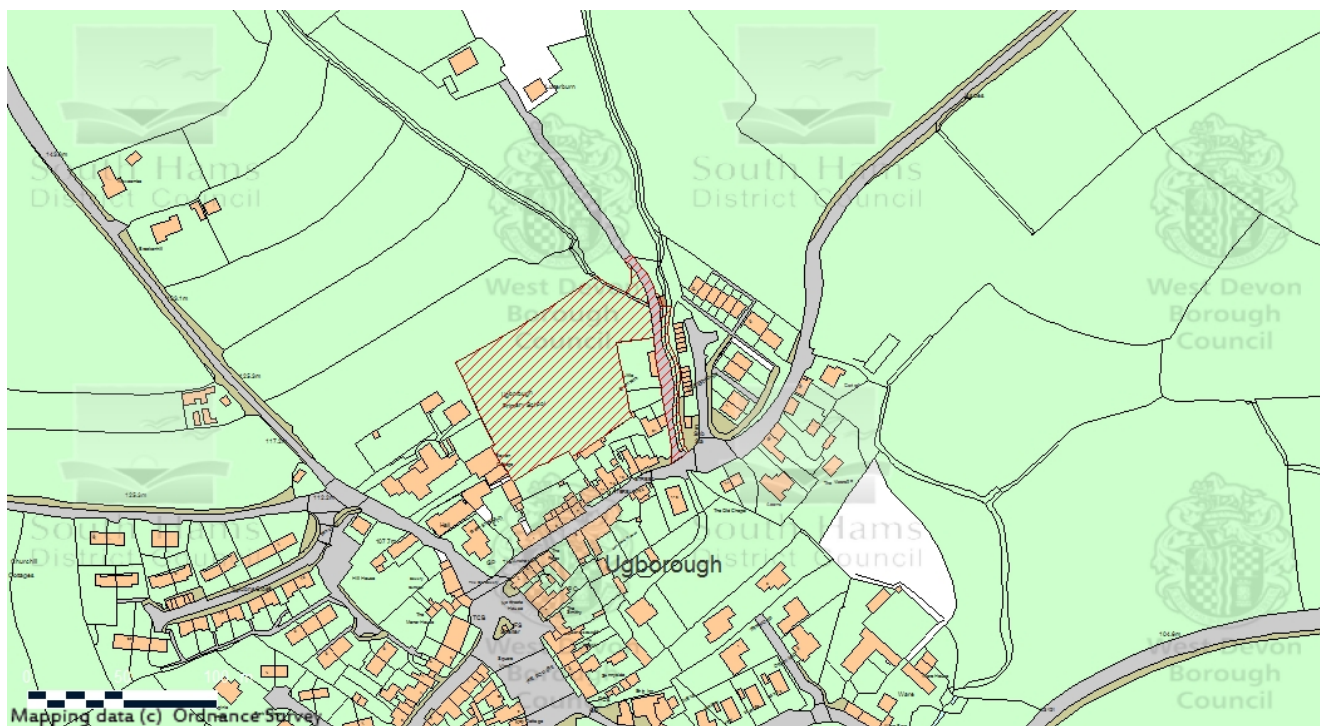
Application No: 3460/17/OPA

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).



Deferred from Development Management Committee 9th October 2019

Reason item is being put to Committee prior: 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 13th 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 was demonstrated that it is no longer needed and has been removed, in all other respects the scheme is the same

The application then discussed at Development Management Committee on 9th October to discuss the changes made following a revised Flood Risk Assessment to evidence the removal of the emergency flood exit. At that meeting it was decided to defer so that specialist advisors could be present to advise members.

There are now three new additional conditions, one pertaining to the submission of an emergency flood plan, another relating to compliance with Policy DEV32 of the Plymouth and South West Devon Joint Local Plan and lastly a condition requiring the developer to submit a revised Land Drainage Consent.

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

25. Submission of revised LDC

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.

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 26th 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. Two sites were identified within the NDP however these were under consideration or consented. The plan identifies that sites put forward in and around Ugborough village had significant constraints but that sites that were offered may be suitable for development if it can be demonstrated that the identified constraints can be removed, this lead to the plan taking a themed approach to development policies rather than conducting site allocations.

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. The Ugborough Neighbourhood Plan has not allocated residential sites within the Neighbourhood Plan Area, however more pertinently there are no sites allocated specifically for self-build across the district, officers understand that the authority still requires self-build sites to meet its obligations under the Housing and Planning Act 2016 and there are no site allocations for this purpose which helps the authority meet its commitments under Policy DEV9. There is a need for self-build within Ugborough village, where the neighbourhood plan has a policy for self-build (UG9), this need also extends to the parish and the plan area where the authority must give suitable development permission to enough suitable serviced plots of land to meet the demand for self-build and custom housebuilding in their area. As such, officers are satisfied that there are no sequentially preferable sites for further residential self-build development within the Ugborough Parish or the plan area and that the scheme passes the sequential test. NPPF paragraph 159 states *'If it is not possible for development to be located in zones with a lower risk of flooding (**taking into account wider sustainable development objectives** (officers emphasis)), the exception test may have to be applied'*

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, The opportunity is here to meet a local self-build need, a provision for local connection clause by condition and a level of market rate reduction for two plots is considered to pass the sustainability requirements of the exceptions test. The proposed planning obligations will form part of a S106. The applicant has put forward a term which in the event the plots are not sold within 12 months, a commuted sum could be paid to SHDC for provision of affordable housing in the district.

Safe Access and Egress

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 & Flooding

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 were 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

Following the submission of a revised FRA, it was recommended that the pipe below the site access should be upgraded from 600mm to 750mm. On the subject of Land Drainage Consents, the 750mm pipe is a departure from the 600mm that was proposed in the original LDC, in addition to the additional road crossing in the latest plans a new consent is required to mop up the departures from the previously submitted plan, a condition will be attached to ensure this is completed prior to commencement.

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 if 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. In terms of flood risk, although there are sequentially preferable site for residential development, there remains little available sites for self-build, the site is sustainably located for a self-build development with an appropriate S106 heads of terms and provides a scheme which aims to alleviate flooding down Lutterburn Lane and across Lutterburn Street, the development therefore meets a number sustainable development objectives.

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 and the adopted neighbourhood plan and is recommended for conditional approval subject to S106

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

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

25) Prior to commencement new Land Drainage Consent application covering the revised surface water management proposals, must be submitted to and approved by Devon County Council details of this shall then be submitted to the Local Planning Authority prior to commencement. The works to the water courses shall be completed prior to any other works taking place, carried out in accordance with the approved details and maintained in perpetuity thereafter.

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

PLANNING APPLICATION REPORT

Case Officer: Wendy Ormsby

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

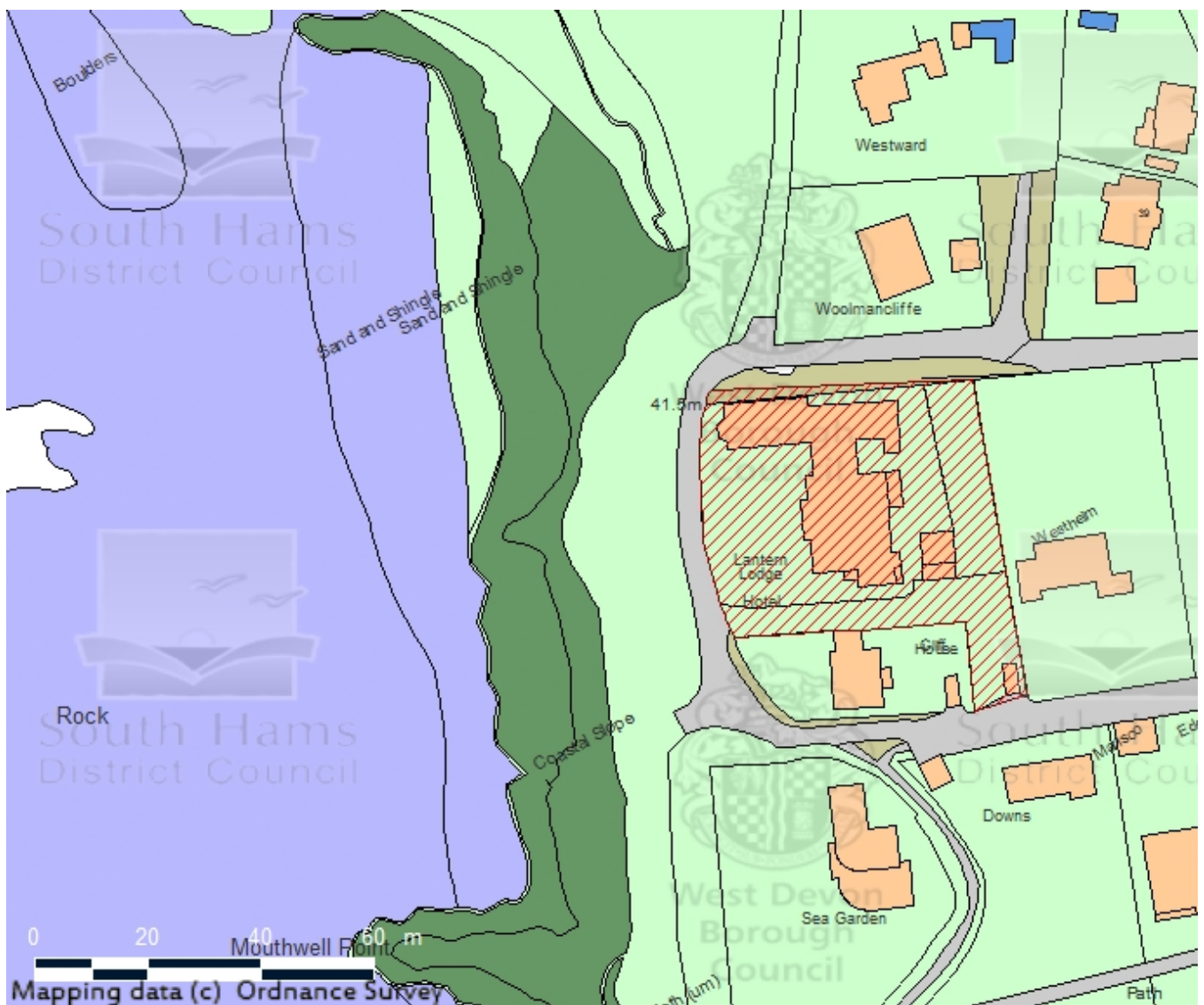
Application No: 2101/19/FUL

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.
23. Louvres on first and second floor east facing windows to be provided prior to occupation and to be retained and maintained

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 built up area of Hope Cove 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 ²		2 Bedroom, 4 People (open market)
Unit 2	Floor Area	98 m ²		3 Bedroom, 6 People (open market)
Unit 3	Floor Area	61 m ²		2 Bedroom, 3 People (manager apartment)
Unit 4	Floor Area	78 m ²		3 Bedroom, 4 People (holiday let)
Unit 5	Floor Area	93 m ²		2 Bedroom, 4 People (open market)
Unit 6	Floor Area	61 m ²		1 Bedroom, 2 People (holiday let)
Unit 7	Floor Area	89 m ²		3 Bedroom, 5 People (holiday let)
Unit 8	Floor Area	49 m ²		1 Bedroom, 2 People (holiday let)
Unit 9	Floor Area	71 m ²		3 Bedroom, 4 People (holiday let)
Unit 10	Floor Area	86 m ²		2 Bedroom, 4 People (open market)
Unit 11	Floor Area	62 m ²		1 Bedroom, 2 People (holiday let)
Unit 12	Floor Area	62 m ²		2 Bedroom, 4 People (holiday let)
Unit 13	Floor Area	52 m ²		2 Bedroom, 3 People (holiday let)
Unit 14	Floor Area	39 m ²		1 Bedroom, 2 People (holiday let)
Unit 15	Floor Area	77 m ²		2 Bedroom, 4 People (open market)
Office & Store	Office Area	20 m ²		

Plant Store Area 6 m²
Refuse Store Area 11 m²

Grand total 1083 m²

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 15th 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 a 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 sight 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 7th 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 – 7th 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:

	Tonnes CO2 per year	kWh/year
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 14 stage so carries very limited weight. Relevant policies include:

SH EC 01 Tourism related employment and retention of hotels
SH Env 1 Settlement Boundaries and avoidance of coalescence
SH Env 2 Impact on the AONB
SH Env 5 Locally Important Views
SH Env 9 Dark Skies and the avoidance of light pollution
SH H2 Principal Residence
SH T2 Car Parking
SH HBE 3 Design Quality within the Parish

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 D
Proposed	Section 2	111	Rev C
Proposed	Office, Store and	112	Rev C

Proposed	Refuse 3D Visual Impact Assesment 01	114	Rev B
Proposed	3D Visual Impact Assesment 02	115	Rev B
Proposed	3D Visual Impact Assesment 03	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 Logisitcs
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 site.

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

23. The louvres shown on the approved plans over the windows on the first and second floor windows on the east elevation shall be provided prior to the occupation of the apartment(s) to which they relate and shall be retained and maintained for the lifetime of the development.

Reason: In the interests of neighbour amenity

PLANNING APPLICATION REPORT

Case Officer: Rob Heard

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

Application No: 0545/19/FUL

Agent:

Mr Mark Evans
Mark Evans Planning Limited
Cedar House
Membland
Newton Ferrers,
Plymouth
PL8 1HP

Applicant:

Mr P Rodgers
Hill Cottage,
Herbert Road
Salcombe
TQ8 8HN

Site Address: Hill Cottage, Herbert Road, Salcombe, TQ8 8HN

Development: Demolition and rebuild of 2 existing dwellings



This application is being presented to the planning committee at the request of Cllr Pearce due to concerns over the scale and massing of the proposed dwellings.

Recommendation:

Planning Permission Granted subject to conditions.

Conditions:

1. Time Limit
2. Approved Plans
3. Materials

4. Obscure glazing
5. Surfacing
6. Boundary Treatment
7. Landscaping
8. Drainage details
9. Unexpected contamination

Key issues for consideration:

- Principle of development
 - Design
 - Residential amenity
 - Highways issues
 - Drainage
-

Site Description:

The existing property consists of a main house, 2/3 bedrooms, at the front and a two bedroom annexe to the rear. Herbert Road is suburban in character and consists of detached and semi-detached family houses, sited on generous plots with ample amenity space. The neighbour at Penn Torr, to the east, has been redeveloped approximately 15 years ago to provide 6 dwellings. The neighbour at Pinehurst, to the west, is a large detached dwelling set in a generous sized garden. Despite being located with an existing settlement and having an urban context the site is within the South Devon Area of Outstanding Natural Beauty.

The Proposal:

It is proposed to demolish the existing dwelling and annexe and redevelop the site with a pair of new 4 bed semi-detached dwellings. Car parking for 2 cars per dwelling is provided at the front of the site accessed directly from the road and each dwelling has a deep rear garden. There is some landscaping proposed within the front curtilage between the proposed parking areas.

Consultations:

- County Highways Authority – support
- Drainage – no comments
- Environmental Health Section – support subject to conditions.
- Town/Parish Council – objection due to conflict with Neighbourhood Plan policy SALC ENV7.

Representations:

Representations from Residents

Two letters of support received covering the following points:

- I live directly opposite Hill Cottage, as an all year resident I am very much effected by any development plans on this site. In my view the proposed plans are a vast improvement on the current building. It is very much in keeping with other developments in Herbert Road and close by.
- I live adjacent to the site and support the proposals as they will be an improvement on the existing development.

Four letters of objection covering the following points:

- The development is large scale and out of keeping.
- The development will create an over-hanging effect on Penn Torr.
- Salcombe will not benefit from such large scale property development.
- The resubmission is no different from the previous application and should be refused.
- This proposal would involve the loss of a front garden and increase housing density.
- The proposal is excessive in size and scale.
- The proposal will have an overbearing impact upon neighbouring properties.
- The proposal removes the front garden and replaces it with an ugly parking area.
- The proposal is not in keeping with the existing low density suburban character.

Relevant Planning History

- 3147/17/FUL; Rebuilding of 2no. existing dwellings; Refused 8/5/18
- 0395/17/FUL: Rebuilding of 2no. existing dwellings. Refused 5/5/17.
- 41/0968/99/F Extension to dwelling granted conditionally 28/07/1999. (It is not clear from the planning history when the extension was separated to become Bowcombe View Annexe)

The above applications made in 2017 (3147/17/FUL and 0395/17/FUL) were refused due to their excessive scale, height and massing and associated impacts upon the character of the area and neighbours amenities. A reason for refusal based on lack of drainage information was also attached.

This proposal has been reduced in scale, height and massing and is thus considered to have an acceptable impact upon the streetscene and neighbours amenities. The overall height and footprint of the dwellings has been reduced to an acceptable degree and planting has been introduced at the front of the site. Acceptable drainage information has now been submitted with the application. These issues are analysed in greater detail below in the main analysis section of the report.

ANALYSIS

Principle of Development/Sustainability:

The site is located within the previous settlement boundary for Salcombe and the current boundary of the Neighbourhood Plan. It is also previously developed land and a brownfield

site. Furthermore, Salcombe is identified as one of the smaller towns and key villages in the recently adopted Joint Local Plan (JLP), where a proportionate amount of new growth is appropriate *to ensure that services and facilities are not lost, but can be sustained and enhanced where appropriate*. For these reasons, the principle of residential development at the site is considered acceptable. This is confirmed in Policy TTV2 (Delivering sustainable development in the Thriving Towns and Villages Policy Area), which states that:

The LPAs will support development proposals in the Thriving Towns and Villages Policy Area which reinforce the sustainable settlement hierarchy and which deliver a prosperous and sustainable pattern of development. In addition to the provisions of Policies SPT1 and SPT2, specific objectives of rural sustainability to be supported through development include:

- 1. The location of housing where it will enhance or maintain the vitality of rural communities.*

With regards to the Neighbourhood Plan (NP), whilst there are no policies that specifically address replacement dwellings, the supporting text in the housing section of the NP states in paragraph 6.6.1.2 that:

*Recent developments have encroached onto the countryside and AONB and has put pressure on the infrastructure of the town without any significant improvements. Future strategic growth in Salcombe is planned in the Plymouth and SW Devon Joint Local Plan (JLP). Therefore this plan does not promote any further housing development beyond the strategic allocation. **However the plan does not exclude replacement dwellings in the town as outlined in JLP Policy TTV 32.***

The NP clearly supports the principle of replacement dwellings at the site, subject to consideration of the proposals against the criteria set out in JLP policy TTV32. JLP policy TTV32 was replaced with policy TTV29 when the JLP was adopted. TTV29 refers to replacement dwellings in the countryside and is thus not relevant to this proposal (the site is not within the countryside).

With regards to the type of housing proposed, both dwellings will provide 4 bedrooms with integral garages and benefit from dedicated off road car parking at the front for 2 cars, with generous rear garden areas that are proposed to be laid to lawn. Policy DEV8 (Meeting local housing need in the Thriving Towns and Villages Policy Area) of the JLP considers the type, mix and quality of housing to be provided, also addressing specific housing needs such as those of students and travellers. The type of housing proposed is family housing that there is an identified need for in Salcombe. Paragraph 6.6.3.3 of the NP states that *The consequence of the high value placed on market housing which attracts primarily second home owners is **the lack of supply of properties for younger working people and families**. These families move away from the parish as evidenced in the population analysis in Section 5 of this plan.*

Whilst it is recognised that dwellings of this type in this location will probably not be relatively affordable, there is not a current imbalance of 4 bed family houses in Salcombe and the proposals will provide family housing in a residential area that is characterised by detached family housing that is not significantly different from that proposed within this application.

With regards to issues of principal residence, policy SALC H3 (Principal Residence) states that *New open market housing, **excluding replacement dwellings**, will only be supported where*

there is a planning condition, a Section 106 agreement or other planning obligation to ensure its occupancy as a Principal Residence.

The proposals are replacement dwellings and there is no requirement for them to be restricted by principal occupancy conditions or obligations under the current policy framework.

Design/Landscape:

The existing building is pleasant and fits within the street scene, but is not of intrinsic merit or worthy of protection or retention. The plot is currently occupied by the main house and its' annexe, which appears to be independently occupied and therefore can be considered an additional dwelling (previous planning reports recognise the annexe as a separate, independent residential unit). The existing layout is a tandem arrangement, which provides no frontage presence for the annexe unit and a somewhat hidden entrance. This is not a traditional arrangement and can be considered unorthodox and confusing with regards to the streetscene and its relationship with the surrounding townscape.

The division of the plot lengthways, as proposed, to create two formally separate dwellings does not represent an increase in the number of households occupying the plot and is arguably an improvement in terms of layout arrangement. There is thus no policy objection, in principle, to residential redevelopment of the site and as outlined above the proposal does not conflict with JLP policies TTV2 (Delivering sustainable development in the Thriving Towns and Villages Policy Area) and DEV8 (Meeting local housing need in the Plan Area).

The proposals consist of 2 new three storey properties that have a garage and entrance at first floor and the majority of living accommodation on the floors above. They are finished in a random stone at ground floor with timber cladding and render on the first floor and second floors. These materials are evident in the surrounding context and have been used extensively on recent development in Salcombe. The streetscenes submitted with the application show a proposed development that is in keeping with the neighbouring properties with regards to scale and massing, the development stepping up in height with the topography so that it sits neatly within the context.

Previous applications at the site (see Planning History section above) have been refused partly on design grounds (with respect to scale, bulk and massing). With regards to this, the proposals have been reduced in height by sinking the ground floors and stepping down the lower dwelling on the hill. The depth of the dwellings has also been reduced. These changes help to lessen the impact upon the streetscene to an acceptable level, and the reductions in height now present a development that appears more natural in the streetscene, reflecting the existing local topography. The proposals leave adequate separation distances between the proposed dwellings and those existing dwellings on either side, reflecting the suburban character and existing pattern of development.

Some concern has been raised in relation to the proposed hardstanding at the front of the site to accommodate the off street car parking. However, this is a feature of the area and a significant amount of dwellings on Herbert Road and in the surrounding streets have areas of hardstanding between their front elevations and the highway to accommodate off street car parking. Landscaping is proposed in 2 large planters that separate the driveways and introduces some soft planting, breaking up the perceived lack of soft features at the front of the property and introducing an appropriate level of landscaping given the urban context.

The application is considered to be in accordance with policy DEV20 (Place shaping and the quality of the built environment) and Policy SALC B1 Design Quality and safeguarding Heritage Assets of the NP. Given the urban setting there is no conflict or adverse impact upon the AONB and the proposal is in accordance with policy DEV25 (Nationally protected landscapes) of the JLP.

Neighbour Amenity:

The proposed semi-detached houses would extend across most of the width of the site, be of similar depth to the existing and be slightly higher than the existing ridge. However, the reduced height when compared to the previous application, and reduction in depth, ensure that the proposals do not result in over development. They would sit neatly on the site and leave enough curtilage space for a full range of amenities to be provided.

'Torr Penn', the neighbour to the east, is a large building with a deep floorplan, of comparable size to the proposed development and comprises a block of 6 dwellings, the result of an earlier redevelopment. It is two storeys in height with a pitched roof, located on lower ground, and contains small individual garden/patios close to its' rear elevation, with a residents car parking area beyond the private patios. The height of the proposal has been significantly reduced when compared to previous applications and this has helped mitigate impacts in relation to the overbearing and dominant impact upon the amenities of the closest Torr Penn dwelling, associated with the previously refused application (3147/17/FUL). The windows in the east elevation are now either bathroom windows or high level windows, with a condition attached requiring them to be obscure glazed. This also helps to lessen the impact upon Torr Penn.

With regards to loss of privacy, there is currently some overlooking from the existing application property. It has a number of windows serving habitable rooms and raised decking on the east side elevation, and raised decking on the rear elevation, which provides opportunity for views and direct over-looking of the neighbouring property.

The proposed development has a reduced number of openings on its east elevation, with those openings above ground floor level being either high level windows or obscure glazed bathroom windows. The proposals result in betterment when considering residential amenity impacts on the existing development to the east of the site, and a reduction in overlooking and loss of privacy to an acceptable level that creates appropriate levels of residential amenity at both sites.

Some overlooking, at a distance, is an accepted feature of urban areas, and in many hilly locations is unavoidable. It is considered that the proposal represents a reconfiguration of the site, rather than intensification, and significantly reduced overlooking arrangements between the existing site and the nearest neighbours.

In terms of the relationship to 'Pinehurst' to the west of the site, it was noted in the previous application that the impact upon this dwelling is less, due to it being on higher ground and occupying a somewhat elevated position in relation to the site, whilst also benefitting from increased separation distances. The relationship with this dwelling is considered acceptable. It has a large garden that is well screened from the site to the rear by existing mature foliage that will block any overlooking potential. Even if the mature foliage were to be removed, at a future date, the part of the garden exposed to view from the terraces would be the north east

corner, not the most sensitive part. The relationship between the proposal and this property is considered to be satisfactory in relation to overlooking and impact upon privacy.

Overall, the proposed development brings about a reconfiguration of the existing development that vastly reduces residential amenity conflicts between the site and the nearest neighbours, and the application is considered to be in accordance with policy DEV1 (Protecting health and amenity) of the JLP.

Highways/Access:

Access to the houses would be directly off Herbert Road. Herbert Road is suburban in character, not heavily trafficked and is not a classified road. In terms of providing a safe access for the proposed houses, the proposed access arrangements are considered to be acceptable in relation to highway safety.

Two off street car parking spaces per dwelling, plus an integral garage, are provided for future residents and this will provide appropriate levels of off road car parking for the proposed dwellings. As there is no intensification of use there is unlikely to be an increase in trip generation associated with the proposed development. The proposals are considered to be in accordance with Policy DEV29 (Specific provisions relating to transport).

Drainage:

There are 2 existing dwellings at the site, therefore the proposed development will not have a significantly different impact than the existing with regards to surface water disposal. Soakaways are proposed to deal with surface water and this is considered to be appropriate, subject to further details being agreed via planning condition. A condition requiring permeable paving be used to surface the car parking area to the front is also proposed.

Foul drainage is proposed to be connected to the mains sewer as per the existing arrangements. The previously refused applications contained no information on surface water disposal and the soakaways proposed within this application provide an acceptable strategy to adequately address surface water disposal, subject to further technical details being agreed by planning condition. The application is considered to be in accordance with policy DEV35 (Managing flood risk and water quality impacts).

Other matters

It is considered that there are only very limited ecology impacts associated with the proposals as the site is brownfield land. There is thus no conflict with policy DEV26 (Protecting and enhancing biodiversity and geological conservation).

The rearrangement of the dwellings on the site to a more formal linear layout provides improved orientation with regards to maximising natural daylight and the more contemporary design and modern construction will see an improvement in heating, cooling and lighting and will reduce heat loss, all controlled through the building regulations process. It is considered that these improvements will ensure there is no conflict with policy DEV32 (Delivering low carbon development).

Letters of representation:

Planning issues raised in the letters of objection received refer primarily to the impact upon nearby properties residential amenity and the impact on the character and appearance of the area. These issues are analysed in detail above in the main section of the report. The conclusion reached is that the proposals will not cause significant harm to either the streetscene or residential amenity.

Two letters of support refers to the positive impact the proposed development will have on visual amenity.

Town Council Comments

The Town Council have stated that they object to the application due to conflict with Neighbourhood Plan SALC ENV7, being infill development. However, the site is outside of the areas identified as being affected by Policy ENV7, so this policy is not relevant to the consideration of this application.

Conclusion

The proposals will provide replacement dwellings within the settlement boundary of Salcombe. The principle of development is considered acceptable and there is no conflict with the policies that address new residential development in either the JLP or NP.

The division of the plot lengthways is in keeping with the established pattern of development in the area and will create two formally separate dwellings that will not represent an increase in the number of households occupying the plot and is arguably an improvement in terms of layout arrangement.

The design of the development is considered to be acceptable and will improve the streetscene and local visual amenity. There are no adverse impacts associated with any of the relevant technical matters such as highways and drainage issues and the application is 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
TTV1 Prioritising growth through a hierarchy of sustainable settlements
TTV2 Delivering sustainable development in the Thriving Towns and Villages Policy Area
TTV24 Site allocations in the Smaller Towns and Key Villages
TTV25 Development in the Sustainable Villages
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
DEV23 Landscape character
DEV24 Undeveloped Coast and Heritage Coast
DEV25 Nationally protected landscapes
DEV29 Specific provisions relating to transport
DEV26 Protecting and enhancing biodiversity and geological conservation
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).

Neighbourhood Plan

Policy SALC Env1 Impact on the South Devon Area of Outstanding Natural Beauty (AONB)
Policy SALC B1 Design Quality and safeguarding Heritage Assets
Policy SALC H2 Market Housing

Considerations under Human Rights Act 1998 and Equalities Act 2010

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

Conditions in full

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

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

2. The development hereby approved shall in all respects accord strictly with drawing number(s) 16146 L0402 (Proposed Elevations), 16146 L0201 (Proposed Ground and First Floor Plans), 16146 L022 (Proposed Second and Roof Plans), 16146 L0401 (Proposed Elevations and Section), 16146 L0101 Block Plan/Site Location Plan), 16146 L.04.10 (StreetScene - Proposed), 16146 L.01.02 (Site Plan), 16146 L0403/P2 (Street Scenes/Boundary Wall), 16146 L.01.03 (Site Plan - Survey Overlay) received by the Local Planning Authority on 12th March 2019, 30th September 2019 and 20th November 2019 respectively.

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

3. Prior to their installation details / samples of facing materials, and of roofing materials to be used in the construction of the proposed development shall be submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out in accordance with those samples as approved.

Reason: In the interests of visual amenity.

4. The window(s) shown on the proposed eastern elevation at first floor level shall be obscure glazed and permanently retained as such

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

5. Prior to commencement of development, details of surfacing for the car parking areas at the front of the site shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure an acceptable form of development

6. Details of the proposed boundary treatment shall be submitted to and agreed in writing by the Local Planning Authority prior to their installation and shall be implemented prior to first occupation/use.

Reason: In the interest of visual amenity in order to protect and enhance the amenities of the site and locality.

7. The development hereby approved shall not be implemented until a landscaping scheme has been submitted to and approved by the Local Planning Authority, indicating the boundary treatment of the proposed development.

The scheme submitted shall be fully implemented in the planting season following the completion of the development and the plants shall be protected, maintained and replaced as necessary for a minimum period of five years following the date of the completion of the planting.

Reason: In the interest of visual amenity in order to protect and enhance the amenities of the site and locality.

8. PRIOR TO COMMENCEMENT

Prior to the commencement of the development, details of the surface water design including percolation test results and supporting calculations shall be submitted to and approved in writing by the local planning authority. Details of maintenance and management responsibility for the drainage system must be submitted to and approved in writing by the local planning authority prior to commencement on site. Such approved drainage details shall be completed and become fully operational before the development first brought into use. Following its installation the approved scheme shall be permanently retained and maintained thereafter. Surface water drainage systems design and installation shall be accordance with CIRIA C697 The SuDS Manual and CIRIA C698 Site Handbook for the Construction of SuDS.

Reason: To safeguard the amenities of the locality and environment and to ensure that the development is adequately drained. A pre- commencement condition is considered necessary to safeguard the environment in the interests of the amenities of the area.

9. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, an investigation and risk assessment and, where necessary, a remediation strategy and verification plan detailing how this unsuspected contamination shall be dealt with.

Following completion of measures identified in the approved remediation strategy and verification plan and prior to occupation of any part of the permitted development, a verification report demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the local planning authority.

Reason: No site investigation can completely characterise a site. This condition is required to ensure that any unexpected contamination that is uncovered during remediation or other site works is dealt with appropriately.

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PLANNING APPLICATION REPORT

Case Officer: Gemma Bristow

Parish: Kingswear **Ward:** Dartmouth and East Dart

Application No: 2416/19/FUL

Agent/Applicant:

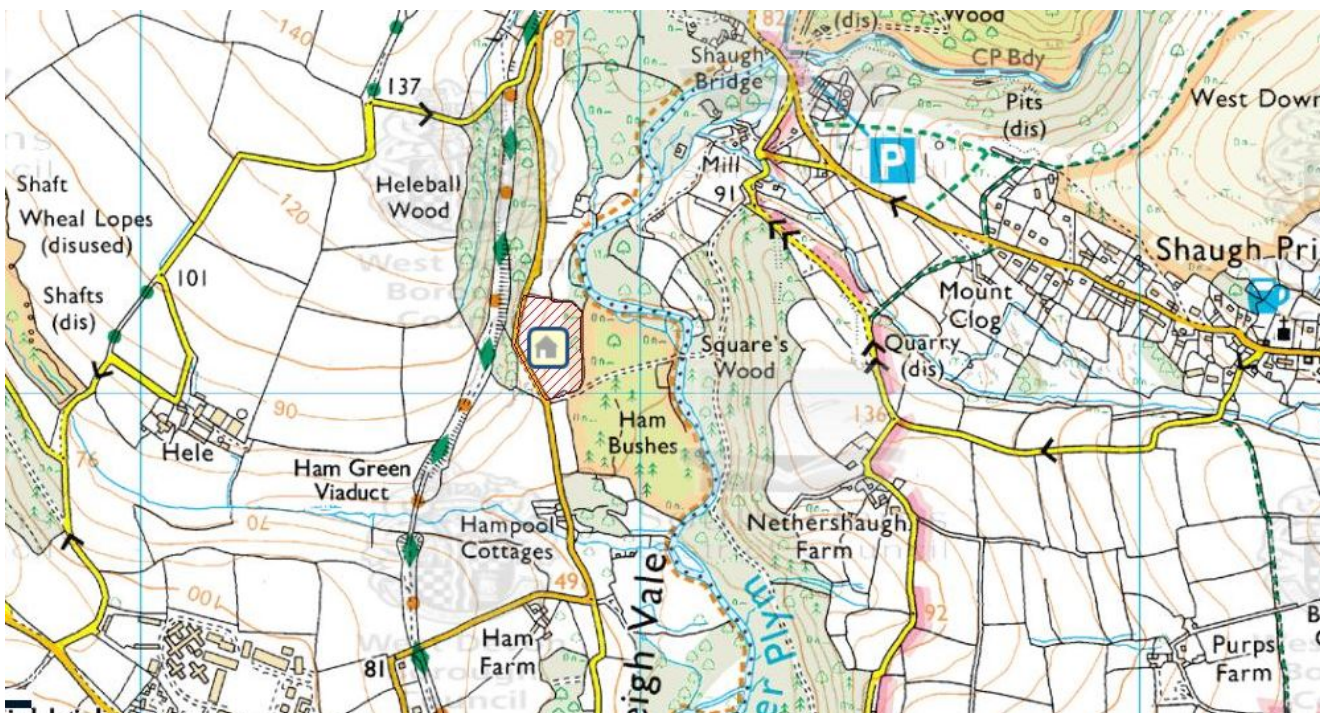
Mrs Amanda Burden Luscombe Maye
59 Fore Street
Totnes
Devon
TQ9 5NJ

Applicant:

Mr & Mrs Andrew Murrell
c/o agent

Site Address: Land At Sx 903 518, Kingswear

Development: Provision of a Ménage



Reason item is being put before Committee:

Requested to be heard at Committee by Cllr Hawkins as the proposal would provide a safe area to exercise horses away from busy roads.

Recommendation:

Refusal

Reason for refusal

1. The proposed ménage would be located within the Undeveloped Coast and Heritage Coast policy area and would have a detrimental effect on its unspoilt character and appearance without having demonstrated to the satisfaction of the Local Planning Authority the exceptional circumstances required to justify the coastal location. This is contrary to policy DEV24 and therefore also SPT1 of the Joint Local Plan 2019 and NPPF paragraph 173.
2. The development will introduce an incongruous feature into the landscape which will diminish its natural beauty. The development fails to conserve and enhance the landscape character,

scenic and visual quality of the area, in particular the special qualities and distinctive characteristics of the South Devon AONB. This is contrary to policy DEV24 and DEV25 of the Joint Local Plan 2019 and paragraphs 172 and 173 of the NPPF.

Key issues for consideration:

The principle of development in the Undeveloped Coast, Heritage Coast, landscape impacts in particular impacts on the AONB, and amenity.

Site Description:

The site comprises a piece of land north of Kingston Springs Farm, Boohay used for keeping horses. The site is in open countryside, within the Area of Outstanding Natural Beauty and Undeveloped Coast. The site itself is set behind a hedgerow and trees and has limited visibility from the public highway (the ground level of the highway to the north being lower than that of the site).

The Proposal:

Provision of a ménage, 51m by 21m, enclosed by a bank and hedge along southern and eastern boundary. Field sub divided by central hedge (at request of planning officer).

Copse planting adjacent to road.

Amendment: Field division initially post and rail fence.

Consultations:

- County Highways Authority standing advice
- Town/Parish Council no comments
- Strategic Planning Objection

It is noted that since the land obtained an approved equine use, the policy framework has changed somewhat in terms of how we consider the acceptability of development within the UC policy area – the JLP policy sets a higher bar than previously adopted policy. An application needs to demonstrate why a coastal location is required, and that the development could not reasonably be located outside the UC policy area. The policy is clear that development will only be supported in exceptional circumstances.

There may be some circumstances where the policy requirement is satisfactorily met. For example, where a local housing need arising within a particular UC settlement cannot reasonably be located elsewhere – because the need is geographically specific. Similarly, some agricultural related development may be justifiable because the farmer can only farm within the UC policy area if that's where the farm is – you cannot expect the farm to be relocated outside the UC policy area.

The applicant states the use of other commercial ménages is costly and impractical, neither of these would I consider to represent an 'exceptional circumstance'. The fact that there are existing facilities outside the UC does demonstrate that such a development could be (and is) located outside the UC policy area – the applicant doesn't have to own these facilities in order to use them. The applicant also suggests that the road network being busy is sufficient justification for having a purpose built training facility within the UC policy area. From the proposal site it is only 3km to the A road network, resulting in very limited exposure to rural roads of single carriage width.

- Landscape Specialist

The proposed ménage sits within the AONB, Heritage Coast and Undeveloped Coast. Within this area, the highest weight is afforded to the conservation and enhancement of landscape character and scenic beauty. The proposed site lies on sloping land, necessitating ground engineering, banking, levelling and resurfacing of a considerable area of land in order to create the ménage. Such operations would fail to conserve and enhance the AONB and Undeveloped Coast landscape, which at present is characterised under LCT type 1B (Open Coastal Plateaux) as a landscape of high, open, gently undulating and rolling plateaux, with an arable or pastoral land use, sparsely settled with settlement often hidden in dips in the topography.

The open and elevated form of the landscape here affords wide views to and from the site area, with a consistent pattern of large, open rolling fields being readily apparent at the site and across the surrounding countryside. Whilst the proposed hedge bank and native hedgerow planting are relevant features locally, they would not mitigate for the harm to the landscape caused by the proposed development, which would still appear as an incongruous engineered man-made feature. The banking and planting would also result in an uncharacteristic field division. I'm therefore not able to support the application on landscape grounds, finding that it would fail to accord with policies DEV24 and DEV25. As noted above, great weight should be given to AONB considerations in the planning balance.

Representations:

None.

Relevant Planning History

30/1542/15/F. Provision of agricultural/equestrian building and use of land for both agriculture and equestrian. Approved Aug 15

ANALYSIS

Principle of Development/Sustainability:

Strategic Policy SPT1 seeks to support growth and change where it accords with principles of sustainable development which are identified in that policy and include avoiding adverse environmental impacts and maintaining local distinctiveness and sense of place.

Policy TTV26 specifically applies to development in the countryside, and it includes a number of relevant points. Part 1 relates to isolated development such as proposed, but the proposal is not addressed by any of the exceptions given. Part 2 of TTV26 sets out a number of other criteria to apply within the countryside, but they are not relevant given the land is already in equestrian use and there are no bridleways or public rights of way across the land. The use of the land has already been changed from agricultural to equestrian under permission ref: 30/1542/15/F. Therefore there is no principle change of use of the land associated with this application.

Policy TTV28 applies to horse related development in the countryside. This policy seeks to ensure there is adequate land for the number of horses to be kept, existing buildings are reused before new ones are considered and are commensurate with the number of horses and there is an agreed scheme of management for any ancillary development.

The applicant has confirmed four horses are kept on the land, as was stated in the 2015 application and the applicant owns and occupies 5 acres and rents a further 5 acres. It is stated the ménage is needed to continue to train the horses in winter months, and due to the additional vehicles on the roads which can make riding dangerous. The stable block approved in 2015 provides stabling for the four horses as well as half the space dedicated to hay and equipment storage.

The applicant has stated the number of vehicles using the local roads has increased since the National Trust site Coleton Fishacre has increased its opening days, hours and the number of events held there throughout the year. The applicant states the nearest alternative ménage's available for hire are Cheston Equestrian Centre at Wrangaton (21.9miles), Ivybridge Equestrian Centre (24.1 miles), Bicton (39.5 miles) and The Grange at Okehampton (58.2 miles). They state that travelling to any of the centres on a regular basis is costly and impractical. In addition, the applicant has stated that when they acquired the land and applied for permission for the stable block and change of use of the land to equestrian they were not in a position to propose a ménage. The applicant's horses are homebred competition horses which now need to be exercised every day.

The applicant has provided the justification above for requiring the ménage in this location, however this justification does not meet the very high bar needed to be located in the Undeveloped Coast policy area. While stated as impractical and costly, the applicant has stated there are commercial ménages that could be used to exercise the horses. Furthermore, it is noted that the applicant was not initially in a position to propose a ménage when the stable block was applied for in 2015, and so it seems the horses may have outgrown the facilities on this land from their increased competition exercise regime.

Policy DEV24 relates to development within the Heritage and Undeveloped Coast and sets a very high bar for when development will be allowed. Development that would have a "detrimental effect on the undeveloped and unspoilt character, appearance or tranquillity" of the coast will only be permitted in exceptional circumstances where it can demonstrate it requires a coastal location. The justification that the use of other commercial facilities are costly and impractical is not considered an exceptional circumstance. In addition, the increased use of the local roads is also not considered to meet the very high test to form a justified reason for requiring a coastal location. The proposal is therefore contrary to policy DEV24 as it has not demonstrated exceptional circumstances that mean it requires a coastal location.

Design/Landscape:

The site falls within the South Devon AONB and the Heritage Coast and so is subject to the highest level of protection established at a national level in NPPF para 172 and at a local level by policy DEV25.

The site is located on high ground with an open aspect and views available from the adjoining public highway. Views are also available through gate gaps which are a sensitive receptor in rural locations where views into fields are often only achieved through gaps in the hedges. The land rises from the location of the stable building to the east, so the ménage would need to be dug into a bank to create the necessary level surface. Details have been provided that it would be enclosed by a battered bank and native hedge which would create an unnatural landscape feature around the ménage. While a Devon hedge bank is not unusual in the area, its creation around a manmade feature in an area where the undeveloped nature of the landscape is specifically protected is unusual and conflicts with policy DEV24 (as described above).

While the land use was already changed to equestrian by the 2015 application, this did not include any subdivision of the land. As initially proposed was a post and rail fence across the length of the field which would have had a negative impact on character of the area. This was amended to hedging in order to offer an improvement to the application and retain the rural character of the landscape. However, again in this particular location it would not enhance the landscape character as it would create an unnatural field division which reflects the desired land use and not the larger field patterns that characterise the area.

In addition, the applicant has proposed copse planting at the access into the field which would provide further landscaping enhancements to the site in terms of the AONB. It is noted that other copse planting was conditioned on the previous application on the south side of the stable building and this has not been implemented. Nevertheless, as it is still within 10 years from the 2015 permission the

implementation of this permission is still enforceable. This has been reported to enforcement to ensure the planting is implemented.

Whilst the proposed hedgebank and planting are relevant features locally, they would not mitigate for the harm to the landscape caused by the proposed development, and it therefore conflicts with policies DEV24 and DEV25 of the Joint Local Plan. These matters are giving great weight in the planning balance as directed by NPPF paragraphs 172 and 173.

Neighbour Amenity:

No amenity issues due to the separation to adjoining neighbours and so accords with policy DEV1.

Highways/Access:

The access is already established, as is the use of the land, so no highways issues are raised.

Other Matters:

Drainage – The applicant has stated the ménage would be free draining so the proposal would not result in additional runoff. If the application was recommended for approval further details would be requested to ensure this is the case, and if not a condition imposed to ensure a workable surface water drainage solution is secured.

Biodiversity Policy DEV26 requires all development to ensure biodiversity enhancements, but this should be “proportionate to the type, scale and impact of development”. If implemented, the proposed tree planting and hedge creation offers proportionate biodiversity gains commensurate with the scale of the development.

Planning balance

This site is within the South Devon Area of Outstanding Natural Beauty, the Undeveloped Coast and Heritage Coast policy areas which receive the highest level of protection. There is a principle objection to developing a ménage within the Undeveloped Coast because no exceptional circumstances have been demonstrated, which is the test DEV24 sets in order for development to be considered acceptable. In addition, the adverse landscape impacts of the development are not outweighed by the proposed copse and hedge creation. The application is therefore recommended for refusal.

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

Planning Policy

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

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

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

The relevant development plan policies are set out below:

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

SPT1 Delivering sustainable development
TTV28 Horse related developments in the countryside
DEV1 Protecting health and amenity
DEV2 Air, water, soil, noise, land and light
DEV20 Place shaping and the quality of the built environment
DEV23 Landscape
DEV24 Undeveloped coast and Heritage Coast
DEV25 Nationally protected landscapes
DEV26 Protecting and enhancing biodiversity and geological conservation
DEV28 Trees, woodlands and hedgerows
DEV29 Specific provisions relating to transport

Considerations under Human Rights Act 1998 and Equalities Act 2010

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

PLANNING APPLICATION REPORT

Case Officer: Clare Stewart

Parish: Ashprington **Ward:** West Dart

Application No: 2198/19/FUL

Agent/Applicant:

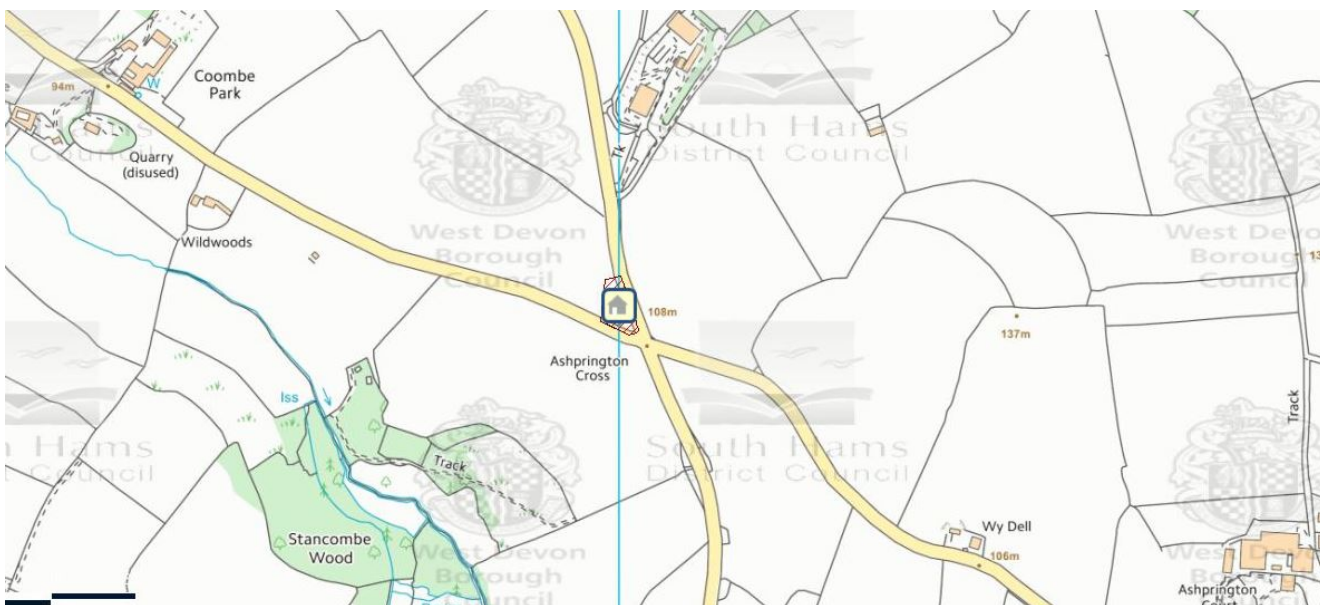
Mrs Amanda Burden Luscombe Maye
59 Fore Street
Totnes
Devon
TQ9 5NJ

Applicant:

Dr Philip Johnston & Dr Cathryn Edwards
c/o agent

Site Address: Post Barn, Ashprington Cross, Ashprington, Totnes, TQ9 7EA

Development: Cladding of existing gate and topping off of stone wall. (Retrospective)



Reason item is being put before Committee

Called by Ward Member Cllr McKay on grounds of highways safety concerns – *“In summary, in my view this junction is dangerous, and needlessly so. There are many blind junctions around the area but this one now stands out as being particularly unsafe and, given the simple remedy required to change this, I feel I would be failing in my duty not to call this in for consideration by the Development Management Committee.”*

Recommendation: Conditional approval

Conditions

1. Accord with plans
2. Maintain stone wall in natural state

Key issues for consideration:

Principle, design/visual impact, highways safety.

Site Description:

The site is situated in open countryside between Totnes and Ashprington, immediately to the north west of Ashprington Cross. The site comprises what was a disused barn accessed directly from the lane to the east through an existing field gate. Planning permission has previously been granted and renewed for conversion to A2, B1 and B2 use, most recently in 2011. Planning permission was then granted for conversion to a residential dwelling in 2015 (LPA ref. 01/0108/15/F), and works to implement this consent are now well progressed on site.

The site is located just outside the South Devon AONB.

The Proposal:

Retrospective application for cladding of existing gateway and topping off of stone wall around the south eastern end of the site, adjacent to the highway junction at Ashprington Cross. The height of the existing wall has increased by approximately 10-15cm.

Consultations:

- County Highways Authority – No objection (see analysis section below)
- Ashprington Parish Council – Objection – “1. Description of works to the wall completed are exceptionally misleading and the drawings submitted are on such a small scale as to be of little use. 2. The PC has concerns over the planning procedures leading to inaccuracies in the Design and Access Statement. Page 5 states that DCC Highways raised no objections but Highways Consultation Response dated 16th of July from Richard Jackson states that Highways can find no record of consultation with the Local Planning Authority. 3. Failure by the Local Planning Authority to carry out procedures {point 2 above}. 4. The Highways report received in July 2019 states "visibility is woefully substandard and the situation is contrary to paragraph 108 of the National Planning Policy Framework" which suggests inadequate visibility. 5. Erroneous assurances from a Planning Officer from SHDC in 2016 stating that a visibility splay would be enforced as per planning application 01/0108/15 {drawing 9973/14/5}. 6. Safety at the Crossroads - No "recorded" accidents but there have been many collisions and even more near misses. If there is a fatality, SHDC will have missed an opportunity to have prevented it.”

Representations:

28 letters of objection have been received with issues raised summarised as follows:

- Height of wall is causing serious problems for drivers on very busy road
- Wall was previously low enough to see over when pulling out onto crossroads, now vehicles can't be seen until one is in the middle of the road
- Junction can no longer be used safely
- Several near misses
- Traffic comes along road too fast and wall is too high

- School bus is now stopping on wrong side of the road as driver considers it is too dangerous for the parents and children to cross the road
- Wall should be curved and put back
- Opportunity missed to improve road safety
- Difference between the before and after is significantly greater than indicated
- Wall has increased in height by at least 50cm
- Council must take responsibility if there is an accident
- Original decision should be upheld, permission was specific regarding wall height and splays and has not been adhered
- Original developer planted a hedge well within the curtilage but was grubbed out by present owners
- Volume of traffic using road has increased in recent years
- Surprised Devon Highways have not taken control of this matter

16 letters of support have also been received, with comments summarised as follows:

- Wall has been restored to its former glory
- Wood used for cladding will blend well with stone as it seasons with weather
- Stone topping is traditional to walls in this area and workmanship is excellent
- Junction has always been awkward
- A mirror would assist or make it a four way junction so traffic from all directions has to stop and give way
- Wall has been restored to its original position as was a requirement of the planning permission, provides attractive and appropriate boundary to the property
- Provides privacy for occupiers
- Development has been carried out to very high standard
- Boundary wall makes drivers conscientious of the junction
- Wall not been an issue when negotiating junction
- Biggest problem is people who are familiar with road driving without due awareness and attention
- Blind bends and junctions with limited visibility are numerous on rural lanes. If every potential safety hazard had to be removed miles of hedges and entire houses would have to be removed and the countryside would be destroyed
- Inaccurate and misleading comments about the junction from objectors

Relevant Planning History

- 0530/16/FUL Single storey detached outbuilding for use as a garage/store/plant room. Post Barn, Ashprington. Conditional Approval
- 01/0108/15/F, Change of use of barn to residential (C3), Post Barn, Conditional Approval
- 01/1647/14/DIS, Application for approval of details reserved by conditions of planning approval 01/2475/11/F, Post Barn, Discharge of condition approval
- 01/2475/11/F, Renewal of extant permission 01/1493/08/F for change use and conversion of barns to A2, B1 and B2 use, Post Barn, Ashprington, Conditional Approval

- 01/1493/08/F Resubmission of planning application 01/0635/08/F for change of use and conversion of stone barns to A2, B1 & B2 use, Post Barn, Ashprington. Conditional Approval
- 01/0635/08/F Conversion to B1 and B2 use, Post Barn, Ashprington. Withdrawn

ANALYSIS

Principle of Development/Sustainability:

The site has permission for a residential barn conversion which has been implemented. There is no in principle objection to additional development works which relate to the permitted residential use. The main planning issues to be considered in this case are highways safety and design/visual impact.

Highways Safety:

The principle issue raised by third party objectors is that the increased height of the wall has exacerbated road safety at the Ashprington Cross junction, as it impedes visibility for drivers.

The consultation response from the Highway Authority with respect to application 01/0108/15/F referred to their Standing Advice. This requires to the Case Officer to assess the application against the Standing Advice and if they consider there are no concerns they are not required to consult the Highway Authority again. In the case of this site there was an existing planning permission for conversion of the barn to A2, B1 and B2 use which showed the same access to be used as was proposed under 01/0108/15/F (01/2475/11/F). The approved plans for 01/2475/11/F showed a 'hedge line' around the site boundary at Ashprington Cross being set back from the junction. Condition 13 of planning permission 01/2475/11/F states:

“Prior to any occupation or use of the agricultural building for the purposes hereby permitted, a visibility splay shall have been provided at the junction of Ashprington Cross in accordance with details previously submitted to and agreed in writing by the Local Planning Authority.

Notwithstanding the provisions of Article 3 of the Town & Country Planning (General Permitted Development) Order 1995 (and any Order revoking and re-enacting this Order), no structure, erection or other obstruction, including trees or shrubs, to vision over 0.75 metres above nearest edge of the carriageway shall be constructed, placed, planted or allowed to grow on any part of the visibility splay created as required by this condition.

Reason: In the interest of highway safety and visual amenities of the area.”

With respect to application 01/2475/11/F the proposal contained a car park comprised of 12 parking spaces together with a cycle rack. This permission was a renewal of 01/1493/08/F, which was itself a resubmission of 01/0635/08/F. In providing detailed comments on this first application, the Highways Officer raised the issue of increase in traffic movements and supported junction improvement. The potential increase in vehicle movement associated with the site from agricultural use to the commercial use approved provided justification for this approach at the time. The residential use of the site would generate less vehicle movements than the approved commercial use or historic agricultural use, and the justification for requiring visibility improvement to make the residential use of the site acceptable is diminished as a result.

Notwithstanding the above, a condition requiring a visibility splay was not imposed as part of the approval of 01/0108/15/F, although it was shown on the approved plans. There is no provision within the planning system to require part-built minor developments to be completed within a prescribed timeframe; the only power being a Completion Notice which is really only beneficial on larger development sites. Section 94 of the Town and Country Planning Act, relating to completion notices, is not to be an appropriate mechanism to achieve the completion in accordance with the approved plans – in this case the “development” (i.e. the barn conversion) has already been completed.

In commenting on the current application DCC Highways initially advised the following:

“Since planning application 01/0108/15/F was approved the barn use has been changed to a dwelling and subsequently sold to the new owner. The southern boundary wall has not been relocated as per the proposed site plan but has been cleared of vegetation and built up to a height of 1.65m. The result of this is that only 18m 'y' distance x 2.4m 'x' distance x 1.05m height visibility is available for the northern arm of Ashprington Cross.

Since these works have been undertaken numerous complaints have been received by both the Planning Authority and Highway Authority that Ashprington Cross is now blind and that the proposals will worsen road safety. Having gauged the 85th percentile speed of the C44 road the Highway Authority would agree the available visibility is woefully substandard and it is recommended a visibility splay to the following dimensions is made available - 50m 'y' distance (to the nearside of the road) x 2.4m 'x' distance x 750mm height...

Whether the Highway Authority can object to this retrospective application, which attempts to regularise the wall at 1.65m height in it's current location, the Highway Authority feels it should object to the application as it clearly is unsafe from a highway safety perspective, however before making that decision the Planning Authority will need to decide if it is appropriate to refuse the application solely on highway safety grounds if the details on drawing 9973/14/5 submitted with application 01/0108/15/F to relocate the wall are immune from enforcement action.”

As previously stated above the Council is not in a position to require the implementation of the visibility splay as shown on the drawings approved under 01/0108/15/F through enforcement action. Attention therefore needs to be focused on the impact of raising the wall height by approximately 10-15cm. Whilst third party objectors have stated that the height of the wall has been increased more than is stated within the application, Officers have visited the site and consider the application presents an accurate reflection of how much the wall height has actually increased.

Prior to the implementation of the approved barn conversion scheme, visibility at the junction would already have been impeded by the wall. For vehicles where the driver is in a higher seating position (e.g. tractors and lorries) the difference in visibility now compared with before the works to the wall were carried out would be less pronounced.

Paragraph 109 of the NPPF states:

“Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.”

Since clarifying with DCC Highways that the impact of the increase in the height of the wall by 10-15cm on highways safety is what needs to be considered, they have advised that objection on highways grounds is not warranted noting that returning the wall to its original height does not need planning permission.

Having regard to all of the comments made by DCC Highways, Officers consider the increase in height of the wall by 10-15cm cannot be argued to be unacceptable on highways grounds bearing in mind the limited increase in height makes it very difficult to argue it has made a substantive difference to the previous situation. There are many examples of stone walls/buildings restricting visibility at junctions across the South Hams and it is arguably part of the character of the area.

It is acknowledged that the planning history on the site has generated a public expectation that there would be substantive improvement to visibility at Ashprington Cross as part of its redevelopment. However the current application needs to be assessed on its own planning merits and for the above reasons Officers cannot recommend refusal of the application on highways safety grounds.

Design/Visual Impact:

From a purely aesthetic viewpoint the works to the boundary wall have been carried out to a high standard, and have been done so in way which reflects the character/appearance of historic stone walling across the South Hams. Whilst not part of the original approval for the residential barn conversion, the works provide an attractive and appropriate boundary treatment which respects the overall character of the barn conversion. The cladding of the gateway has been carried out in an appropriate material. In design/visual terms the development makes a positive contribution to the appearance of the site and raises no policy objections. A condition is recommended to ensure the stone wall is maintained in its natural state to ensure its character is maintained.

Other Matters:

As the boundary wall is (and was previously) greater than 1m in height adjacent to a highway any future further increase in height would require planning permission. It is not therefore necessary to remove permitted development rights in this regard.

The Planning Balance:

Officers are very mindful of the third party concerns regarding highway safety. Previous planning approvals on the site have generated a public expectation that visibility at the junction would be improved as a result. The planning permission that has been implemented on the site does not carry a condition requiring a visibility splay at the junction to be created. The main issue in this case is the impact of the increase in wall height of 10-15cm on highways safety. It is considered by Officers that the increase in height of the wall of 10-15cm has not resulted in a substantive impact on visibility compared with how the situation would have been previously and refusal on highways safety grounds could not be substantiated at appeal. The development is considered acceptable in terms of its design/visual impact and no other issues are raised. The application is therefore recommended for approval subject to the conditions listed 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.

The relevant development plan policies are set out below:

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

SPT1 Delivering sustainable development
SPT2 Sustainable linked neighbourhoods and sustainable rural communities
TTV1 Prioritising growth through a hierarchy of sustainable settlements
TTV2 Delivering sustainable development in the Thriving Towns and Villages Policy Area
TTV26 Development in the Countryside
DEV1 Protecting health and amenity
DEV2 Air, water, soil, noise, land and light
DEV15 Supporting the rural economy
DEV20 Place shaping and the quality of the built environment
DEV23 Landscape character
DEV26 Protecting and enhancing biodiversity and geological conservation
DEV28 Trees, woodlands and hedgerows
DEV29 Specific provisions relating to transport
DEV35 Managing flood risk and Water Quality Impacts

Other material considerations include the policies of the National Planning Policy Framework (NPPF) including but not limited to paragraphs 8, 11 and 109 and guidance in Planning Practice Guidance (PPG). Additionally, the following planning documents are also material considerations in the determination of the application:

Neighbourhood Plan

Site is not within an identified NP area.

Considerations under Human Rights Act 1998 and Equalities Act 2010

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

Recommended conditions in full:

1. The development hereby approved shall in all respects accord strictly with drawing numbers 170519/01, 170519/02, 170519/03, Block Plan and Site Location Plan received by the Local Planning Authority on 5th July 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.

2. Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development)(England)Order 2015(or any Order revoking and re enacting this Order), 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.

Reason: To ensure that the development displays good design and is of locally distinctive appearance and character.

PLANNING APPLICATION REPORT

Case Officer: Clare Stewart
Ugborough

Parish: Ermington **Ward:** Ermington and

Application No: 3398/18/FUL

Agent/Applicant:

Mr Daniel Wallis - 3SIXTY Real Estate
16 Whiteladies Road
Clifton
Bristol
BS8 2LG

Applicant:

Mr Clive Smith - Delphic Holdings Ltd
The Display Works, East Way
Lee Mill Industrial Estate
Lee Mill
PL21 9GE

Site Address: The Display Works, East Way, Lee Mill, PL21 9GE

Development: Construction of side and rear extension to existing warehouse



Reason item is being put before Committee

The application was previously brought by the Ward Member on the grounds the level of S106 contribution requested will stifle the increase in employment that we desperately need. The application was considered by the DM Committee on 11/09/19 where a decision was deferred for further negotiations. The printed minutes state: *“the application should be deferred to enable for further negotiations to be carried out.”* Further discussions have since taken place with DCC but a reduction to the financial contribution sought has not been agreed. The application is therefore placed back before the Committee for a final decision to be made.

Recommendation: Refusal

Reasons for refusal

1. In the absence of a signed Section 106 agreement to secure the required mitigation, the proposed development is likely to generate an increase in motorised traffic on a highway lacking adequate footways with consequent additional danger to all users of the road contrary to the National Planning Policy Framework (notably but not limited to paragraph 109); and Policies DEV29 and DEL1 of the Plymouth and South West Devon Joint Local Plan 2014-2034.

Key issues for consideration:

Principle of development, design, drainage, trees, highways.

Site Description:

The site is located within the Lee Mill Industrial Estate, on the south side of East Way to the east of the junction with Abbots Close. The site comprises an existing industrial unit (Use Class B1(c)) with associated parking/turning areas. Vehicle access points exist from both East Way and Abbots Close.

The Proposal:

Permission is sought for two extensions to the existing building – to the south (c.307 square metres) and to the east (c. 127 square metres). The proposed extensions would be no higher than the existing building, with external finishes to match the existing building. It is also proposed to alter the existing entrance on Abbots Close to improve access.

Consultations:

- County Highways Authority –

“Observations:

It is noted the proposed extension appears to be situated partly on the articulated lorry turning area of the site. This may lead to manoeuvring/reversing on the highway and a vehicle tracking exercise would confirm either way. However, the Highway Authority notes the service site entrance is located at the turning head of Abbots Close where traffic will be travelling slowly. If reversing and manoeuvring on the highway is required as a result of the extension, it is recommended the applicant to employ a qualified banksman to lead delivery drivers out onto the highway and ensure the vehicles have a reversing alarm.

The Highway Authority is currently developing and has an approved indicative road improvement scheme/s to mitigate the need for increased traffic needing to travel through the heart of Lee Mill to reach Lee Mill Industrial Estate and other suburban areas of the village. This scheme will be designed to aid road safety issues, air quality and capacity through the village for the future. Other developments have agreed to contribute towards highway improvements to mitigate the issues in Lee Mill at a rate of around £1000 per trip. This development would generate around 8.1 trips per 100m² of expansion, meaning a

total expected trip increase of 35 per day noting the proposed expansion is 434m². Therefore the Highway Authority would recommend a financial contribution of £35,000 is paid to the County Council by the applicant prior to commencement of the expansion to help mitigate the road issues in Lee Mill. This contribution will need to be incorporated in a legal agreement.

Other developments have agreed to contribute at a rate of £1000.00 per vehicle trip (i.e. a single house generates six two way daily vehicle trips on average and the agreed rate is £6000.00 per dwelling or £1000.00 per trip). The assumed 8.1 trips per 100m² of proposed use class comes from TRICS, which is the recognised computer software for evidencing likely vehicle trips from any proposed planning application use classes.

It is acknowledged the application is only an extension of the existing business, however personal circumstances should not be a factor in determining whether extra vehicle traffic will be generated from a building expansion, since the site could be developed and ultimately sold on to another business in the future, which could generate the suggested levels of traffic as evidenced using TRICS.

In particular the contribution needs to be secured for scheme detailed design purposes. If unspent within 10 years the Highway Authority would be able to repay the contribution.

Unfortunately as the applicant has refused the financial request in writing, the Highway Authority has no choice but to recommend refusal of the application.

Recommendation:

THE HEAD OF PLANNING, TRANSPORTATION AND ENVIRONMENT, ON BEHALF OF DEVON COUNTY COUNCIL, AS LOCAL HIGHWAY AUTHORITY, RECOMMENDS THAT PERMISSION BE REFUSED FOR THE FOLLOWING REASONS

1. The proposed development is likely to generate an increase in motorised traffic on a highway lacking adequate footways with consequent additional danger to all users of the road contrary to the National Planning Policy Framework.”

- *Tree Specialist – “No objection on arboricultural merit subject to submission of the following information prior to/ after any commencement on site including any demolition or earthworks*
 1. *Landscape plan detailing a medium final sized native tree including watering, staking and all other management prescriptions in accordance with BS8545.”*
- *Drainage – No Objection – “Based on the information provided we would support the current proposal. Full details of the surface water and foul drainage have been submitted. An evidence to demonstrate why offsite discharge has been considered and written permission from SWW to discharge surface water to their sewer, have been provided. Therefore if permission is granted please include the following condition.”*
- *Ermington Parish Council – Support*

Representations:

None received.

Relevant Planning History

- 21/1567/88/3: New industrial unit. Plot off East Way Lee Mill Industrial Estate Ermington. Conditional approval: 17 Aug 88

ANALYSIS

Principle of Development/Sustainability:

Policy SPT4 seeks to provide for a minimum of 21,700 sqm of additional B1/B2 industrial floorspace within the Thriving Towns and Villages Policy Area within the plan period. Policy DEV14 seeks to support a flexible supply of employment land and premises. Existing employment sites with potential to support future expansion are specifically protected. Policy DEV15 supports the following across the TTV area: *“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 site is located within the established Lee Mill Industrial Estate and the proposal relates to the expansion of an industrial unit. The principle of the development is considered acceptable in accordance with the above policy framework.

Design/Landscape:

The proposed development would be read as relatively modest additions to the existing industrial unit, with the design in keeping with the existing character of the site and its surroundings. In wider landscape views the development would be seen in the context of the wider industrial estate, and given its scale and form landscape character would be conserved.

The proposal is considered acceptable in terms of design and landscape impact.

Neighbour Amenity:

There are no residential properties in the immediate vicinity of the site, however the Highway Authority have raised concerns about the impact of additional traffic on the amenity of residents living on the Plymouth Road.

Highways/Access:

DCC Highways have commented on the need for a banksman for reversing vehicles, but more fundamentally have requested a financial contribution to be secured via a Section 106 Agreement towards a road improvement scheme. As the Applicant has not expressed a willingness to pay the contribution being sought (£35,000) the Highway Authority have raised an objection.

The road improvement scheme to which the Highway Authority is seeking a contribution is a relatively new issue. Following discussions between Officers at SHDC and the Highway Authority about the reasonableness of the contribution being sought, DCC provided an additional briefing note to support their case. This includes the following:

“Need for Scheme

The current situation at Lee Mill is most unsatisfactory, where a key junction connection to the Strategic Road Network (A38) only has three fit for purpose slip road connections. To accommodate the fourth, the Highways Agency made use of a historic street, Plymouth Road. Plymouth Road has private frontage access on both sides with a mixture of private and commercial premises. It has urban features such as double yellow lines, traffic calming, narrow pavements, a narrow carriageway (at points, less than 6m wide), driveways and on-street parking. This is a wholly inappropriate environment to be accommodating slip road traffic and leads to concerns about noise, air quality and safety....

Devon County Council have undertaken a number of traffic counts in Lee Mill to understand the travel patterns in the area. These have demonstrated that Plymouth Road currently carries approximately 5,400 vehicles per day. Of the 500 vehicles using Plymouth Road in the AM peak hour, only 5% are accessing the village itself. In the PM, this rises to 16% as commuters return at the end of the working day. Of the vehicle trips in the eastern, industrial area of Lee Mill, approximately 50% are destined for Plymouth. A further 13% are travelling west of Lee Mill and therefore nearly two thirds of all trips associated with the industrial estate traffic utilise the Plymouth Road slip road. In addition, 25% of the daily vehicles along Plymouth Road are Goods vehicles. This is significantly higher than would be expected along what would otherwise be a minor urban road in both character and function....

The need for improvement of the Lee Mill slip roads is identified in the Devon County Council 'Transport Infrastructure Plan: Delivering Growth to 2030' (March 2017), which can be accessed at <https://democracy.devon.gov.uk/documents/s6699/PTE1716Appendix2.pdf> .

Subsequent to the approval of the Transport Infrastructure Plan, Devon County Council received approval from the Portfolio Holder for Infrastructure and Waste, Councillor Andrea Davis, to progress the Lee Mill slip road scheme design. The record of the decision can be found at <https://democracy.devon.gov.uk/documents/s22232/Cabinet%20Member%20Decision%20Delegated%20Actions.pdf> ...

With reference to the National Planning Policy Framework (NPPF), para 56:

"Planning obligations must only be sought where they meet all of the following tests:

- a) necessary to make the development acceptable in planning terms;*
- b) directly related to the development; and*
- c) fairly and reasonably related in scale and kind to the development"*

The current conditions at Lee Mill of the eastbound off-slip utilising Plymouth Road are unacceptable and an improvement is necessary to make it acceptable. Proposed developments add more traffic to an already unacceptable situation and therefore these developments are related to the improvement which provides mitigation against the impact of increased traffic flows along Plymouth Road. The request for developer contributions is fair and reasonable in terms of scale towards the scheme development costs."

On the basis of the information provided DCC Highways in support of their case, Officers are recommending refusal in the absence of a signed Section 106 Agreement to secure the full contribution sought.

Other Matters:

The application has been accompanied by an Ecological Assessment, which finds the existing building has 'negligible suitability for roosting bats' given the modern construction type and current use of the building and no further survey work is considered necessary. The site falls within an 'impact risk zone' for statutory sites but does not fall within one of the identified risk categories requiring consultation with Natural England.

Conditions would be required in respect of drainage and tree protection in the event of any approval.

The Planning Balance:

In the absence of a signed Section 106 Agreement to secure the financial contribution sought by the Highway Authority the proposal is considered unacceptable. For the avoidance of doubt the proposal is considered acceptable in all other planning respects and the highways objection is the only recommended reason for refusal.

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

Planning Policy

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

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

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

SPT4 Provision for employment floorspace

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

DEV14 Maintaining a flexible mix of employment sites

DEV15 Supporting the rural economy

DEV19 Provisions for local employment and skills
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
DEL1 Approach to development delivery and viability, planning obligations and the Community Infrastructure Levy

Other material considerations include the policies of the National Planning Policy Framework (NPPF) including but not limited to paragraphs 8 and 11 and guidance in Planning Practice Guidance (PPG). Additionally, the following planning documents are also material considerations in the determination of the application:

Neighbourhood Plan

Site not within an identified NP area.

Considerations under Human Rights Act 1998 and Equalities Act 2010

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

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PLANNING APPLICATION REPORT

Case Officer: Lucy Hall

Parish: Ermington **Ward:** Erme Valley

Application No: 2738/18/FUL

Agent/Applicant:

Mr Jonathan Woodhouse 3D Home Design
Brook Croft
Sampford Spiney
Yelverton
PL20 7QX

Applicant:

Mr R Bridge Glanville Properties LTD
Unit 2 Central Court
Central Avenue
Lee Mill Ind. Est, Ivybridge
PL219PE

Site Address: Richmond Place, Central Avenue, Lee Mill

Development: Erection of six small business units for Classes B1, B2 and B8 Use including parking, turning and alterations to access.



Reason item is being put before Committee

At the request of the local ward member Cllr Holway 'on the grounds of the level of S106 contribution requested will stifle the increase in employment that we desperately need'.

Recommendation: Refusal

Reasons for refusal

In the absence of a signed Section 106 agreement to secure the required mitigation, the proposed development is likely to generate an increase in motorised traffic on a highway lacking adequate footways with consequent additional danger to all users of the road contrary to the National Planning Policy Framework (notably but not limited to paragraph 109); and Policies DEV29 and DEL1 of the Plymouth and South West Devon Joint Local Plan 2014-2034.

Site Description:

The site relates to a strip of land situated to the south of existing industrial units at Richmond Place within Lee Mill industrial estate. The site measures around 90m long by 25m wide and includes existing access way, redundant parking area and long scrub bank. The site also includes part of an

existing car parking area currently used in association with the neighbouring units in Richmond Place to the north.

The Proposal:

The application seeks full planning permission for the provision of 6 modest double storey employment units on the site restricted to use classes B1, B2 and B8.

The buildings would be arranged in three blocks of two and situated fairly tight to the northern boundary. Each block would measure 9m by 18.6, providing a footprint of 162 sq. m, with a height of 5.3m to the eaves and 6.6m to the ridge. External materials include sandstone painted render walls to the ground floor with slate blue box profile walls to the upper floor. The roof would be finished with anthracite box profile. A series of openings are proposed on the front and rear elevations including full height doors on the southern elevation.

The existing sloping bank would be excavated and a retaining wall constructed. Level access is proposed from the rear elevation via a walkway to the proposed parking area behind. The proposal also includes a turning space for light goods vehicles.

Consultations:

- County Highways Authority Objection
- Environmental Health Section no objections subject to conditions
- Drainage (SHDC) no objection subject to conditions
- Emergency Planner (SHDC) no objections
- Ermington Parish Council stated 'no comments to make'
- Environment Agency no objection subject to conditions
- Health and Safety Executive No objection

'Do not advise against, consequently, HSE does not advise, on safety grounds, against the granting of planning permission in this case.'

Representations:

No comments received

Relevant Planning History

None relevant

ANALYSIS

Principle of Development/Sustainability:

The principle of industrial development restricted to B1, B2 and B8 uses on this site does not raise any concerns. The site lies within an established industrial estate on the edge of Lee Mill, which is identified in the JLP as a sustainable village. A fundamental element of delivering economic growth is ensuring there is sufficient land to meet the need for new employment premises. JLP Policy SPT4 states that around 21,700 sq. m of B1/B2 and 33,100 sq. m should be provided within the Thriving Towns and Villages Policy Area within the plan period. Albeit limited the proposed development would make a valuable contribution towards meeting this target.

Design/Landscape:

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*'.

The existing site relates to a strip of land which includes a long scrub bank and tarmac area that provides access to the adjoining waste site. The loss of the scrub bank does not raise any concerns. The site lies within the heart of an established industrial estate and this proposal provides the opportunity to enhance the appearance of the site and provide additional employment units which brings associated economic benefits. The proposed modest buildings are considered to be well designed and appropriate within the industrial setting in which they would be located. The size and layout of the site presents a number of challenges but Officers consider that the proposal maximises its potential without appearing as an overdevelopment.

There is an existing tree close to the entrance of the site off Central Avenue and it is likely that this would be removed as part of the development. No tree information has been provided. The case officer has discussed its loss with the Council's Tree Specialist who has advised that the tree appears to be of low amenity value and compensatory planting to deal with its loss, could be secured as part of a landscaping condition relating to the wider site.

Neighbour Amenity:

The site is adjacent to Westcountry Waste Management, a waste treatment site. While the site benefits from an existing permit, according to information received from the Environment Agency the waste treatment site is not currently in use. JLP Policy DEV14 states that employment sites 'will be protected from inappropriate neighbouring development that will adversely affect the employment operations taking place on the site.'

The EA have advised that the proposed development overlaps the permitted area of installation but only on the access road and not the waste storage or treatment areas. They have also advised that they have no objections with the proposal to build light industrial/office units adjacent to the site or have reason to believe that it will impact on the permitted activities. They do however advise that should the waste treatment site come back into use, the new units may be impacted from odours from the plant at times. Officers note that the EA only refer to light industrial/office units as an appropriate adjoining use with no reference to the proposed B2 use. On the basis that B2 is typically more intensive and can generate its own noise and odour nuisances, it is not anticipated that this use would cause any more harm.

The HSE have also advised that the LPA should not withhold the granting of permission on safety grounds. While Officers accept that the waste treatment plant could resume operations at any time, having regard to the comments from the EA, HSE and the proximity of the plant to other industrial sites within the estate, on balance, the potential harm is not considered to be so significant to justify the refusal of the application on this basis. Any prospective tenants should be aware of the adjoining uses.

No concerns are raised with regards to the proximity to other waste sites within the estate. The EA have confirmed that these are far enough away and the development site will not impact on their operations.

Highways/Access:

The Highway Authority have raised objections on the basis of inadequate parking provision, inadequate on site turning for HGVs and the absence of an appropriate financial contribution towards the provision of a new junction at Lee Mill.

Parking

There is already an 'extremely high' on street parking demand in the area, which the Highway Authority considers is at capacity. The Highway Authority were initially concerned that there was inadequate on-site parking provision to service the additional demand created from the proposal; the spaces that were proposed would be difficult and impractical to use and that it would lead to a reduction in the number of spaces serving the adjoining units on Richmond Place. To address these concerns a revised parking layout has been provided. It confirms that 25 spaces are proposed for the units, and no reduction is proposed to the parking spaces for Richmond Place, who have 68 off road parking spaces. Having regard to the indicative parking standards set out within the emerging SPD, the number of spaces proposed for the new units is in broad compliance with the parking figures. The Highway Authority has not raised any objections.

HGVs

The site is very tight and the Highway Authority wanted confirmation that there is sufficient space for lorries to turn so they can enter and exit the site in a forward gear. The proposals were revised to show a turning space, but only for lights goods vehicles and cars with the applicants prepared to restrict access for smaller vehicles. While the principle of this is acceptable, the site also provides access to the adjoining waste site and as such it would be impossible to enforce who is using the site. The LPA cannot restrict the size of vehicles using the adjoining site.

The case officer and the Highway Authority have discussed the matter further. The Highway Authority suggested relocating the turning bay to the west so lorries don't have to reverse when serving the far western units. However, the site is narrower at the western end and as such this is not possible. To address this issue Officers have suggested a condition requiring a banksman to be present if an HGV is reversing. The case officer has discussed this with the agent who considers this to be a reasonable compromise.

Financial Contributions

The Highway Authority has also requested a financial contribution of £54,000 towards the provision of a new junction off the A38 into Lee Mill. The following comments have been received: -

'The Highway Authority is currently developing and has an approved indicative road improvement scheme/s to mitigate the need for increased traffic needing to travel through the heart of Lee Mill to reach Lee Mill Industrial Estate and other suburban areas of the village. This scheme will be designed to aid road safety issues, air quality and capacity through the village for the future. Other developments have agreed to contribute towards highway improvements to mitigate the issues in Lee Mill at a rate of around £1000 per trip. This development would generate around 6 trips per 100m² of building, meaning a total expected net trip increase of 54 per day noting the proposed expansion is 892m². Therefore the Highway Authority would recommend a financial contribution of £54,000 is paid to the County Council by the applicant prior to commencement of the expansion to help mitigate the road issues in Lee Mill. This contribution will need to be incorporated in a legal agreement. Other developments have agreed to contribute at a rate of £1000.00 per vehicle trip (i.e. a single house generates six two way daily vehicle trips on average and the agreed rate is £6000.00 per dwelling or £1000.00 per trip). The assumed 6 trips per 100m² of proposed use class comes from TRICS, which is the recognised computer software for evidencing likely vehicle trips from any proposed planning application use classes.'

As the applicant has not expressed a willingness to pay the full contribution being sought, the Highway Authority are raising an objection to the proposal. The applicant is prepared to pay a contribution and details on this will be provided at committee.

Additional information from the Highway Authority, reiterating their position has been received: -

S106 request – Design Fees for Lee Mill A38 Access Scheme

Devon County Council has obtained Cabinet Approval for a scheme to be progressed and this is firstly evidenced in the approved Transport Infrastructure Plan (TIP), which it mentions the Lee Mill

Slips on Pg. 15. The TIP was approved in March 2017. <https://www.ceca.co.uk/wp-content/uploads/legacy-media/273734/395-devon-county-council-incl-devon-plan.pdf>

Since that time in November 2018, Devon County Council specifically received Portfolio Holder for Infrastructure and Waste Member Approval to progress the Lee Mill Slip Road scheme design. Here is a record of that decision -

<https://democracy.devon.gov.uk/documents/s22232/Cabinet%20Member%20Decision%20Delegated%20Actions.pdf>

At this early stage there are various potential Lee Mill scheme options, which need to go through public consultation before a final scheme is decided on to progress to detailed design. The options are likely to vary considerably in terms of scheme delivery cost. Therefore it is unfortunately not possible to provide a detailed breakdown of how the secured figures should be broken down. However, indicatively I can say scheme costs would likely vary from between £5,000,000 - £10,000,000 and design fees are generally expected to be somewhere between 15 – 20% of the total scheme cost. Therefore as a worst case DCC is likely to require around £200,000 for detailed design fees plus the final scheme cost. To date if taking into account this planning applications S106 request amount and all other requested S106 agreed contributions DCC has managed to secure £763,000. If one excludes the 110 dwellings (Planning Application 1303/18/OPA) which was refused by South Hams District Council at planning committee, DCC has managed to secure £103,000 to date.

I can confirm if the application is formally refused on this basis that the Highway Authority would assist SHDC in defending any resultant appeal. It is unlikely that costs would be awarded against the Highway Authority since it would have plenty of guidance/evidence to present to an inspector should it unfortunately get that far.

In conclusion the request for £54,000 for the Lee Mill scheme will need to remain

Paragraph 56 of the NPPF states that planning obligations must only be sought where they meet all of the following tests: -

- a) necessary to make the development acceptable in planning terms;
- b) directly related to the development; and
- c) fairly and reasonably related in scale and kind to the development.

In response to this the Highway Authority consider the current conditions at Lee Mill of the eastbound off-slip utilising Plymouth Road are unacceptable and an improvement is necessary to make it acceptable. Proposed developments add more traffic to an already unacceptable situation and therefore these developments are related to the improvement which provides mitigation against the impact of increased traffic flows along Plymouth Road. The request for developer contributions is fair and reasonable in terms of scale towards the scheme development costs.

Officers are therefore recommending refusal of the application in the absence of a signed Section 106 agreement to secure the full contribution.

Other Matters:

The Council's drainage specialist initially objected to the proposal on the basis of inadequate information. Following the submission of additional information these concerns have been addressed and officers are satisfied that sufficient information has been provided to demonstrate a workable scheme, although the final design would need to be agreed which could be dealt with via condition. The EA have advised that the site is within an area that has separated foul and surface water drainage and as such they would not expect the surface water to be diverted to the foul even with attenuation. Again this could be looked at as part of a condition.

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). However, because this proposal relates to the provision of industrial units this consideration is not relevant to the application.

The Council's Environmental Health Specialist initially raised an objection on the grounds that inadequate information had been provided regarding contamination. This objection was removed following the submission of a phase 1 contamination assessment. The Environment Agency has also considered the issue of contamination and following the submission of the report (phase 1) have advised that the proposal will only satisfy the EA if their suggested conditions regarding contamination are imposed.

Planning balance:

The principle of industrial development on the site is supported, however, the proposal has raised a number of issues regarding technical matters the majority of which can be dealt with via planning conditions. However the Highway Authority consider that for the development to be acceptable, having regard to highway safety the applicant must provide a contribution of £54,000 towards junction improvements. The applicant is not willing to provide the full amount and in the absence of a signed S106 agreement to secure the contribution the proposal is recommended for refusal.

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

Planning Policy

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

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

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

The relevant development plan policies are set out below:

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

SPT1 Delivering sustainable development
SPT2 Sustainable linked neighbourhoods and sustainable rural communities
SPT4 Provision for employment floorspace
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
TTV25 Development in the Sustainable Villages
DEV1 Protecting health and amenity
DEV2 Air, water, soil, noise, land and light
DEV14 Maintaining a flexible mix of employment sites
DEV15 Supporting the rural economy
DEV19 Provisions for local employment and skills
DEV20 Place shaping and the quality of the built environment
DEV23 Landscape character
DEV26 Protecting and enhancing biodiversity and geological conservation
DEV27 Green and play spaces
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
DEL1 Approach to development delivery and viability, planning obligations and the Community Infrastructure Levy

Other material considerations include the policies of the National Planning Policy Framework (NPPF) and guidance in Planning Practice Guidance (PPG).

Neighbourhood Plan

The site is not within an identified Neighbourhood Planning Area.

Considerations under Human Rights Act 1998 and Equalities Act 2010

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

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PLANNING APPLICATION REPORT

Case Officer: Lucy Hall

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

Application No: 1329/19/FUL

Agent/Applicant:

Mr Rud Sawers - Rud Sawers Architects Ltd
Rud Sawers Architects
1 Dartmouth Close
The Plains
Totnes
TQ13 7QU

Applicant:

Mr Ian Roper
Sheridan House
Beech Road
Cadleigh
Ivybridge
PL21 9HN

Site Address: Commercial / Office Unit, Endsleigh Park (South Woodland Farm), Ivybridge, PL21 9JL

Development: Construction of Commercial / Office Building (Class B1) with associated car parking, access and landscaping



Reason item is being put before Committee

At the request of Cllr Holway on the grounds 'Endsleigh Garden Centre and the already established businesses on the site mean it is hardly open country. Ivybridge Town Council have a few small units for embryo businesses and this development will provide ideal accommodation for businesses to grow in to. This development is in Ermington parish but is on the edge of Ivybridge and has the support of Ermington PC and Ivybridge TC. There is a lot of residential development in Ivybridge and people will be able to walk or cycle to this site for much needed employment.'

Recommendation: Refusal

Reasons for refusal

In the absence of adequate information to justify a countryside location, the proposed development would constitute unplanned and sporadic development which would erode of the rural character of the area contrary to policies SPT1, SPT2, SPT4, TTV1, TTV2, TTV26 and DEV15 of the Plymouth and South West Devon Joint Local Plan, 2014 – 2034 and the advice contained within the National Planning Policy Framework.

Site Description:

The site relates to a section of sloping green-field located immediately to the east of Owen's Coffee Wholesalers which is located within a small block of recently constructed industrial units off Cadleigh Park (road) to the west of Endsleigh garden centre. The neighbouring uses include a gunroom (class A1), South Moor Veterinary Practice (D1), coffee wholesaler (class B2) and Countrymans Choice Farm Shop. The site is located within the countryside and does relate to any designations.

The Proposal:

The application seeks full planning permission for the construction of a commercial/office building restricted to B1 use, with an associated car park, access and landscaping.

The proposed building would take the form of a single storey, simple rectangular construction with dual pitch roof over. The building measures 33m by 17m with a height of 3.7m to the eaves and 7.6m to the ridge.

External materials include metal cladding to the roof and a mix of metal and timber cladding to the walls. The proposal also includes a number of openings including roof lights, a central glazed opening, with full height glazing either side on the front (north elevation) and two metal roller shutter doors on the rear (south elevation). The proposal also includes an air source heat pump which would be installed to the rear and solar panels on the southern elevation.

The application also includes a new access and a parking area to the front and rear of the building.

The proposal was originally for a two storey building but the design was amended to address officer concerns. The application was re-advertised.

Consultations:

- County Highways Authority No objection
- Environmental Health Section no comments received
- Ermington Parish Council Support
- Landscape (SHDC) no objection subject to conditions
- Drainage (SHDC) No objection subject to conditions
- Highways England No objection

Representations:

The Council has not received any comments from third parties.

Relevant Planning History

21/2254/15/FUL, change of use of agricultural land and construction of agricultural related development park comprising Veterinary Practice (Class D1), Gunroom (Class A1) and Coffee Wholesaler (Class B2) with associated car parking, landscaping and access, Proposed development site at SX 623 557, Endsleigh Park, South Woodland Farm Ivybridge – conditional approval

21_27/2754/14/VAR, variation of condition 2 of approval 21/2161/04/F to allow increase in the total floor space devoted to the sale of certain goods, Endsleigh Garden Centre, refused, appeal upheld

ANALYSIS**Principle of Development/Sustainability:**

The Council's local plan 'Plymouth and South West Devon Joint Local Plan, 2014 – 2034' was adopted in March this year. A fundamental element of delivering economic growth is ensuring that there is sufficient land to meet the need for new employment premises, and through its allocations and existing communities the plan identifies sufficient land to meet this requirement. Policy SPT4 requires the LPA's covered within the plan area (South Hams District Council, West Devon Borough Council and Plymouth City Council) to provide for a net increase of at least 375,208 sq. m of employment floor space land within the plan period. South Hams falls under the 'Thriving Towns and Villages Policy Area' and of that figure the policy sets out that 28,900 sq. m should be made for B1a offices (focused within town centres), 21,700 sq. m for B1/B2 and 33,100 sq. m for B8. It is also expected that development would come forward in existing established employment sites.

The application site lies within the countryside. JLP Policy TTV1 provides a hierarchy of settlements for the distribution of growth and development to deliver homes and jobs, to enable each town and village to play its role within the rural area. The supporting text to this policy through paragraphs 5.7 to 5.10 names the settlements that are applicable to the hierarchy referred to in the sub-components of policy TTV1 as 'The Main Towns' (TTV1. 1), 'Smaller Towns and Key Villages' (TTV1. 2) and 'Sustainable Villages' (TTV1. 3). The site does not fall within a settlement named in paragraphs 5.7 to 5.10. As a consequence, the site is not located at one of 'The Main Towns', 'Smaller Towns and Key Villages' or 'Sustainable Villages'. The development would not align with TTV1. 1, TTV1. 2 or TTV1. 3. It therefore follows that the development is assessed against policy TTV1. 4 of the JLP, the lowest level in the hierarchy of policy TTV1, which relates to 'Smaller villages, Hamlets and the Countryside'. TTV1. 4 states that development will be permitted in such locations only if it can be demonstrated to support the principles of sustainable development and sustainable communities (policies SPT1 and SPT2) including as provided for in policies TTV26.

Policy TTV26 provides a policy framework for guiding development within the countryside. The overarching aim of this policy is to protect the special characteristics and role of the countryside. The policy also sets out circumstances in which development within the countryside might be acceptable including if it responds to a proven agricultural, forestry and other occupational need that requires a countryside location. There is some support for rural businesses under Policy DEV15, however, the policy requires development to be within suitable locations, relies on the re-use of existing buildings and seeks to avoid a reliance on the private car neither of which this proposal would achieve. There is also an emphasis on development which meets the essential needs of agricultural or forestry interests.

Officers do not consider that a generic B1 use meets this requirement. The applicants have confirmed that while an end user has not yet been identified the intention is that they would have a connection to agriculture, farming or the countryside in accordance with policy. Officers do not consider that this is sufficient to demonstrate a countryside location is required. Countryside justification is not ordinarily considered on the basis of end user. Even so, without an end user secured there can be no certainty regarding the type of business that would use the premises, and no consideration given to the extent that alternative premises within a defined catchment area could be available.

The (consented) use classes (A1, B2 and D1) on the adjoining site are not typical of what we would expect to see within a countryside location. However, as with all applications it is imperative that each case is considered on its own merits and having regard to the individual circumstances of the case. The proposal on the adjoining site was considered against a different set of adopted policies that were written to meet out of date needs assessments. The Officer report relating to this application (21/2254/15/FUL) is also clear that while the site is considered to be well suited for the specific uses identified, other uses falling within the use classes may not be appropriate, and relevant conditions were imposed to prevent inappropriate development within this countryside location. Interestingly that application initially proposed a B1 element, but it was removed because the Officer was not persuaded there was a 'tangible justification for the building, within this countryside location.'

Therefore without adequate justification to support a countryside location the proposed B1 use, and in the absence of any other material considerations officers consider the proposal conflicts with the aims of the recently adopted Plymouth and South West Devon Joint Local Plan. The identification of land to meet future employment needs should happen through the plan-led process. The adopted JLP identifies sufficient land to meet the employment needs across the plan area and the approval of this unplanned, speculative development risks undermining the delivery of allocations and existing commitments, and erosion of the countryside.

The application is therefore recommended for refusal on this basis.

Design/Landscape:

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 original proposal was for a larger two storey building which incorporated large elements of glazing. The proposal was notably taller than the adjoining buildings and the large expanse of full height glazing on the northern elevation was not considered to be appropriate in its rural context. Following officer advice the proposal was revised. The upper floor was removed and with it the large expanse of glass. The revised proposal is now similar in its scale and form to the immediate adjoining buildings and in its context is considered to be well designed.

The case officer has discussed the scheme with the Council’s landscape specialist who has not raised any objections on the basis that from distant views the building would be seen against the backdrop of the adjoining modern industrial development. The changes to the scale of the building and reduction to the levels of glazing are welcomed. To help provide a distinction between the employment site and the wider countryside, and to protect the wider landscape character, landscaping is recommended, details of which can be secured via a condition. However, while a landscape objection has not been received, the Council’s landscape specialist recognises the concerns of officers with regards to unplanned, speculative development on the site which risks eroding the character of the countryside.

Neighbour Amenity:

The surrounding uses are considered to be compatible with the proposed B1 use and no issues are raised regarding amenity.

Highways/Access:

The highway impacts are considered to be acceptable. Highway Authority and Highways England have been consulted on the proposal and neither has raised any objections with regards to highway matters. The proposal includes adequate on-site parking provision and turning for vehicles and the connection to the existing road does not raise any concerns.

Drainage:

The proposal has been considered by the Council’s drainage specialist. Initial objections were raised on the basis that insufficient information had been provided to demonstrate drainage could be provided. Additional information was provided and the drainage specialist has now confirmed that this is sufficient to demonstrate a workable scheme, however the final design will need to be agreed with the LPA and appropriate conditions are recommended.

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. The proposal includes the installation of an air source heat pump and solar panels, the principle of which is considered to be acceptable in helping to deliver a low carbon development. A condition could be imposed requiring these measures to be installed prior to occupation.

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). However as the application does not relate to the provision of a new dwelling this is not relevant.

Planning Balance:

The site lies within the countryside, the lowest tier within the settlement hierarchy, and does not form part of any allocation for the provision of employment floor space. While the site is within close proximity to recently consented commercial units, the circumstances surrounding that permission were materially different and as always each proposal must be considered on its own merits. We work with a plan-led system. This proposal is unplanned and if approved, risks undermining the delivery of the allocations and existing commitments within the newly adopted local plan. It also risks eroding the rural character of the area, contrary to JLP Policy TTV26. Insufficient information has been provided to justify a countryside location for the proposed unrestricted B1 use and in the absence of any other material considerations the proposal is recommended for refusal on the basis it is in conflict with the JLP.

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.

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
- SPT4 Provision for employment floorspace
- SPT9 Strategic principles for transport planning and strategy
- SPT10 Balanced transport strategy for growth and healthy and sustainable communities
- SPT12 Strategic approach to the natural environment
- SPT14 European Protected Sites – mitigation of recreational impacts from development

TTV1 Prioritising growth through a hierarchy of sustainable settlements
TTV2 Delivering sustainable development in the Thriving Towns and Villages Policy Area
TTV26 Development in the Countryside
DEV1 Protecting health and amenity
DEV2 Air, water, soil, noise, land and light
DEV14 Maintaining a flexible mix of employment sites
DEV15 Supporting the rural economy
DEV20 Place shaping and the quality of the built environment
DEV23 Landscape character
DEV26 Protecting and enhancing biodiversity and geological conservation
DEV28 Trees, woodlands and hedgerows
DEV29 Specific provisions relating to transport
DEV31 Waste management
DEV32 Delivering low carbon development
DEV35 Managing flood risk and Water Quality Impacts

Other material considerations include the policies of the National Planning Policy Framework (NPPF) and guidance in Planning Practice Guidance (PPG).

Neighbourhood Plan

The site is not within a Neighbourhood Planning Area.

Considerations under Human Rights Act 1998 and Equalities Act 2010

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

PLANNING APPLICATION REPORT

Case Officer: Lucy Hall

Parish: Wembury **Ward:** Wembury and Brixton

Application No: 2948/19/FUL

Agent/Applicant:

Mr Sean Adams - Adams PPS Ltd
Rivendell
Zeal Monachorum
Crediton
EX17 6DF

Applicant:

Mr & Mrs S Smith
139 East Gomeldon Road
East Gomeldon
Salisbury
SP4 6NB

Site Address: Land Adjacent Sea View, West Hill, Heybrook Bay

Development: Erection of new 3 bedroom, 1 1/2 Storey, detached dwelling with subterranean garage and driveway (Resubmission of 1423/19/FUL)



Reason item is being put before Committee:

At the request of Cllr Brown and Cllr Chown who are concerned about the impact the proposal might have on the neighbouring property.

Recommendation: conditional approval

Conditions

1. 3 year time limit for commencement
2. Development to be carried out in accordance with approved details
3. Sample of natural slate to be provided
4. Details of render to be provided
5. Details of joinery to be provided
6. Wall to be constructed from natural stone
7. Rooflights to be flush fitting
8. Tamar EMS
9. Compliance with drainage scheme

10. Retention of garage for parking/not be used for habitable accommodation
11. Construction and Environmental Management Plan (prior to commencement)
12. Development to accord with recommendations in ecology report
13. No external lighting
14. Removal of PD rights
15. Compliance with landscape scheme
16. Unsuspected land contamination
17. Carbon reduction measures to be implemented prior to occupation

Site Description:

The application site is a sloping site of about 0.10 ha in size that sits between 2 houses at West Hill, Heybrook Bay. Historically the site was part of the curtilage of Sea View, the adjoining property to the east. There are 6 existing houses at West Hill. The application site falls within an Area of Outstanding Natural Beauty (AONB), undeveloped coast and is adjacent to a Site Special of Scientific Interest.

The Proposal:

The application seeks full planning consent for the provision of a 1 ½ storey detached dwelling with sub-terrain garage and driveway.

The dwelling would be located towards the southern end of the plot, elevated to the road. The dwelling essentially comprises three interlocking blocks, two end gables and a central gable. The building would be clad in render with natural slate to the roof.

The internal floor areas of the ground and first floor cumulatively is 236 sq. m. The overall height of the building is 7.3m to the ridge and 4.2m to the eaves.

Internal accommodation would be arranged over two levels and includes a lounge and kitchen/dining area at ground floor and at first floor three bedrooms plus a study and bathroom at first floor.

The proposal also includes a garage which would be dug into the existing bank and sit below the level of the main dwelling. The garage would be accessed via a driveway which would terminate below the site of the dwelling. Just off the garage, a lobby area and internal lift providing access to the ground floor of the dwelling is proposed.

Consultations:

- County Highways Authority no comments refer to DCC standing advice
- Environmental Health Section no comments
- Wembury Parish Council Objection
 1. *This application will seriously affect the amenities of its neighbouring house. I understand there should not be any development in this area.*
 2. *Neighbours to the east of this planned development are against it because of its overbearing nature, overlooking, people across the valley because it will endanger the sea view and because the original approval for a modest bungalow has been turned into a three storey abode.*
 3. *Original plans for a more acceptable development. SHDC has decided there would be no more development in Heybrook Bay but this was overlooked. Sea View's solar panels will be obscured, light reduced, will be overlooked, among material considerations.*
 4. *Original was acceptable but was in wrong place. Now agree with above.*
- Drainage (SHDC) no objection subject to conditions

- Natural England request additional information
- MOD no safeguarding objections raised
- Ecologist (SHDC) no objection
- Landscape (SHDC) no objection

Representations:

The Council has received 13 letters of representation from third parties, 3 letters of support and 10 objections.

Object

- Proposal does not conform to conditions imposed on the outline consent. Dormer bungalow as consented would be less intrusive compared with the proposed dwelling.
- Plot is part of an attractive hillside and parking is generally at road level.
- Proposed driveway removes an established natural vegetation and the tarmac driveway detracts from the AONB and results in cramped urban development.
- West Hill is steep and has a restricted width. Concerns about disruption to existing residents from construction traffic and additional traffic once complete on a narrow lane which is likely to result in congestion and situation exacerbated during winter weather conditions.
- Damage to the road or bridge could preclude access for emergency vehicles
- Loss of amenity to residents of Sea View. Dwelling and proposed boundary tree planting would cause overshadowing and sense of enclosure.
- Height of dwelling combined with trees will block light from the solar panels at Sea View, and seriously degrade the degree of power output from the micro energy system.
- Extent of excavations proposed could cause damage to neighbouring properties and services.
- Design is not in keeping with the immediate neighbouring bungalows.
- Development has already impacted on trees with significant cut back of an existing conifer tree.
- Existing foul sewer infrastructure is not fit for purpose.
- Concerns that it will not be physically possible to construct the dwelling.
- Approval would set an undesirable precedent
- Proposal has similar level of opposition to that which was withdrawn earlier this because of the level of objections from locals and the parish.
- Proposal should have regard to environmental protection as set out within the recent Queen's speech.

Support

The comments received can be summarised as follows: -

- Main issues raised previously have been adequately addressed
- Applicants have reassured neighbours at Gorse Cliff that they intend to avoid disruption and continue to repair and maintain access road going forward.
- Welcome the development of a house on the plot and consider the proposal will enhance the area.
- Proposal will safeguard the amenity of Frangipani
- Proposed landscaping design will enhance the nature conservation in the area.
- Proposal has been sensitively designed to allow existing residents of Heybrook Bay continued enjoyment of local amenities and views.

Relevant Planning History

1423/19/FUL, erection of new 3 bedroom dwelling with sub-terranean garage and driveway, Land adj to Sea View, West Hill – withdrawn

2988/17/OPA, Outline planning application with all matters reserved for erection of detached dwelling, Land a West Hill, adjacent to Sea View, Heybrook Bay – conditional approval

ANALYSIS

Principle of Development/Sustainability:

The policy context regarding development within the undeveloped coast and AONB locations has changed following the adoption of the JLP in March this year and having regard to the current policies it is unlikely that the principle of a new open market house on the site would be acceptable. However, notwithstanding this, the principle of development on the site has already been established with the extant outline consent which was granted in 2017 and in the consideration of this application the outline consent represents a fall-back position which cannot be disregarded.

Housing Mix

Having regard to the fall-back position which restricts the height of the dwelling but not its footprint, the principle of a 3 bed dwelling does not raise any concerns.

Design/Landscape:

The site is sensitively located in an elevated position off West Hill. It falls within the South Devon AONB and undeveloped coast. AONBs are among the areas afforded the highest level of protection within the NPPF in relation to landscape and scenic beauty. JLP Policy DEV25 requires all developments to conserve and enhance the natural beauty of protected landscapes. JLP Policy DEV24 seeks to protect the undeveloped and unspoilt character, appearance and tranquillity of the undeveloped coast and only supports development in exceptional circumstances.

The proposed dwelling is higher than that which could be permitted under the terms of the outline consent permitted. The outline consent included a condition which restricted the height of the dwelling to a single storey or 1 ½ storey dormer bungalow and the reason for this condition was to 'protect the character of the street scene and wider area.' At the time this application was considered no indicative plans were provided to show how a dwelling could be delivered on the site.

The existing dwellings on West Hill all appear to be relatively modern buildings, constructed from the 1950's onwards. While they generally respond to the topography, there is variation with their heights and architectural styles. The buildings are typically 1 ½ storey or bungalows. Having regard to its context officers do not have any concerns with regards to the proposed dwelling. It is traditional in its form, with its pitch roof and rendered walls, and while it would be higher than its immediate neighbour Sea View, in the wider context this is not considered to be a reason in itself to justify the refusal of the application. The building is of a generous scale but would not represent an overdevelopment of the site and its mass is broken up. Compared to the previous withdrawn application, it is also pleasing to see that the level of glazing has been reduced. Due to the sensitive location of the plot it is considered appropriate to remove permitted development rights for extensions and alterations and this can be secured via condition.

The Council's landscape specialist has reviewed the proposal and has provided comments, which Officers agree with. The comments received are detailed below: -

'The site is within the developed slope, located within the existing building form on the edge of Heybrook Bay. It remains within the valley and is viewed within the context of the village. The building form is strongly affected by the degree of slope and will result in the need for a larger scale of engineered retaining walls, particularly in the lower sections. Similarly the meandering drive will have to navigate the slope to allow access to the dwelling and park vehicles close to it. Consequently this results in a larger overall built form. However, it does remain in the context of the village and is not dissimilar to other dwellings locally, especially across the valley. A landscape scheme has also been submitted to mitigate the proposed layout and provide strategic enhancements through tree and shrub planting. On this basis the overall proposed development can be supported.'

Having regard to the fallback position which allows for a dwelling on the site, the reason a restrictive condition was imposed on the outline consent, the wider context and comments from the Council's

landscape specialist, officers consider that the proposal will sit comfortably within it's the site and will not result in harm to the AONB or undeveloped coast to such an extent that a recommendation of refusal could be justified.

Neighbour Amenity:

Safeguarding neighbouring amenity is a material consideration. Paragraph 127 of the NPPF requires developments to 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.

Sea View, lies to the east of the site and Frangipani, to the west. Due to change in topography, Frangipani sits at a much lower level on West Hill compared to the site, whereas Sea View is at the same level and the dwelling lies within close proximity to the site.

The occupants of Frangipani have written in support of the development and consider that their amenity would be protected. Officers have no reason to disagree with this view.

The occupants of Sea View are concerned that the new dwelling would cause overshadowing and a sense of enclosure. While these concerns are noted, Officers are satisfied that the position of the dwelling itself would not cause harm. Compared to the previous proposal which extended beyond the front elevation of Sea View, the revised design is pulled back and sits on a similar line as its neighbour. While there might be an opportunity for glimpsed views into the neighbouring site from the plot, in the context of the site and surrounding development where to a degree the properties all overlook one another, this relationship is not considered unreasonable.

To protect the neighbour's privacy planting is proposed along the boundary between the site and Sea View. However, the neighbours are concerned that the proposed trees themselves will have an adverse impact on their amenity. Again while these concerns are noted, this in itself is not considered to be a reason for refusal. Planting is not development and does not require the benefit of planning consent. Therefore while the trees could be removed from the landscaping plan, there is nothing to prevent the occupiers of the proposed dwelling still undertaking planting on the boundary.

Concern is also raised about the loss of light to the solar panels which have been installed on Sea View and this be will be considered below under 'low carbon'.

Highways/Access:

The principle of a dwelling on the site has already been established with the outline consent. The Highways Authority have not provided any detailed comments on the current proposal and refer to standing advice issued by DCC. Officers are satisfied that the proposal demonstrates that adequate visibility splays will be provided and parking and turning can be accommodated within the site. Due to the restricted width of the road and concerns regarding disruption to the residents of West Hill from construction traffic, it is considered appropriate in require a construction management plan and this can be secured via condition.

Drainage

Full drainage details have been provided and assessed by the Council's drainage engineers who are satisfied sufficient information has been provided to demonstrate a workable drainage scheme can be accommodated on site. A condition is recommended to ensure the scheme as approved is implemented.

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 current owners of Sea View and the Parish Council have both raised concerns loss of light to the solar panels located on the south west elevation of Sea View. Loss of light to solar panels is a material consideration.

Outline consent, with all matters reserved, for the erection of a dwelling was granted on the application site on 1 December 2017. On 14 February 2018 planning permission was granted for works to Sea View and included an extension on its south western elevation (which faces the application site) (application ref 4322/17/HHO). The application included solar panels but because no details of these were provided the reference to solar panels was removed from the application and an informative which makes it clear that solar panels do not form part of the consent was included on the decision notice.

The neighbours consent has been implemented and the works to the side extension are almost complete. Ten solar panels were installed on the roof of the new side extension as part of the overall works. They do not benefit from planning permission. Solar panels can be installed on domestic properties under permitted development but in this instance because they were installed when the extension was being constructed, permission was required.

The applicants have provided a drawing to illustrate that any loss of light to the solar panels from the proposed development would only occur during the month of December. The LPA has not been provided with any specialist technical information from either the neighbours or the applicants to assess the impact of the proposal on the reduction of light to the solar panels. Having regard to the information set out above, it appears that the interference with the solar panels is considered to be modest.

The proposal development will make a modest contribution towards the reduction in non-renewable energy resources. The design and access statement includes a section on sustainability and outlines how the proposal will provide an environmentally 'friendly' development including the installation of 12 photovoltaic panels which would provide approx. 3KW of electricity for the dwelling and the installation of a mechanical ventilation and heat recovery system which will provide constant air change and will reduce the reliance on the boiler to provide heat for the main living areas and bedrooms. Additionally openings have been positioned to maximum solar gain while respecting the Council's dark skies policy and light fittings will all incorporate low energy lamps. This is considered to be acceptable to comply with JLP Policy DEV32 but a condition requiring the measures to be implemented prior to occupation is considered appropriate to ensure they are forthcoming.

Biodiversity:

The site lies within 100m of the Plymouth Estuary SAC and adjacent to a SSSI. The proposal includes a preliminary ecological assessment and comprehensive landscaping scheme. The proposal has been considered by the Council's Ecologist who has not raised any objections and considers the proposal accords with relevant policies including DEV26. Given the sensitivity of the site it was suggested any notice of approval should include a condition which requires the submission of a Construction and Environmental Management Plan.

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 in a standing advice statement provided by Natural England in April. Natural England have requested further information on this site regarding the mitigation. The case officer discussed the matter with the Council's Ecologist who is satisfied that an

appropriate assessment has been carried out, a copy of which is available on the Council's website, and having regard to the standing advice, is satisfied that mitigation can be secured via condition.

Conclusion:

The principle of a dwelling on the site has already been established and is a material consideration in the assessment of this application. While the dwelling goes beyond the limits of what the outline consent permitted, having regard to the reasons the condition was imposed Officers are satisfied that the proposed dwelling will sit comfortably within the site and will not cause harm to the AONB, undeveloped coast or the character of the area. The concerns raised with the previous withdrawn application have been addressed and with no technical objections the application is 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.

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
SPT14 European Protected Sites – mitigation of recreational impacts from development
TTV1 Prioritising growth through a hierarchy of sustainable settlements
TTV2 Delivering sustainable development in the Thriving Towns and Villages Policy Area
TTV26 Development in the Countryside
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
DEV20 Place shaping and the quality of the built environment
DEV23 Landscape character
DEV24 Undeveloped coast and Heritage Coast
DEV25 Nationally protected landscapes

DEV26 Protecting and enhancing biodiversity and geological conservation
DEV28 Trees, woodlands and hedgerows
DEV29 Specific provisions relating to transport
DEV31 Waste management
DEV32 Delivering low carbon development
DEV33 Renewable and low carbon energy (including heat)
DEV35 Managing flood risk and Water Quality Impacts

Other material considerations include the policies of the National Planning Policy Framework (NPPF) and guidance in Planning Practice Guidance (PPG). Additionally, the following planning documents are also material considerations in the determination of the application: South Devon AONB Management Plan and Countryside and Rights of Way Act.

Neighbourhood Plan

Wembury Neighbourhood Plan is within its infancy and has not yet reached a stage where its policy can be taken into consideration.

Considerations under Human Rights Act 1998 and Equalities Act 2010

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

Conditions

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

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

2. The development hereby approved shall in all respects accord strictly with drawing number(s) 18-094/SP1A (block plan and sections), 18-094/LP1 (site plan), RP/02C (landscape proposals), 18-094/2 (elevations), 18-094/SS1A (front elevation), 15421-570 Rev B (proposed drainage strategy) and 18-094/1A (floor plans) received by the Local Planning Authority.

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 roofs hereby approved shall be clad in natural slates, a sample of which shall have been submitted to and approved in writing by the Local Planning Authority prior to installation

Reason: To perpetuate the use of vernacular materials so as to retain the character of the locality.

4. Prior to installation of development, details of the proposed render type and colour(s) shall be agreed in writing with the Local Planning Authority and shall be applied without the use of metal beads or stops. Movement joints, where required, shall be positioned at changes of direction or directly behind rainwater downpipes.

Reason: To ensure that the finishes and colours are appropriate to the locality.

5. Prior to installation on site until full details of all new joinery have been first submitted to and approved in writing by the Local Planning Authority. Such details shall be at full or half scale and shall include cross-sections, profiles, reveal, surrounds, materials, finish and colour in respect of new windows, doors and other glazed or timber panels. The work shall thereafter be carried out in accordance with the approved details and shall thereafter be permanently retained in that form unless otherwise agreed in writing with the Local Planning Authority.

Reason: In the interests of the appearance of the development and the surrounding area.

6. The stonework shall be constructed of natural stone which matches the colour and texture of that occurring locally, a sample of which shall be submitted to and agreed in writing by the Local Planning Authority, prior to the commencement of development. The new stonework shall be laid on its natural bed and pointed in a lime mortar recessed from the outer face of the stone. Machine cut or sawn faces shall not be used in the wall or for quoin stones.

Reason: To ensure that the development displays good design practice in respect of the age and character of the development and to allow the Local Planning Authority to assess the details of the scheme to ensure that their character is maintained.

7. The roof lights shall be fitted so as to be flush with the roof profile.

Reason: To protect the appearance and character of the area.

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 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.

10. The garage and hardstanding hereby permitted shall remain available in perpetuity for the parking of motor vehicles in association with the use of the dwelling.

Reason: To ensure that the off-street parking facilities remain available in the interests of highway safety.

11. Prior to commencement of any part of the site the Planning Authority shall have received and approved a Construction and Environmental Management Plan including:
 - (a) the timetable of the works;
 - (b) daily hours of construction;
 - (c) any road closure and full details;
 - (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) Photographic evidence of the condition of adjacent public highway prior to commencement of any work; -
 - (n) Details of all impact avoidance and mitigation measures for habitat and protected species protection during construction
 - (o) Details of mitigation measures to control the risk of pollution to air, soil, protect biodiversity, trees and vegetation and avoid, minimise and manage the productions of wastes with particular attention being paid to the constraints and risks of the site
 - (p) Details of noise impacts and controls
 - (q) Hours of operation
 - (r) Dust impact assessment and control in accordance with the Institute of Air Quality Management guidance for dust assessment from construction sites.

Reason – In the interests of highway safety and to safeguard the interests of amenity, the environment, biodiversity and protected species.

12. The recommendations, mitigation and enhancement measures of the Ecological Report, by David F Wills dated 17 July 2017, 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

13. Prior to the installation of any external lighting within the site, full details of the proposed lighting including *function, location, design and intensity* shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in strict accordance with the approved details.

Reason: To safeguard the appearance and character of the area which lies within the AONB, and in the interests of ecology.

14. 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 site and its surroundings, to ensure adequate space remains about the building and in the interests of safeguarding residential amenity.

15. The landscape scheme (as shown on drawing number RP/02C, dated 06.09.19) shall to be fully implemented within the first planting season following of occupation. If within a period of 5 years from the date of the planting any tree/shrub/plant, or any tree/shrub/plant planted in replacement for it, is removed, uprooted or destroyed or dies, or becomes, in the opinion of the local planning authority, seriously damaged or defective, another tree/shrub/plant of the same species and size as that originally planted shall be planted at the same place, unless the local planning authority gives its written consent to any variation.

Reason: In the interest of visual amenity in order to protect and enhance the amenities of the site and locality.

16. 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.

17. The carbon reduction measures set out within the supporting statement, and as shown on the approved drawings shall be fully implemented prior to the first occupation of the dwelling.

Reason: In accordance with Policy DEV32 of the Plymouth and South West Devon Joint Local Plan, in the interest of the environment and sustainability

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PLANNING APPLICATION REPORT

Case Officer: Rosalie Metcalfe
Cornwood

Parish: Bickleigh **Ward:** Bickleigh and

Application No: 0379/19/FUL

Agent/Applicant:

Mr Rob Hughes - Hughes Planning LLP
53 Dalby Road
Melton Mowbray
LE13 0BG

Applicant:

Mr & Mrs Hill
Hampool Cottage
New Road
Bickleigh
PL6 7AN

Site Address: Land on East side of New Road, Bickleigh, Plymouth, PL6 7AN

Development: Erection of new dwelling, landscape enhancements and associated works



Reason item is being put before Committee: Called to DM Committee by the Head of DM Practice as in his view the application ought to be determined by the DM Committee

Recommendation: Conditional Approval

PRE-COMMENCEMENT CONDITIONS AGREED AS BELOW:

Conditions:

1. Time limit (standard)
2. Accord with plans
3. Visibility Splay Improvements - *Pre-Commencement condition agreed 13/11/19*
4. Construction Management Plan – *Pre-Commencement condition agreed 13/11/19*
5. No highway debris
6. Construction Environmental Management Plan (CEMP) - *Pre-Commencement condition agreed 22/11/2019*
7. Lighting Plan - *Pre-Commencement condition agreed 22/11/2019*
8. Lighting Monitoring
9. Foul waste
10. Surface Water
11. Material samples
12. Removal of Permitted Development Rights Schedule 2, Part 1, Classes A-H
13. Removal of Permitted Development Rights Schedule 2, Part 2, Classes A-F
14. Landscape Management Plan Adherence
15. Contaminated Land
16. Designated Site Mitigation
17. Energy Efficiency evidence
18. Heat and Power option details
19. Low Carbon Management Plan (LCMP) - *Pre-Commencement condition agreed 22/11/2019*
20. LCMP Monitoring
21. Sustainable Travel Plan
22. Dwelling use only.

Key issues for consideration:

- Principle of development
- Impact on setting of AONB in close vicinity.
- Impact on landscape.
- Impact on biodiversity
- Highways access issues

Site Description:

The proposed site area is within a countryside location situated just north of Hampool along the highway which leads from Bickleigh to Shaugh Prior. The site is a large field of approximately 2.1 hectares (5.2 acres) with a slight incline towards the western boundary and lies adjacent to the road between Hamgreen plantation and adjacent to Ham Bushes. The remains of a small playhouse building and enclosure can be seen on the western side of the site. The proposed dwelling will be positioned on the eastern side of the site, on the lower level ground.

The access is through a gated track on the south west side of the site which serves the stabled field to the south and gives access to the land at Ham Bushes on which there is high fencing which appear to serve a game bird shoot. The field itself is enclosed by a mix of hedgebanks and trees.

The site is not within any designated protected landscape area however it is approximately 390m to the West of Dartmoor National Park.

The Proposal:

The application is submitted as a paragraph 79 dwelling under the National Planning Policy Framework (NPPF).

Paragraph 79 states as follows:

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

a) to d) not considered applicable

e) the design is of exceptional quality, in that it:

- is truly outstanding or innovative, reflecting the highest standards in architecture, and would help to raise standards of design more generally in rural areas; and*
- would significantly enhance its immediate setting, and be sensitive to the defining characteristics of the local area.”*

The footprint of the side sections of the building are approximately 8m x 30m and the central section is approximately 11m x 13m. The height of the building ranges at various points between 6m and a maximum of 7.1m in height.

The internal floor area is stated to be 538.3 square metres which includes the 42.6 square metre car port area.

The proposed materials are to be a mixture of granite stone facing base walls with horizontal metal cladding and timber boarding at wall higher levels. The flat roof is to be covered with a green roof with solar and thermal panels proposed to sit mainly on the central roof area. The majority of glazing is to be on the south facing elevation.

The building is of a contemporary style and is arranged with a wider central area with two narrower sections running either side. The central ground floor would provide the entrance hall, kitchen, utility, boot room leading to a covered external area and garage, dining room, living room, music room and bar with a master ensuite bathroom, master dressing room and master bedroom leading to the master balcony on the first floor.

The western length of the building would provide TV snug room, play room, family room, study and gym on the ground floor and a dressing room, en-suite bathroom and bedroom leading to a private balcony on the first floor.

The eastern length of the building would provide, a guest cloak room, linen room and a guest living room with integrated kitchen area, 2 bedrooms with a shared bathroom and one bedroom with a private en-suite bathroom on the ground floor. On the first floor of the eastern length of the building would be a laundry room with 3 bedrooms each with own private en-suite bathroom.

Consultations:

- County Highways Authority – No objection subject to conditions.
- SHWD Drainage Officer – No objection subject to the inclusion of a foul waste and surface water condition.
- Environment Agency – No comments. Note: As it is non-mains a foul drainage assessment would be required but as only 1 dwelling not within EA remit.
- Tree Officer - No objection.
- Landscape Officer – No objection subject to conditions.
- Biodiversity Officer – No objection subject to conditions.
- Environmental Health Section - No objection STC's – *A contamination report submitted by the applicant overcomes initial objection. EH can confirm that the report is sufficient to overcome concerns and suggest that any permission that is granted is conditioned with the unsuspected contamination.*
- Natural England - Tamar – No objection subject to mitigation condition.
Thank you for consulting Natural England on the Appropriate Assessment for the above development in accordance with Paragraph 63 (3) of the Conservation of Habitats and Species Regulations 2017. Please be advised that, on the basis of the appropriate financial contributions being secured to the Plymouth and South West Devon Joint Local Plan SAMMS list, Natural England concurs with your authority's conclusion that the proposed developments will not have an adverse effect on the integrity of Plymouth Sound and Estuaries SAC and the Tamar Estuaries Complex SPA European sites
- Bickleigh Parish Council - Object
*“Following a site visit on the 11th April when Councillors met with the Architects and the Planning Officer from South Hams, the following response was made at full Council on 25th April 2019.
Firstly, I can confirm that our Legal Obligations to the JLP and the BPCNP were taken into account during our discussions.
Originally our NP had a Country side Policy, Bick03 which had definitions of the "said" land for protection. However, following discussions with SHDC and PCC who had differing definitions and with the "assurance" from SHDC that it would still be "secure" within the changes, it was amended.
We were not in agreement.
We strongly feel that this piece of countryside, which provided a significant gap between the city of Plymouth and the Dartmoor National Park has been classified differently to similar countryside elsewhere in the Parish of Bickleigh, because it lies outside the Plymouth Urban Fringe Boundary.*

*By reason of the Sites location and isolation from services, the development constitutes a new residential intervention into the countryside and would foster the growth in the need to travel by private car. The proposal would therefore not constitute sustainable development and is therefore contrary to policies SPT1, SPT2 TTV1 and TTV26 of the JLP and paragraphs 7 and 79 of the National PPF (2019).
It also being isolated from any recognised settlement of local services. The proposal would result in an appropriate and discordant development within a rural area, which*

would fail to protect the intrinsic rural character of the landscape or protect the sense of tranquillity and unspoiled character of the area.

It is also understood that access is "shared" with the Forestry Commission and the Maristow Estate so having a house with the potential of multiple occupation would increase the traffic flow onto the Highway dramatically.

It would also become an "Open Market Property" and would and would also encourage the development of further properties along this area of "Significant Natural Beauty".

Bickleigh Parish Council request that "Refusal" be given to this application."

Representations:

Six letters of representation to object were received stating the following summarised reasons:

- Design including appearance/layout/scale/density and materials
- Highway safety issues
- Local Drainage or flooding issues
- Planning Policies and guidance
- Impact on the landscape.
- Impact on AONB
- Impact on biodiversity.
- Traffic generation

A few specific quotes from each were as follows:

- *"Building the dwelling will be at the expense of a valued area of countryside.*
- *Increase the likelihood of further development in a protected area."*
- *"The ecological survey is two years old".*
- *"Figure 2 which claims to be an aerial view of the site is not a view of the site."*
- *"The design is not truly innovative. To be innovative it should use new technologies and not rely on established techniques."*
- *"Achieving zero carbon emissions is not sufficient to meet the test of being innovative as many new homes meet this requirement."*
- *"Although the applications claims to be innovative there is nothing in the design that takes forward the boundaries of architectural design."*
- *"Proposed building does not meet the required criteria of Para 79 in that is it not a design of exceptional quality nor is it truly innovative."*
- *"A design under the Para 79 exceptions needs to go much further than this and the claim that the design would achieve a zero-carbon status, is not sufficient, in itself to meet the test of being innovative. There is no reference in the proposal to the carbon foot print of the construction process, or any attempt to off-set this."*
- *"It is over-bearing, out of scale and out of character in terms of its appearance compared to the existing development in the area."*
- *"The proposed dwelling will be an eye sore beside the other dwellings in this area all of which are old and in keeping with the environment."*
- *"The application seeks to meets the requirements of para 79 of the NPPF so it should "enhance its immediate setting" yet the visual impact assessment para 1.20 states it is unlikely to be noticed."*
- *"Notwithstanding this the design is not sensitive or sympathetic to the defining characteristics of the local area."*
- *"Bickleigh vale is an area of much natural wildlife,peace and tranquillity."*

- *“The site which is an area of outstanding beauty. It is a very important wildlife corridor and links the National Park to the urban fringe including the Plym Estuary/Saltram house. It is worth reviewing the satellite photos of the area-the forest connects the Dewerstone to national trust woods at Plym valley.”*
- *“This house is a luxury dwelling that does not address any issue relating to affordable housing for the local population and is therefore difficult to justify on grounds of current housing shortage.”*
- *“The application to build is unnecessary as Woolwell and Roborough around the corner have already extended the number of houses being built so this is unwanted.”*

Other comments were also received however these were considered private civil matters and not planning matters for consideration in this application.

Two letters of support were received which stating the following summarised reasons:

- Design including appearance/layout/scale/density and materials

Specific comments were stated as follows:

- *“In favour, great to see some modern architecture In south hams , the whole area is going to change In the next 20years, we can’t live in the past forever.”*
- *“Interesting design*
- *Consideration looks to have been given to proposed materials and colourings*
- *Should be limited in overall height of building to minimise impact to tree line*
- *Perhaps a reduction in size of building - reducing the overall length”*

Relevant Planning History

Application Ref	Address	Proposal	Decision	Decision Date
04/0919/07/ F: FUL	Field north of Hampool Cottages at SX5280 6308 Bickleigh Plymouth	Erection of field shelter	Conditional approval	19 Jul 07
04/1477/96/ 8: COL	Grenoven Shaugh Bridge Bickleigh.	Circular 14/90 notification for erection of wood pole O/H line	Refusal	16 Oct 96

ANALYSIS

Principle of Development/Sustainability:

The application is submitted as a paragraph 79 dwelling under the National Planning Policy Framework (NPPF).

Paragraph 79 states as follows:

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

b) to d) not considered applicable

e) the design is of exceptional quality, in that it:

- is truly outstanding or innovative, reflecting the highest standards in architecture, and would help to raise standards of design more generally in rural areas; and*
- would significantly enhance its immediate setting, and be sensitive to the defining characteristics of the local area.”*

In the first instance it is considered that the siting of the proposed dwelling within open countryside, with the nearest neighbouring properties approximately 250m and with Shaugh Prior approximately 1.2 miles away and Bickleigh approximately 1.7 miles away, could be considered physically and functionally isolated, a term identified in both High Court and Court of Appeal on isolated dwellings, and therefore the proposal must be considered under Paragraph 79 of the NPPF.

Within the Plymouth and South West Devon Joint Local Plan (JLP) Development in the Countryside is considered under policy TTV26 of which reads as follows:

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

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

- i. Meet an essential need for a rural worker to live permanently at or near their place of work in the countryside and maintain that role for the development in perpetuity; or*
- ii. Secure the long term future and viable use of a significant heritage asset; or*
- iii. Secure the re-use of redundant or disused buildings and brownfield sites for an appropriate use; or*
- iv. Secure a development of truly outstanding or innovative sustainability and design, which helps to raise standards of design more generally in the rural area, significantly enhances its immediate setting, and is sensitive to the defining characteristics of the local area; or*
- v. Protect or enhance the character of historic assets and their settings.”*

The proposed development will also be considered under paragraph 1.iv of the above JLP policy by providing a dwelling design to fulfil this criteria as per Para79. The submission is not arguing that the proposal fulfil parts i-iii or v.

The site would not be considered sustainable in terms of its location, being significantly away from any defined settlement or amenities, limiting walking and cycling opportunities. While it has been advised that there is a bus route along this road there are no designated nearby bus stops. Therefore the site occupants/visitors would predominantly rely on private car use which would not go towards meeting the requirements of policies SPT1 nor SPT2. However the fact that this application is being considered under Paragraph 79 as well as TTV26

acknowledges that this is an isolated countryside development which in turn would accept that sustainable transport methods are limited.

However if the special qualities of this development are considered to be sustainable design and technologies it wouldn't be unreasonable to condition that the occupants of such a building be committed to sustainable travel in the form of low carbon options such as an electric car.

With regard to the size of the dwelling there are concerns with regards to the scale of the development in that the dwelling has a large amount of bedrooms and bathrooms, being 8 of each in number, and living areas for a typical family home and could appear more akin to a commercial hotel business. Justification was sought with regard to this aspect and it was advised that the applicants had eight children between them which would require the use of these spaces.

Nevertheless the footprint of the building does seem unnecessarily large for a family home especially one within a countryside location which seeks to *“significantly enhance its immediate setting, and be sensitive to the defining characteristics of the local area.”*

Consideration was given to looking at reducing the scale of the building however it was concluded that if the building was not the size proposed it may not be considered as distinctive an architecturally designed dwelling.

To address concerns about usage it is considered prudent to include a condition which ensures that the building can only be used for domestic purposes.

Design is considered in greater depth in the section below however the conclusion was that this the design itself is not considered truly exceptional and similar designs have been proposed elsewhere, but taking in consideration of the proposed materials and renewable technologies in terms of increasing the energy efficiency of the building it is considered to be a forerunner example of practical sustainable architecture

Overall with positive landscape officer and Design Review Panel feedback below it is felt that on balance the proposed dwelling is considered to meet the requirements of Paragraph 79 of the NPPF

Design/Landscape:

The proposed design for the dwelling can be considered an alternative contemporary style to the usual vernacular to the area.

It is understood that the basis for the design is to mimic the Devon Hedgerow hence the reference name given to the design as 'Hedgebanks'.

Therefore the design basis for the scheme can be considered to be landscape based. However while the design viewed from the road viewpoint has been taken from following the background hills and the natural materials the view from the south east is a distinctly contemporary linear design which incorporates metals into the more natural materials of timber and granite stone.

It is acknowledged that contemporary architecture can be considered of its place even when it doesn't mimic the local traditional aesthetic if the context is well considered in design, structure and materials.

While it is acknowledged that this is a contemporary architectural style which would be distinct in this place it is difficult to consider this as being outstanding in terms of its aesthetic design. While it is appreciated that the quality of this design is of a high standard and the consideration to the site and the sustainability of the development is acknowledged to be extensive it is felt that the design and materials are not fully compliant with requirements of a 'truly outstanding' development in the countryside. Both the design and the materials are ones which have been used in similar contemporary schemes and does not offer anything exceptional in architectural aesthetics. However the sustainable technologies and considerations proposed in the form of renewable energies and a commitment to sustainable materials is a positive aspect to the proposal in terms of meeting low carbon targets.

A fabric first approach of a high thermal envelope with recycled newspaper insulation and triple glazed windows which are placed predominantly South facing to promote passive solar gain within the interior is considered well considered. This along with providing electricity and supplementing any heat requirements with solar roof array and a biomass boiler and providing a Mechanical Ventilation and Heat Recovery System (MVHR) means the development can be considered to work towards being zero carbon on paper assumptions. This would also go towards meeting the requirements of policy DEV32.

While these technologies are not by any means new, the term innovative from Para 79 has been assessed by several Planning Inspectors and found that this does not have to mean demonstrating a form of technology that has not previously been in use but that the combination of technologies etc. can be considered innovative. These technologies, in this similar combination have been seen in several other developments meaning this is not an entirely innovative proposal but it could be argued that a combination of this design and technologies in this setting is considered innovative.

A Pre-Application was submitted in 2018 which advised that the scheme be put forward to be assessed by a Design Review Panel.

The Design Review Panel provided the following comments on 09/08/2018:
Overall the panel is supportive of the design approach and considers that with further design developments that responds to the aspects contained within this feedback documents that the proposals presented could meet the requirements of paragraph 79 of the NPPF.

The panel felt that

- *“With further design development could demonstrate that they are truly outstanding and innovative and that they may help to raise the standard of design more generally in rural areas.*
- *With some further design development, could reflect the highest standards in architecture.*
- *Do significantly enhance the immediate setting; and*
- *Are sensitive to the defining characteristics of the local area”*

The panel review gave specific suggestions that it may be beneficial to address to improve the proposal.

A further desktop review of an amended scheme was given on 06/12/2018 which concluded in summary that the panel felt that the proposals “do now meet the requirements of paragraph 79 of the NPPF”

Paragraph 129 of the NPPF states that “in assessing applications, local planning authorities should have regard to the outcome from these processes, including any recommendations made by design review panels.”

Whilst officers do not consider that the proposed dwelling necessarily demonstrates a truly exceptional/unique quality, it does defer this opinion in favour of the considerations of the independent multidisciplinary professionals and expert members of the Design Review Panel and their benefit of having an overview over designs from several Devon authorities.

LANDSCAPE:

While the site is not designated within any protected landscape it must be noted that Dartmoor National Park is within close vicinity and the development may have an impact upon the setting of this National Park and therefore development within these areas require careful consideration.

Within the national park setting the site overlooks an Ancient Woodland which is approximately 46m away across the adjacent river.

The Landscape Officer was consulted and advised the following response:

“This response is based upon an examination of the planning file, submitted plans and site visit.

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;*
- *Section 11 of the NPPF in particular paragraphs; 127 and 170, 172 &173;*
- *The National Planning Practice Guidance (NPPG) particularly Section 8-001 to 8-006 on Landscape; and*
- *The Dartmoor National Park Management Plan and its Annexes*
- *JLP Landscape Policies – Dev23; Dev25*

Landscape Character and Visual Impact

The application is accompanied by an LVIA (213HBB/LVIA/01; Squire Young LA; Feb 2019). This is noted and broadly accords with current best practice. However, officers do not entirely concur with the appraisal outcomes, in particular relating to landscape character where a number of moderate impacts are recorded as neutral; this is considered later. Also the application site (red line area) is viewed as being too large and the resulting change in use likely to result in harm to character.

The proposed development is within the setting of Dartmoor National Park, where the Bickleigh Vale extends north into the Park at Shaugh Bridge. The vale falls within landscape character type – 3H Secluded valley, and enveloped within 3A – Upper farmed and wooded

valley slopes. The wider character area is recorded as LCA Plymouth Northern Wooded slopes.

Overall the landscape is intact with an intricate pastoral farmland punctuated with hedgerows and numerous woodlands; it has a particularly distinctive character given its location in the setting of both the urban mass of Plymouth to the south, and the moorland of the national park to the north. Locally the steep sided valleys are mainly wooded, with an intimate patchwork of small to medium sized grazed fields. There is a strong sense of history, with historic parklands, hillforts and industrial heritage (mineral workings) dotted throughout the landscape. Settlement is sparse, with isolated farms and hamlets linked by narrow, hedge lined, lanes. The landscape feels enclosed, contrasting with the open moorland of Dartmoor above.

The proposed development would sit comfortably within this character, set within a field where nature is encroaching into the low grade grassland with damp woodland and bracken scrub. The hedgerows are becoming sparsely vegetated, with gaps and overgrown coppice; they would benefit from restoration and appropriate management. The character is being eroded slightly by localised equestrian uses and pheasant rearing. Active commercial forestry is affecting some of the wooded slopes.

Whilst introducing a large, single, residential building into an otherwise isolated, rural location, in landscape character terms this does broadly follow the existing settlement pattern. A well-considered, but not particularly exceptional, design approach does seek to mitigate impacts through the use of natural materials and design solutions that will help to assimilate the dwelling with the form and textures of its surrounding landscape – using timber cladding and green roofs. Proposed enhancement will contribute to the local environment through the removal of disused ancillary buildings and new planting includes copse and hedgerow restoration; the planting will also mitigate views into the site from the relatively limited number of viewpoints. These are assessed thoroughly within the LVIA with sound conclusions.

Within the setting of Dartmoor National Park, the proposal has been considered against JLP policy dev25, in particular para 8. Given the proposed development's location within a secluded valley and the overall design approach, the special qualities, natural beauty and cultural heritage of the park are conserved, and its purpose and duty protected. Proposed enhancement through planting and subsequent management will renovate distinctive features including hedgebanks and grassland – both valued attributes.

Detailed Design / Landscape Design

The Landscape Management Plan is noted and should be secured by condition.

Red line development area

It is noted that the current red line defining the development area encompasses the full site including the associated field and hedgerows. Should the application be supported with this present plan, it will see a substantial area securing a change of use from agricultural land to residential curtilage. In terms of landscape, officers have significant concerns over the potential harm this could cause to the landscape character and visual amenity as result of this land use change, in the planning context. Whilst the proposed dwelling itself broadly accords with landscape policy and could be supported, there remains concern over the wider planning area included within the application. This should be reviewed and drawn tighter around the proposed residential building and garden area, with the surrounding field within

the blue line area and therefore appropriately subject to landscape conditions. A holding objection is raised until this is satisfactorily resolved.”

While the agent did previously submit a landscape plan showing a definitive curtilage area it was considered by the landscape officer that this was not sufficient as the granting of permission with the red line area as originally submitted would effectively domesticize the whole field. It was considered as discussed in the Landscape Officers response above that the red line area is reduced to ensure that the field remains for agricultural use lessening the impact on the landscape.

Amended plans were submitted to reduce the overall red line area to surround the access and built dwelling areas only. This was checked with the Landscape Officer who responded to advise that they were satisfied with the amended site area as follows:

“Addendum 2019.10.29 – Comments on RED development line amendment and addition of condition

Officers note the revised RED line for the development area. This has been drawn much closer around the propose development to limit the area associated with the residential curtilage and change of use; it is now broadly confined to the garden and dwelling house. The larger field and woodland areas will therefore remain as agricultural land in the planning context and identified by the blue line. The application can now be supported and the holding objection withdrawn.

Recommendation

No objection subject to a landscape condition”

It therefore considered that the impact on the landscape is considered acceptable.

The applicant has also submitted a Land Management Plan which would go towards meeting the appropriate requirement of Part 2 vi of policy TTV26 as well as DEV23 & DEV25.

Biodiversity

As the site falls within the Plymouth Sound and Estuaries SAC and the Tamar Estuaries Complex SPA European sites Natural England were consulted and advised the following:

“Thank you for consulting Natural England on the Appropriate Assessment for the above development in accordance with Paragraph 63 (3) of the Conservation of Habitats and Species Regulations 2017. Please be advised that, on the basis of the appropriate financial contributions being secured to the Plymouth and South West Devon Joint Local Plan SAMMS list, Natural England concurs with your authority’s conclusion that the proposed developments will not have an adverse effect on the integrity of Plymouth Sound and Estuaries SAC and the Tamar Estuaries Complex SPA European sites”

A mitigation condition would be included to ensure financial contributions based on size of dwelling are secured.

With regard to the wildlife and natural species affected by the proposed development the Biodiversity Officer advised the following:

“This consultation response has been prepared following review of the following documents/plans:

- PEA (Bluesky Ecology, Jan 2017)*
- EclA (Orbis Ecology, Dec 2018)*
- Landscape Management Plan (Squires Young, Jan 2019)*

The consultation response takes into account relevant policy in the JLP (namely DEV26), as well as other policy and legislation (namely Conservation of Habitats and Species Regulations, NERC Act, NPPF), and further best practice guidance where required.

Summary of report findings

The ecology report describes the site as a large improved grassland field with defunct hedgerow boundaries, with a small copse to the east of the site with coppiced hazel (and oak, holly and ash), a large area of deciduous woodland to the west and river Plym running along the eastern boundary.

Detailed dormouse surveys did not record evidence of the species, albeit that surrounding habitats were favourable. Bat activity surveys recorded a range of species using the site, notably greater horseshoe bat which is light sensitive. Other protected species including badger, reptiles and bird species would be expected to use the woodland edge and woodland habitats.

Discussion

The site and surrounds are clearly rich in wildlife and would contribute to the wider ecological network/corridors within the landscape for a range of protected species.

The EclA is a well-measured document which recognises the importance of the site and it's with wildlife value as part of the network, seeks to avoid and minimise impact, and incorporates recommendations for meaningful biodiversity net gain from the proposed development.

The net gain is predominantly associated with increasing the biodiversity value of habitats on site, including reseeded the grassland to wildflower, restoring hazel coppice, and new copse planting, and the detail of habitat restoration/establishment and ongoing management is contained within a submitted Landscape Management Plan.

Clearly the biodiversity net gain is dependent on proper implementation of the LMP, however it is noted that the document is well written with appropriate management and monitoring measures detailed which is reassuring and commonly unavailable prior to determination of such planning applications. It is considered that the measures proposed within the LMP are such that it would be reasonable to consider that there would be meaningful Biodiversity Net Gain associated with the proposal site such that it would be policy compliant.

The only aspect which appears to have been omitted (unless I have missed the document as I note it is referenced in other submitted documents) is a lighting plan. As is appropriate given the recorded light sensitive bat species on site as well as the vicinity to woodland habitats, the EclA (Figure 7) notes the requirement for ‘dark areas’ within which introduced illumination should not exceed 0.5lux – these effectively being woodland/tree line/hedgerows. I would have expected a lighting plan showing the effects of proposed internal and external lighting sources as modelled lux contours down to 0.5 lux to show that the proposed development would not disturb protected species use of these features identified as needing to remain dark. Given that the EclA has clearly identified the sensitive areas, I am satisfied that we

could apply a pre-commencement condition requiring a lighting plan to be in accordance with these areas, and that if the submitted plan is not, the development would not take place (i.e. sufficient safeguard will be in place). The condition would also include a requirement for a monitoring visit post completion to check that the light modelling was accurate. If a Lighting Plan was submitted I am of course happy to review prior to determination.”

A lighting plan has not been submitted to date and the agent has agreed to the above pre-commencement conditions.

Planning officers were initially doubtful that the development would significantly enhance its immediate setting as this is currently a rural, natural landscape of significant natural beauty and it could be argued therefore that no built development could significantly enhance this type of setting. However the response of the Landscape Officer, see above, indicates otherwise therefore it is felt that this requirement is met.

With regard to ‘*being sensitive to the defining characteristics of the local area*’ it is also felt that there has been an attempt to comply with this with the design concept of the proposal being set to mimic the Devon Hedgebank which is a distinctive feature in this area and can be found surrounding the site. While this is a loose design concept as the scale and materiality of the building, while being largely natural materials on the most visible elevations, will not be able to fully emulate the organic nature of the Devon hedgebank.

Overall however it would appear that the impact of the development upon the landscape and biodiversity has been sufficiently considered by the relevant officers and any issues can be addresses by means of advised planning conditions.

Neighbour Amenity:

There are no near neighbouring properties within close vicinity of the proposed dwelling. To the East of the site there is a bird shoot facility and the south of the site there is a field with stables.

It is not considered that the proposal would have a significant detrimental affect to the amenity of either of these sites and would benefit from sufficient amenity itself.

Highways/Access:

The access is via a lane to the south west of the site. The lane is shared access and currently serves agricultural and equestrian purposes.

County Highways Authority were consulted and initially advise an objection due to inadequate visibility.

Their objection stated as follows:

“The proposed development would be likely to result in an increase in the volume of traffic entering and leaving the Class C County Road through an access which does not provide adequate visibility from and of emerging vehicles, contrary to paragraphs 108 and 109 of the National Planning Policy Framework.”

Following the submission of further information to address the access issue Highways updated their response to have no further objection subject to conditions. As one of the conditions was required to be discharged prior to commencement the agent has agreed to the highways Pre-Commencement conditions.

Other Matters:

Bickleigh Parish Council requested a meeting with the agents and applicants on site on order to get a better understanding of the scheme. Following this meeting they submitted their response which requested a refusal of the proposal. They stated in summary that the Neighbourhood Plan had requested that this area to be given protected status due to its green belt position between Plymouth and Dartmoor National Park but that due to differing definitions with policy terms it was reluctantly omitted. However they stated that this proposal would result in a *“discordant development within a rural area”*.

While this is indeed appreciated the effect of the proposal on the landscape and character of the area has been deemed acceptable by the Landscape Officer.

With regard to their objections regarding the isolated site this has been considered above with regard to the acknowledgment that this is considered under Paragraph 79 of the NPPF. While there would indeed be an increase in traffic has been considered by the Highways Officers as being acceptable.

While the site is adjacent to the river it is not within any flood zone however Flood Zone 3 is approximately 10m at closest point on north east part of site

Environmental Health Section advised no objection subject to conditions and advised that *“A contamination report submitted by the applicant overcomes initial objection. EH can confirm that the report is sufficient to overcome concerns and suggest that any permission that is granted is conditioned with the unsuspected contamination”*.

SHWD Drainage Officer offered no objection subject to the inclusion of a foul waste and surface water conditions.

Environment Agency has advised no comment but noted that *“As it is non-mains a foul drainage assessment would be required but as only 1 dwelling not within EA remit.”*

Planning Balance:

While site location is not considered sustainable in terms of transport and access to settlements and services the design of the building is considered to be significantly sustainable in terms of energy efficiency and meeting low carbon targets. The scale and design of the building are not considered wholly acceptable the overall development, when taking into account the commitment to better than zero carbon status it is felt to reflect a high standard in architecture in rural areas.

While the site is within the setting of the Dartmoor National Park it is not itself designated any protected status and the landscape impact considered acceptable. It has been considered by officers that the development would enhance its immediate setting due to the landscaping proposed and the design is sensitive to the characteristics of the local area. It is therefore considered that, with the proposed conditions, on planning balance that the requirements of Paragraph 79 are being met due to the exceptional low energy dwelling being provided and the application is respectfully recommended for 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 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
SPT7 Working with neighbouring areas
SPT8 Strategic connectivity
SPT9 Strategic principles for transport planning and strategy
SPT10 Balanced transport strategy for growth and healthy and sustainable communities
SPT11 Strategic approach to the Historic environment
SPT12 Strategic approach to the natural environment
SPT13 Strategic infrastructure measures to deliver the spatial strategy
SPT14 European Protected Sites – mitigation of recreational impacts from development
TTV1 Prioritising growth through a hierarchy of sustainable settlements
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
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
DEV30 Meeting the community infrastructure needs of new homes
DEV31 Waste management
DEV32 Delivering low carbon development
DEV33 Renewable and low carbon energy (including heat)
DEV35 Managing flood risk and Water Quality Impacts
DEL1 Approach to development delivery and viability, planning obligations and the Community Infrastructure Levy

Other material considerations include the policies of the National Planning Policy Framework (NPPF) including but not limited to paragraphs 79, 127, 129, 170, 172 & 173 and guidance in Planning Practice Guidance (PPG).

Neighbourhood Plan

Bickleigh Neighbourhood Parish Plan.

Considerations under Human Rights Act 1998 and Equalities Act 2010

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

CONDITIONS:

1. Time limit (standard)
2. Accord with plans
3. Visibility Splay Improvements - *Pre-Commencement condition agreed 13/11/19*
4. Construction Management Plan – *Pre-Commencement condition agreed 13/11/19*
5. No highway debris
6. Construction Environmental Management Plan (CEMP) - *Pre-Commencement condition agreed*
7. Lighting Plan - *Pre-Commencement condition agreed*
8. Lighting Monitoring
9. Foul waste
10. Surface Water
11. Material samples
12. Removal of Permitted Development Rights Schedule 2, Part 1, Classes A-H
13. Removal of Permitted Development Rights Schedule 2, Part 2, Classes A & C
14. Landscape Management Plan Adherence
15. Contaminated Land
16. Designated Site Mitigation
17. Energy Efficiency evidence
18. Heat and Power option details
19. Low Carbon Management Plan (LCMP) - *Pre-Commencement condition agreed*
20. LCMP Monitoring
21. Sustainable Travel Plan
22. Dwelling use only.

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

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

2. The development hereby approved shall in all respects accord strictly with the following drawing and documents:
 - Site Location Plan A, scale 1:10,000@A3. Drawing Ref 3.2.1, Rev A dated October 2019. Received by Local Planning Authority on 29/10/2019.
 - Topographical Site Survey, by Ad Horner Ltd A, scale 1:1000@A3, Drawing Ref. 4.1.2, Rev. A dated October 2019. Received by Local Planning Authority on 29/10/2019.
 - Proposed Site Plan, scale 1:600@A3. Drawing Ref 11.1, dated September 2019. Received by Local Planning Authority on 16/09/2019.
 - Proposed Access - Junction Visibility 01, scale 1:500@A3. Drawing Ref. 8.2A Sheet 01. Received by the Local Planning Authority on 11/11/2019.
 - Proposed Access - Junction Visibility 02, scale 1:100@A3. Drawing Ref. 8.2A Sheet 02. Received by the Local Planning Authority on 11/11/2019.
 - Proposed Ground Floor Plan, scale 1:100@A2. Drawing Ref 7.3.1. Received by the Local Planning Authority on 13/02/2019
 - Proposed First Floor Plan, scale 1:100@A2. Drawing Ref 7.3.2. Received by the Local Planning Authority on 13/02/2019
 - Proposed Roof Plan, scale 1:100@A2. Drawing Ref 7.3.2. Received by the Local Planning Authority on 13/02/2019
 - Proposed East Elevation, scale 1:100@A3. Drawing Ref 7.3.4. Received by the Local Planning Authority on 13/02/2019
 - Proposed North Elevation, scale 1:100@A3. Drawing Ref 7.3.5. Received by the Local Planning Authority on 13/02/2019
 - Proposed West Elevation, scale 1:100@A3x2. Drawing Ref 7.3.6. Received by the Local Planning Authority on 13/02/2019
 - Proposed South Elevation, scale 1:100@A3. Drawing Ref 7.3.7. Received by the Local Planning Authority on 13/02/2019
 - Landscape Management Plan, SY16-130-LMP (19)-01-01, dated January 2019. Received by the Local Planning Authority on 13/02/2019

- Architectural and Landscape Proposals, Ref 225_DO_PN_3000, dated February 2019. Received by the Local Planning Authority on 13/02/2019.
NOTE: Any drawings showing the red outline of the site within this document have been superseded by the site location plan submitted on 29/10/2019.
- Landscape and Visual Impact Assessment, Ref, 213HBB/LVIA/01, dated February 2019. Received by the Local Planning Authority on 13/02/2019.
NOTE: Any drawings showing the red outline of the site within this document have been superseded by the site location plan submitted on 29/10/2019.

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 commencement of any part of the site, the visibility splay improvements shown on drawings 8.2 A SHEET 01 JUNCTION VISIBILITY 01 and 8.2 A SHEET 02 JUNCTION VISIBILITY 02 shall be completed to the satisfaction of the Local Planning Authority.

Reason – In the interests of highway safety.

4. 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;
 - (b) 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;

Reason – In the interests of highway safety.

5. No mud, stones, water or debris shall be deposited at any time on the public highway.

Reason - In the interests of highway safety.

6. Prior to commencement a Construction Environmental Management Plan (CEMP) shall be submitted to the LPA for approval.

Reason: To protect the countryside from intrusive development and protect biodiversity.

7. Prior to commencement a Lighting Plan shall be submitted to the LPA for approval. The Lighting Plan shall include lux contour modelling of all external and internal lighting sources to a level of 0.5 lux. The Lighting Plan is expected to meet the constraint identified in Figure 7 of the EclA, which indicates 'dark areas' within which new illumination shall not exceed 0.5 lux.

Reason: To protect the countryside from intrusive development and protect biodiversity.

8. Upon completion of the development, a monitoring visit should be undertaken by a suitably qualified lighting engineer to check that that the lux levels along the edge of the 'dark areas' to the north and east of the dwelling do not exceed 0.5 lux. The results should be reviewed by an ecologist and submitted to the Local Planning Authority. If the light levels exceed 0.5 lux measures appropriate measures will need to be implemented to reduce the lighting with all information submitted to the Local Planning Authority. Thereafter the light levels should not exceed 0.5 lux unless otherwise agreed in writing by the Local Planning Authority.

Reason: To protect the countryside from intrusive development and protect biodiversity.

9. Foul Drainage

Notwithstanding the submitted details, prior to the installation of any part of the foul drainage scheme or before development continues above slab level, whichever is the sooner, full details of the works for the disposal of sewage shall be submitted to and approved in writing by the Local Planning Authority (LPA), and the dwelling shall not be occupied until the approved works have been completed to the satisfaction of the

Local Planning Authority. Please note that a treatment plant should be used rather than a septic tank.

Reason: In the interests of the prevention of pollution.

10. Surface Water

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:

1. Soakaway testing to DG 365 to confirm the use of soakaways or to support an alternative option. Three full tests must be carried out and the depth must be representative of the proposed soakaway. Test results and the infiltration rate to be included in the report.
2. If infiltration is suitable then the soakaway should be designed for a 1:100 year return period plus an allowance for Climate change (currently 40%).
3. If infiltration is not suitable then an offsite discharge can be considered. Attenuation should be designed for a 1:100 year return period plus an allowance for Climate change (currently 40%).
4. The offsite discharge will need to be limited to the Greenfield runoff rate. This must be calculated in accordance with CIRIA C753. The discharge must meet each of the critical return periods i.e. 1:10, 1:30 and 1:100 year. Full details of the flow control device will be required.
5. 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.
6. A scaled plan showing full drainage scheme, including design dimensions and invert/cover levels of the soakaways/attenuation features, within the private ownership.
7. The drainage scheme shall be installed in strict accordance with the approved plans, maintained and retained in accordance with the agreed details for the life of the development.

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

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. Notwithstanding the provisions of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 as amended (or any Order revoking, re-

enacting or further amending that Order), no development of the types described in Schedule 2, Part 1, Classes A-H of the Order, including the erection of extensions, porches, garages or car ports, the stationing of huts, fences or other structures shall be carried out on the site, other than that hereby permitted, unless the permission in writing of the Local Planning Authority is obtained.

Reason: To protect the appearance of the area to ensure adequate space about the buildings hereby approved and in the interests of amenity

13. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 as amended (or any Order revoking, re-enacting, or further amending that Order), no gate, fence, wall or other means of enclosure (exceeding 1000mm in height above normal ground level) shall be erected or constructed between the buildings and the (estate) road(s) nor any external painting allowed unless permission is granted by the Local Planning Authority.

Reason: In order to safeguard the character and visual amenities of the locality.

14. Landscape submission

All landscape works shall be fully implemented in accordance with the approved Landscape Management Plan (LMP) SY16-130-LMP (19)-01-01 January 2019. Any revisions or changes to the LMP shall be approved in writing by the Local Planning Authority prior to implementation.

If within a period of 10 years from the date of the planting any tree/shrub/plant, or any tree/shrub/plant planted in replacement for it, is removed, uprooted or destroyed or dies, or becomes, in the opinion of the local planning authority, seriously damaged or defective, another tree/shrub/plant of the same species and size as that originally planted shall be planted at the same place, unless the local planning authority gives its written consent to any variation.

Reason: In the interest of visual amenity in order to protect and enhance the amenities of the site and locality.

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 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.

16. Designated Site Mitigation

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

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, DEV25 and DEV26 of the adopted JLP.

17. Prior to first occupation of the dwelling, an Energy Performance Certificate (EPC) rating of "A" with a SAP (Standard Assessment Procedure) score in excess of 100 must be achieved building fabric efficiency of floor, roof, walls, and windows to be constructed to no less than the U-values set out in the application document page 9.2.2 (Principle 1: Fabric First Approach) of the Architectural and Landscape Design Proposals document (February 2019); and a permeability result no greater than $2\text{m}^3/\text{h}\cdot\text{m}^2@50\text{Pa}$. to be achieved. Certificates confirming these results shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure the fabric efficiency of the dwelling is of the highest standard to meet sustainability criteria.

18. The heat and power demands of the dwelling shall be met through the use of technologies as proposed in the application documentation pages 9.2.1 - 9.2.8 of the Architectural and Landscape Design Proposals document (February 2019), full details of which shall be submitted to and approved in writing by the Local Planning Authority. All systems are to be fully functional prior to full occupation of the dwelling. Any subsequent development or alteration of the approved technologies providing the heat and power demand of the dwelling shall be submitted to and approved in writing by the Local Planning Authority prior to their implementation.

Reason: To ensure the heat and power technologies of the new dwelling are the most sustainable options for the dwelling and go toward providing a low carbon dwelling.

19. A Low Carbon Management Plan to include considerations and data on embodied energy and operational energy shall be submitted to the Local Planning Authority prior to commencement to fully demonstrate that the development can exceed Zero Carbon targets and meet as low an embodied carbon status as possible.

Reason: To ensure that the development allowed in an isolated rural location achieves exceptional levels of sustainability.

20. Between 24-36 months after habitation, the occupiers of the site shall submit to the local planning authority a written report giving details of the energy production and usage of the building during the previous 12 months, setting out performance against the essential criteria included in the Low Carbon Management Plan.

In the event that the report identifies that any of the essential criteria have not been met a supplementary report setting out corrective or mitigating measures shall be submitted to the local planning authority for approval no later than 3 months from the submission date of the report. Once approved those measures shall be implemented in accordance with the supplementary report within 6 months of the approval unless otherwise agreed in writing.

Reason: In order to ensure that the building maintains its renewable energy production and usage to retain its low carbon status and meet exceptional sustainability requirements.

21. The development shall not be occupied until the Local Planning Authority has approved, in writing, a scheme to ensure the most sustainable form of travel to and from the isolated rural development site and the most efficient internet connection. The scheme shall include

- i) The provision of electric vehicle charging points at the site. Prior to construction 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.
- ii) Provide a personal travel plan for incoming residents to the site;
and
- iii) Details of the ability of the dwelling to connect to a high speed broadband.

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 in perpetuity.

Reason: To ensure that the most sustainable form of travel and efficient connection is promoted within the isolated rural development sited within the setting of National Park.

22. The planning unit hereby approved is to be used solely as a residential dwelling (C3) and curtilage only and shall not be subdivided or used for any commercial premises.

Reason: It is an isolated rural location reliant on the private car for access, and is acceptable only due to its exceptional sustainable credentials as a single residential unit.

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PLANNING APPLICATION REPORT

Case Officer: Jacqueline Houslander and Cornwood

Parish: Shaugh Prior **Ward:** Bickleigh

Application No: 2266/19/FUL

Agent/Applicant:
Rowan Edwards Ltd
21 Plymouth Road
Tavistock
PL19 8AU

Applicant:
Mr N Clarke
Lilymoor
Lee Moor
PL7 5AF

Site Address: Land at SX 570 617, Lee Moor, PL7 5JD

Development: Erection of 4 dwellings (re-submission of 3151/18/FUL)

Reason item is being put before Committee This application was submitted after a positive pre app response and then a subsequent refusal. The Head of DM has requested that it be heard by the Development Management Committee.



Recommendation: Refusal

Reasons for refusal

1. The proposed dwellings are located on the very edge of the settlement of Lee Moor in an area which is characterised by Moorland. The proposed dwellings would urbanise this edge of settlement location to the detriment of the Moorland landscape. As such it would not conserve and enhance the natural landscape and would be contrary to Policy DEV23 in the Plymouth and South West Devon Joint Local Plan.

2. The proposed dwellings are introducing a material (timber cladding) which is uncommon in this rural village and being located on a very visible hillside on the rural edge of the village would be inappropriate. In addition the layout of the dwellings runs counter to much of the rest of the development in the immediate locality, creating a pattern of development which jars with existing development and is considered inappropriate, contrary to Part 1 of Policy DEV10.
3. The proposed dwellings do not respond to a locally identified housing need and evidence has not been provided to justify a local need. As such the proposal would not meet Policy TTV25, TTV27 and Policy DEV8 of the Plymouth and South West Devon Joint Local Plan.
4. The proposed development would produce dwellings within close proximity to existing neighbouring gardens such that they would cause harm by overlooking and loss of privacy to the rear gardens, contrary to Policy DEV1 in the Plymouth and South West Devon Joint Local Plan.
5. Insufficient drainage information for the proposed dwellings has not been provided and as such the proposal cannot demonstrate that the development can be adequately drained, which is contrary to Policy DEV35 paragraphs 4 and 8 which seek to ensure development proposals have appropriate measures in place for both surface water run-off and foul drainage.

Key issues for consideration: Location of development; housing mix; local housing need; landscape; design; highways; community facilities, drainage, amenity, meeting community infrastructure needs and mitigating impacts of development?

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

Financial Implications (Potential New Homes Bonus for major applications)

The Government has advised that the New Homes Bonus scheme will end after the 2020-2021 financial year and 20-21 is the last year's allocation. The 2020-21 NHB allocation for the Council will be based on dwellings built out by October 2019. A statement about a replacement scheme is expected in the New Year.

This application will be built after the October 2019 cut off for the New Homes Bonus funding, so no NHB funding will be received.

However, the Council does not know whether a replacement scheme is likely or not to pay the Council similar funding levels.

For information, under the New Homes Bonus scheme an amount of £1,337 was payable to the Council for an individual property, with an extra £280 if the property was for affordable housing.

Members are advised that this is provided on an information basis only and is not a material planning consideration in the determination of this application.

Site Description:

The site consists of a field understood to be in equestrian use situated to the south of the dwellings forming Montague Terrace. Those directly adjacent to the site are the result of a more recent development. The site benefits from an existing field access on its eastern boundary with the road/track that serves the terrace and passes the site from northeast to southwest.

Directly adjacent to the site there is a metal profile building which was granted retrospective planning consent as a replacement agricultural building. This building is outside of the red-edged site area but within the applicant's ownership as defined by the blue line on the plans. This building is not shown as being removed and therefore is assumed to be retained.

The Proposal:

The proposal is to erect two pairs of two storey semi-detached open market dwellings up the slope of the site. Unlike the existing properties that are aligned so as to front onto the road and

along the contours that serves Montague Terrace the proposed dwellings are aligned at approximately 90 degrees to this linear form of development. Each dwelling would thus drop down the slope. The slope is currently approximately a 1:10 fall. The proposed dwellings are 3 bed roomed with a lounge and separate kitchen dining area on the ground floor.

The elevations indicate a render ground floor with a timber clad first floor on the west elevation. A lean to porch is proposed over the front doors. Natural slate is proposed for the roofs. Windows are proposed as aluminium covered upvc and the doors are proposed as timber.

Consultations:

- County Highways Authority: No objection
“The Highway Authority notes the road that serves the site is a partly unmade private road, which is in need of repair. The proposals look to add four houses to the private street, which already has a number of properties served off it. In an ideal world the road should be repaired following construction, however as the road is private whether this happens is a matter for the applicant to agree with the existing street administrators.”
- Environmental Health Section: Request unsuspected contamination condition
- Town/Parish Council: Support. The PC would still recommend in support of this application subject to the following issues being addressed/conditions being attached:
 1. A condition should be attached relating to a condition survey of the existing lane prior to the works commencing so any damage caused during construction works can be put right. The applicant should also be made to re-surface the lane in order to bring it up to an appropriate standard commensurate with the increased use it will get.
 2. The existing oak tree along the frontage should be protected.
 3. At least one or more of the units should be affordable.
 4. Has any consideration been given to the increased demand this will place on foul water drainage connections? This needs to be addressed.
 5. The design of the dwellings is particularly poor for such a rural location and the PC would suggest that a more appropriate building design be considered which utilises materials which are more natural to the surroundings of the proposed units. If this cannot be achieved then we would suggest that this could result in a recommendation of refusal of the application.
- Tree Officer: No objection on arboricultural merit subject to satisfactory review of the following document prior to commencement.
Revised tree protection plan.
- Open Space Sport and Recreation: Joint Local Plan policies DEV 4 and DEV 27 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. Until a new SPD is adopted, levels of reasonable contributions for OSSR provisions are detailed within the SHDC OSSR Supplementary Planning Document (2006).

The application is a re-submission of application 3151/18/FUL and is for the provision of four new 4-bed dwellings.

Current OSSR facilities in Lee Moor comprise a play area and playing field. The Play Audit undertaken in 2017 as part of the Joint Local Plan evidence Base (OSSR Study, 2017)

scores the play area 2 out of 5 (weaknesses, needs improvement) and notes that the Parish Council are looking to improve the site.

The South Hams Playing Pitch Strategy (latest update June 2019) notes that the changing rooms at the Lee Moor playing field are in need of an upgrade.

It is highly likely that any new residents would use the existing play and sports facilities, which are key pieces of the village OSSR infrastructure. New residents would add pressure to these facilities which have already been identified as in need of improvement, and the pressure would require mitigating to assist with making the facilities sustainable.

A financial contribution would thus be required in accordance with the SHDC OSSR SPD (2006) to improve the local facilities and mitigate the impact of the development. Applying Tables 3 and 6 of the 2006 SPD the required contribution would be as follows:

£11,900 towards improvements to changing facilities at Lee Moor Playing Field

£7,600 towards improvements to Lee Moor Play Area

Drainage: The drainage engineers have objected to the proposal on the basis of lack of information with regard to the surface and foul water drainage.

Subsequent information has been received.

Devon County Council Education: The proposed development creates the need for 1 additional primary school place and 0.6 secondary pupils. The two schools affected are Shaugh Prior Primary School and Ivybridge Community College. The primary school has capacity but the secondary does not and therefore a requirement of £13,152. A contribution towards transport is also requested for both primary and secondary. This equates to: £4,003 for the primary pupil and £3,315 for the Secondary contribution. A further legal cost of £500 is also required from the County Council.

Representations:

Representations from Residents

Objections with the following concerns (5 letters):

- Lack of parking
- There has been too much expansion of this rural village
- There is massive disruption when anyone decides to build a new house
- Numerous wildlife including cuckoos, ponies, sheep, peregrines.
- If anything is needed in the village it is a fire station or doctor's surgery.
- Construction traffic and future resident's traffic would cause damage to the retaining wall which borders the road and rear gardens of St Aubyns terrace. The wall is currently in a poor state of repair and additional traffic would compound the issue.
- Also concerned for the oak tree which we know has a preservation order on it.
- The track leading to the development is unstable – there are two areas where the track has given way due to pressure (No. 1 St Aubyn Terrace and No. 12). An additional 8 parking spaces above the gardens of St Aubyns terrace will be detrimental
- Overdevelopment of the site and the area which is countryside.
- This resubmitted application does not address the previous reasons for refusal in terms of the scale and nature of the development in an area of countryside on the periphery of the village.
- Why are so many houses squeezed into a site which is not adequate?
- The track sits on a steep side and is already subsiding into the terrace

Relevant Planning History

42/0784/10/F: FUL

Proposal Retrospective application for replacement agricultural building

Site Address Barn at SX 57086176 adj Montague Terrace Lee Moor
Decision Conditional approval: 09 Jun 10

42/1967/14/PREMIN: PRE

Proposal Pre - application enquiry for proposed erection of 4no. Semi-detached units (total 8 units)

Site Address Land at SX661761 Lee Moor Plymouth

Decision Pre application - No Officer support given: 29 Oct 14

3828/17/FUL

Relocation of existing agricultural/maintenance building from the Eastern boundary to the Western boundary of the site

Land at SX 570 617, adjacent to Montague Terrace, Lee Moor

Conditional Approval 20/12/2017

3151/18/FUL

Erection of 4 New Dwellings

Site Address Land at SX661761 Lee Moor Plymouth

Refusal 1/ 3/2019

ANALYSIS

Principle of Development/Sustainability:

The Joint Local Plan provides a hierarchical approach to the acceptability or not of residential development and its location based on the presumption in favour of sustainable development advocated in the NPPF 2019.

Policy SPT1 promotes sustainable development and SPT2 provides detailed criteria which indicates what is a sustainable settlement. Policy TTV1 refers specifically to the hierarchy of settlements where new development is accepted in the Thriving Towns and Villages Policy Area. The focus of new residential development should be in the main towns of the Policy Area, this is followed by Smaller towns and Key Villages. The next on the hierarchy are the sustainable villages and finally the smaller villages, hamlets and the countryside, where residential development is more restricted and has to meet relevant criteria to be acceptable. LeeMoor is identified in the JLP as a Sustainable Village.

The application site lies at the periphery of the village beyond any built development in this part of the village, although St Aubyns terrace, below the site does extend beyond to the south. However this is lower down the slope and so is more closely associated with the main part of the village.

Policy TTV26 relates to development in the countryside. This site lies on the edge of the village and because there are no settlement boundaries is in the countryside. Part 2 of Policy TTV26 is relevant to this type of development – Part 1 of the policy only relates where development is isolated. For development in the countryside the policy states:

“Development proposals should, where appropriate:

- i. Protect and improve public rights of way and bridleways.*
- ii. Re-use traditional buildings that are structurally sound enough for renovation without significant enhancement or alteration.*
- iii. Be complementary to and not prejudice any viable agricultural operations on a farm and other existing viable uses.*
- iv. Respond to a proven agricultural, forestry and other occupational need that requires a countryside location.*

v. *Avoid the use of Best and Most Versatile Agricultural Land.*
vi. *Help enhance the immediate setting of the site and include a management plan and exit strategy that demonstrates how long term degradation of the landscape and natural environment will be avoided.”*

Part iv is of most relevance as it requires development to be required for agricultural or forestry purposes or an occupational need which requires a countryside location. No such justification has been provided in this case. The proposed development would not meet Policy TTV26.

The Council can now demonstrate a 5 year housing land supply which means that windfall proposals such as this must be fully policy compliant to be justified over and above those sites which are allocated within the JLP.

Lee Moor is identified in the JLP as a Sustainable Village and as such land adjacent to the settlement can be considered under Policy TTV27 which states that *“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.*

In this case, no evidence has been submitted which indicates there is a local need for 3 bedroom semi-detached dwellings. The proposed dwellings are also for the open market, which would not comply with part 2 of Policy TTV27.

Policy TTV25 allows for approximately 550 homes in the Sustainable Villages. The policy states that the LPAs will be seeking Neighbourhood Plans in these villages to provide for the identified local housing need. The policy States: *“Development within the sustainable villages, including the indicative level of housing set out in Figure 5.8, should be provided through neighbourhood plans, unless such provision would conflict with other policies of the JLP.”*

Where villages do not have Neighbourhood Plans, which is the case here, the policy states *“LPAs will still support development that meets the identified local needs of local communities and development which responds positively to the indicative housing figures set out in Figure 5.8. All development proposals, whether in villages which have neighbourhood plans or not, will be considered against the other policies of this plan”.*

Figure 5.8 in the JLP is a table which sets out the indicative numbers of dwellings different sized villages should provide in the plan period. For Lee Moor, which is a smaller sustainable village the number is 10 dwellings.

The Policy therefore requires that if developments in sustainable villages without a Neighbourhood Plan can be acceptable, it is based on the dwellings meeting an identified

affordable housing local need. In this case no such need has been put forward. The proposed dwellings are market housing and there is no information available at present about the local need for market or affordable housing in Lee Moor. As a result whilst the number of houses proposed is under 10 and so could contribute to deliver the indicative number in paragraph 5.8 table, there is no identified local need which the proposed dwellings are meeting and so as such the proposal fails to comply with Policy TTV25.

Policy DEV8 also requires that housing development should be provided based on local need. *“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.”*

No such evidence has been provided to justify the 3 bedroom semi-detached market dwellings proposed.

Referring to the ONS data for the Shaugh Prior Parish, it appears that the spread of dwelling types across the parish is broadly similar to the South Hams average, with a smaller proportion of 1 bedroom residential units in the parish and a higher proportion of detached and terraced dwellings in the Parish. Semi-detached properties may meet one need, but the need is for 1 bed units which this proposal does not meet a local need.

The proposal fails to meet policy TTV25 and DEV8 in relation to local housing need.

Design/Landscape:

The landscape character of the site, despite the presence of the existing buildings, still reads as being part of the moor. Policy DEV23 in the JLP relates to the landscape impact of development proposals. Development *“should conserve and enhance landscape, townscape and seascape character and scenic and visual quality, avoiding significant and adverse landscape or visual impacts.”*

The site acts as a transitional break between the terraces of dwellings to the north and the more rural/moorland edge. The proposed dwellings are shown as being orientated at right angles to the main grain of development along Montague Terrace.

Whilst the proposed orientation reduces the visual profile when viewed from the road it appears as a rather forced/contrived response to accommodate the number of dwellings as proposed and as such reads as an incongruous form of development that harms the character of both the rural landscape setting and the townscape, which runs with the contours of the land.

The layout also sees the access road to the dwellings running upslope from east to west, which will further add to the hard urbanity of the development against the rural/moor landscape. The layout also forces the parking to be located to the front of the dwellings and there is substantial provision because of the number of units being proposed. This is again of concern as this means that the development will present a rather cluttered presence to the wider locality with cars parked to the front of the development. Again this will harm the current landscape character and it is not well resolved in design terms.

Policy DEV10 seeks to ensure housing proposals meet good standards of design. It seeks to ensure that development should be of a high quality and provide adequate space to achieve good living standards. Part 1 of the policy seeks to ensure that development integrates with adjacent developments and does not appear unrelated. This impacts on the building design, materials and layout. The proposed design of the dwellings indicates pitched roof houses, with a natural slate roof, render and timber clad walls and typical modern elevations. The render and natural slate can be found locally in Lee Moor. The timber cladding is a more modern addition and is not typically found in the village. With the site lying at the edge of the village with moorland beyond the use of timber cladding is considered inappropriate and stone or slate hanging in this location would be more appropriate.

The layout of the dwellings is also of concern. The prevailing layout in this part of the village is of terraces of development along the contour lines of the slopes of the village. The proposal runs counter to this and is at 90 degrees to the slope and results in a development which steps down the slope and a highly visible access road. This does not integrate well with the existing development as required by the policy. It is therefore considered that the proposal does not meet part 1 of the policy.

Part 5 of Policy DEV10 seeks to ensure that National Space Standards are achieved in new housing developments. The application submission provided a table indicating the room sizes, overall floor area and storage space proposed. The dwellings meet those prescribed standards.

Neighbour Amenity: The proposed dwellings are approximately 8 metres from the two adjacent dwellings which have their gables facing the application site, but also the distance will mean that the rear garden of the closest dwelling will potentially suffer loss of privacy and overlooking from the proposed dwellings. Policy DEV1 seeks to ensure residential amenity of existing dwellings is not affected by new development. Whilst there have been no concerns raised by the current occupiers of the adjacent dwelling, it is considered that the proximity of the proposed dwellings will result in overlooking of the rear of the adjacent property resulting in a loss of privacy in conflict with policy DEV1 of the JLP.

Highways/Access: The proposed dwellings will be accessed off a road which is currently equivalent to a farm track. It is then proposed to construct a road off the track at 90 degrees up the slope. The access road will have 8 parking spaces accessed directly off the new road. A turning space is provided beyond the end of the access road to the dwellings. The Highway Authority provided the same comments as provided on the previous application for this site, raising no objection, but mention the condition of the access road and suggest that it would benefit from some repairs, however the road is private and so it is not something that the Highway Authority can insist on. The proposal meets policy DEV29

Drainage: The drainage proposed for the site is foul drainage to an existing sewer and surface water to soakaways located in the parking areas at the front of the proposed dwellings. It is also proposed that the access road will be surfaced with permeable paving / surfacing. The Drainage engineers initially objected on the basis of lack of information. Additional information was requested however the information provided was still insufficient. Therefore the proposal fails to provide suitable and appropriate drainage facilities at this point. The proposal is therefore contrary to Policy DEV2 and DEV35.

Section 106 Agreement: The Open Space, Sport and Recreation Team have requested a sum of money to contribute towards local play facilities. In addition Devon County Council Education have requested a contribution towards secondary education and towards primary

and secondary school transport costs as the nearest primary school is at Shaugh Prior and the Community college at Ivybridge is the nearest Secondary school. Both schools require contributions to meet the additional demand occupants would place on those facilities.

As the application is being recommended for refusal then it is not possible to agree a Section 106 Agreement. The applicant has however submitted a Unilateral Undertaking to provide for the contributions requested. Ref to DEV30 and DEL1.

Tamar Estuaries SAC

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.

Ecology: There were no identified ecology issues with the site a PEA was submitted in support of the application which indicated that there would be no wildlife impacts from the development of the site.

A tree survey was also provided in support of the development which identified two oak trees along the northern boundary of the site. The tree officer has reviewed the survey information and has no objection to the proposal subject to a condition securing tree protection.

The pre- application advice

Prior to the submission of the previously refused planning application (3151/18/FUL) the applicant submitted a pre application enquiry for the provision of 8 dwellings, 4 semi-detached pairs in the current site and in the land to the west of the current application site. The access road was at the rear (north) of the proposed properties.

The pre application response was sent via an email on 23rd April 2018. In summary the response indicated that:

- The site was outside of the settlement boundary and so in conflict with the Councils housing policies
- The Council could not demonstrate a 5 year housing land supply and so the weight to be applied to the housing policies is diminished
- Lee Moor is otherwise considered to be a sustainable settlement
- The residential development of this site is supported in principle
- Whilst no objection from the highway authority, It is recommended that the private road should be upgraded.
- The proposal was subject to an affordable housing requirement because of the numbers of dwellings proposed.

The applicant is clearly concerned that the pre app was relatively positive and when a planning application was subsequently submitted, it was refused.

In essence the difference between the consideration of the proposals now and the pre application in 2017/2018 is the adoption of the Plymouth and South West Devon Joint Local Plan and the fact that the Council can now demonstrate a 5 year Housing Land supply which means the current policies relating to housing delivery have full weight.

The adoption of the JLP means that settlement boundaries have been removed. Housing need is now a more fundamental consideration in the planning decision making process because of the need to provide a balanced housing mix in the Thriving Towns and Villages Policy Area.

Whilst the JLP had not been formally adopted when the decision (3151/18/FUL) had been issued, it was just about to be adopted and in determining planning applications at that time the JLP was given greater weight as an emerging document than it would have been given when the pre app response was sent out in the middle of 2018.

Additionally and importantly, when decision (3151/18/FUL) was made it had been established that the Council had a 5 year housing land supply, which had not been the case when the pre application was considered. The lack of a 5 year housing land supply had meant that the Councils housing policies were not up to date, as stated in the NPPF 2012 – para. 14. The result being that some housing developments on the edge of settlements were found to be acceptable if the settlement was considered to be sustainable. Lee Moor at the time and also now (under the JLP) is considered to be a sustainable settlement.

As discussed above there are current development plan policies which the proposed dwellings do not comply with, but at the time of the pre app these policies were of very limited weight in the planning decision making process.

Low carbon development is covered by Policy DEV32. It seeks to reduce carbon related emissions as a result of development. The proposal has not identified any carbon saving initiatives. The proposal would therefore not be in accordance with Policy DEV32. However, it is not proposed to provide a reason for refusal in relation to this aspect of the development because the applicant has not been asked to go to additional expense in providing such information when there were already in principle concerns with the proposal.

Conclusion and Planning Balance:

The proposal lies on the edge of the village and is in the countryside because of the very rural setting that it sits within. It does not comply with the countryside policy TTV26 or the exceptions site policy TTV27. Lee Moor is identified in the JLP as a Sustainable village, which would allow for up to 10 additional dwellings within the settlement or adjacent to it if they met a demonstrable affordable housing need. The delivery of the dwellings should either be through the Neighbourhood Plan process or by providing for a locally identified housing need. No such justification has been provided and so as such the proposal fails to meet Policy TTV25 and DEV8.

In landscape terms this site is classed as countryside and the development is located in a landscape which is rural in nature and reflects the Moorland setting of the village. It is considered that the imposition of development which runs contrary to the prevailing built form and character of the village; includes an access road which also runs contrary to the contours would have a significant adverse impact on the landscape and would not conserve and enhance that landscape setting. As such the proposal is also contrary to Policy DEV23 of the JLP.

At the time of writing the report the Unilateral Undertaking for the OSSR and Education contribution has been received and subject to confirmation by the legal department could provide for the OSSR and Education contributions generated by the development. However

the payment of planning obligations does not override the 'in principle' concerns already identified and it is recommended for refusal.

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

Planning Policy

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

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

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

The relevant development plan policies are set out below:

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

SPT1 Delivering sustainable development

SPT2 Sustainable linked neighbourhoods and sustainable rural communities

TTV1 Prioritising growth through a hierarchy of sustainable settlements

TTV2 Delivering sustainable development in the Thriving Towns and Villages Policy Area

TTV26 Development in the Countryside

TTV27 Meeting local housing needs in rural areas

DEV1 Protecting health and amenity

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

DEV4 Playing pitches

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 Development in the countryside

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
DEV33 Renewable and low carbon energy (including heat)
DEV35 Managing flood risk and Water Quality Impacts
DEL1 Approach to development delivery and viability, planning obligations and the
Community Infrastructure Levy

Other material considerations include the policies of the National Planning Policy Framework (NPPF) including but not limited to paragraphs 11, 77 -79, 170 and guidance in Planning Practice Guidance (PPG).

Neighbourhood Plan: There is currently no Neighbourhood Plan in place in this area.

Considerations under Human Rights Act 1998 and Equalities Act 2010

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

Agenda Item 7

South Hams District Council
DEVELOPMENT MANAGEMENT COMMITTEE 4-Dec-19
Appeals Update from 25-Oct-19 to 22-Nov-19

Ward Allington and Strete

APPLICATION NUMBER : **2827/18/FUL** APP/K1128/W/19/3222440
APPELLANT NAME: Mr Jeff Beer
PROPOSAL : Demolition of mono-pitched store and conversion of main livestock building to 5 bedroom detached dwelling with guest suite, integrated garage and parking/turning area
LOCATION : Scarswell Slapton TQ7 2RD
APPEAL STATUS : Appeal Lodged
APPEAL START DATE: 26-February-2019
APPEAL DECISION: Upheld
APPEAL DECISION DATE: 21-November-2019

Ward Bickleigh and Cornwood

APPLICATION NUMBER : **0153/19/FUL** APP/K1128/W/19/3237609
APPELLANT NAME: Mr & Mrs C & R Hattersley
PROPOSAL : Subdivision of dwelling (5 bedrooms) into 2 dwellings (2 bed and 3 bed dwellings)
LOCATION : Rose Cottage Station Road Bickleigh PL6 7AL
APPEAL STATUS : Appeal Lodged
APPEAL START DATE: 31-October-2019
APPEAL DECISION:
APPEAL DECISION DATE:

Ward Dartington and Staverton

APPLICATION NUMBER : **3576/18/CLE** APP/K1128/X/19/3223072
APPELLANT NAME: Mr & Mrs Parsons
PROPOSAL : Lawful development certificate for mixed use of land for ancillary residential activities and the parking and storage of plant, machinery and materials in connection with the owner's landscaping business and training enterprise.
LOCATION : Spring House Dartington TQ9 6EU
APPEAL STATUS : Appeal Lodged
APPEAL START DATE: 12-November-2019
APPEAL DECISION:
APPEAL DECISION DATE:

Ward Kingsbridge

APPLICATION NUMBER : **0454/19/HHO** APP/K1128/D/19/3231320
APPELLANT NAME: Mr & Mrs G Patey
PROPOSAL : Householder application for proposed single storey extension
LOCATION : Higher Centry Belle Hill To Centry Kingsbridge Devon TQ7 2HF
APPEAL STATUS : Appeal Lodged
APPEAL START DATE: 28-August-2019
APPEAL DECISION: Upheld
APPEAL DECISION DATE: 30-October-2019

Ward Salcombe and Thurlestone

APPLICATION NUMBER : **3262/18/FUL** APP/K1128/W/19/3231239
APPELLANT NAME: King, Cooper, Payne
PROPOSAL : READVERTISEMENT (Revised Plans Received to indicate amended site boundary) Proposed residential development of two detached dwellings on vacant land. Revised scheme submission of refused application for three dwellings ref 1240/16/FUL
LOCATION : Lyndale Onslow Road Salcombe Devon TQ8 8AH
APPEAL STATUS : Appeal Lodged
APPEAL START DATE: 23-July-2019
APPEAL DECISION: Dismissed (Refusal)
APPEAL DECISION DATE: 29-October-2019

Ward West Dart

APPLICATION NUMBER : **0573/19/PIP** APP/K1128/W/19/3237202
APPELLANT NAME: Mr Liam Nally
PROPOSAL : Application for permission in principle for one new dwelling
LOCATION : Wilma Woodcourt Road Harbertonford Devon TQ9 7TY
APPEAL STATUS : Appeal Lodged
APPEAL START DATE: 31-October-2019
APPEAL DECISION:
APPEAL DECISION DATE:
