

South Hams Development Management Committee



Title:	Agenda										
Date:	Wednesday, 9th September, 2020										
Time:	10.00 am and 2.00 pm										
Venue:	Via Skype										
Full Members:	<p>Chairman Cllr Brazil</p> <p>Vice Chairman Cllr Foss</p> <p><i>Members:</i></p> <table> <tr> <td>Cllr Brown</td><td>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:	Janice Young Specialist- Democratic Services 01803 861105										

1. Minutes

1 - 6

To approve as a correct record the minutes of the meeting of the Committee held on 8 July 2020;

2. Urgent Business

Brought forward at the discretion of the Chairman;

3. Division of Agenda

to consider whether the discussion of any item of business is likely to lead to the disclosure of exempt information;

4. Declarations of Interest

Members are invited to declare any personal or disclosable pecuniary interests, including the nature and extent of such interests they may have in any items to be considered at this meeting;

5. Public Participation

The Chairman to advise the Committee on any requests received from members of the public to address the meeting;

6. Planning Applications

To see Letters of Representation and further supplementary information relating to any of the Applications on the agenda, please select the following link and enter the relevant Planning Reference number:

<http://apps.southhams.gov.uk/PlanningSearchMVC/>

(a) 1430/20/HHO

7 - 14

Householder application for extension to rear of property.
14 Riverside Walk, Yealmpton, PL8 2LU

(b) 2434/18/ARM

15 - 54

READVERTISEMENT (Revised Plans Received and Amended Description) – Application for approval of reserved matters (appearance, landscaping, layout and scale) for 52 no. dwellings and associated garages, infrastructure and landscaping following outline approval 28/0508/15/O for up to 60 no. dwellings, 0.5 hectares of employment land, 2no. vehicular accesses, open space, play provision and drainage.

"Allocated Site K5", Land at SX 729 440, West Alvington Hill, Kingsbridge

(c) 1180/20/FUL

55 - 68

Proposed change of use of first floor to open plan residential unit with B8 marine storage to ground floor

Boatyard Building, Thorning Street, Salcombe, TQ8 8DW

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

(d) 1093/20/FUL

69 - 84

Change of use, renovation and extension of existing redundant farm building to create multi-purpose community facility including co-working hub with surfboard shaping workshop and ancillary cafe; replacement of existing equine sand school area with new five-a-side 4G football pitch; construction of new skate bowl and children's adventure play facilities; creation of communal farm and proposed substantial landscape enhancement including construction of wildlife pond, planting of community orchard/tree nursery and wildflower meadow, associated landscape and ecological enhancement measures together with the upgrade and expansion of the existing car parking area

The Yard, Land at SX 699 454, Aunemouth Cross, Bantham

7. Planning Appeals Update

85 - 90

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**MINUTES OF THE MEETING OF THE DEVELOPMENT MANAGEMENT
COMMITTEE HELD via SKYPE, ON WEDNESDAY,
8 JULY 2020**

Members in attendance * Denotes attendance Ø 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 (Deputy Chair)	*	Cllr K Pringle
*	Cllr J M Hodgson	*	Cllr R Rowe
*	Cllr T R Holway	*	Cllr B Taylor

Other Members also in attendance and participating:
Cllrs D O'Callaghan and J A Pearce

Officers in attendance and participating:

Item No:	Application No:	Officers:
All agenda items		Senior Planning Specialist; Specialist Project Officer (DM); Deputy Monitoring Officer; Affordable Housing Officer, Senior Specialist (Natural Resources & Green Infrastructure); Specialist (Place Making); Democratic Services Manager; and Specialist (Democratic Services)

DM.01/20 **MINUTES**
The minutes of the meeting of the Committee held on 11th March 2020 were confirmed as a correct record by the Chairman.

DM.02/20 **DECLARATIONS OF INTEREST**
Members and officers were invited to declare any interests in the items of business to be considered and the following were made:

Cllr R Rowe declared a personal interest in application **2434/18/ARMOPA** as she was a Member of the South Devon AONB Partnership Committee. She remained in the meeting and took part in the debate and vote thereon:

Cllr B Taylor declared a personal interest in application **2434/18/ARMOPA** as he was a Member of the South Devon AONB Partnership Committee. Cllr Taylor was also absent from the DM Committee on 12th February when this application was original heard and deferred, therefore although he remained in the meeting, Cllr Taylor took no part in the debate nor vote thereon:

DM.03/20 **PUBLIC PARTICIPATION**

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

DM.04/20 **PLANNING APPLICATIONS**

The Committee considered the details of the planning application prepared by the Planning Case Officer 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) 2434/18/ARM "Allocated Site K5", Land at SX 729 440, West Alvington Hill, Kingsbridge

Town: Kingsbridge

Development: READVERTISEMENT (Revised Plans Received and Amended Description) – Application for approval of reserved matters (appearance, landscaping, layout and scale) for 53 no. dwellings and associated garages, infrastructure and landscaping following outline approval 28/0508/15/O for up to 60 no. dwellings, 0.5 hectares of employment land, 2 no. vehicular accesses, open space, play provision and drainage.

On 12th February 2020, the Development Management Committee considered this reserved matters application and following the officer presentation, public speaking and member debate, the committee resolved to defer the application for the following reasons:

1. *The siting of affordable homes across the site*
2. *Clarity over DEV26 biodiversity enhancement*
3. *The number of homes accessed via steps and parking being too remote from properties in the eastern portion of the site*
4. *Landscaping throughout estate and opportunities for more strategic green spaces*
5. *Housing mix*
6. *Scale and massing of the flats in the south eastern corner of the site*

Case Officer Update:

Four additional letters of representation (LoR) have been received and a response from Natural England (NE) leading to further discussions with NE. Additional points raised in the new LoRs include reduction in height of block of flats is not enough to fit in with the extant buildings, lack of medical facilities and school capacity, previous application has been rejected by the Planning Inspector, access road is not wide enough at exit point, red line shown incorrectly and the applicant does not own the hedge but Devon District Council does, issuing false or misleading certificate (although the Case Officer explained that there is no certificate for red line plan nor reserved matters so this was not misleading and would have been clarified at outline stage).

Natural England have requested more information on foul water drainage and surface water drainage into estuary and SSSI. The case officer confirmed that foul water drainage had been dealt with at outline stage with no outstanding off-site obligations on the applicant. Applicant was originally seeking confirmation of compliance with Condition 12, surface water drainage and was awaiting confirmation of acceptability from Natural England. It has been agreed to remove consideration of this condition from the recommendation to allow NE to confirm they are satisfied with the surface water drainage proposals. Local Lead Flood Authority have confirmed they are satisfied with the intended scheme in terms of run off rate and water quality. As this is a requirement to be discharged before works can start, the case officer felt that this could be dealt with at a later date.

Recommendation: Grant reserved matters consent and discharge conditions 11 (foul drainage), 14 (landscaping) and 18 (LEMP) of 28/0508/15/O.

Review of reasons of deferral:

1. Affordable homes – pair moved into western portion, so now have four in western and 12 in eastern sections. Nine in block of flats, now grouping well within emerging SPD. Affordable housing team happy with mix and distribution of affordable housing as it now stands.

Following questions from Members, the Case Officer clarified that the siting of affordable homes would be secured through the provisions of the existing S106. A Ward Member noted that the affordable houses were still congregated into limited areas, and that the steepest slope of the site was across the social housing area, whilst statistically those utilising social housing were more likely to have disabilities than the general populace.

2. Clarity over DEV26 bio enhancement – specific cirl bunting and reptile mitigation area on edge of development, 1/3 of area mown each year in rotation. This area specifically designed for cirl buntings, reptiles and re-hedging and would be fenced off. Separate open spaces for public use and increased wild flower and tree planting in the development, along with bat and bird boxes. Some existing hedgerows retained but some removed to allow for access into the development. Senior Specialist (Natural Resources & Green Infrastructure) had approved plans in terms of DEV26. One tree removed and some hedging to allow for lower entry into development. Access points approved at first stage.

Following questions from Members, the case officer confirmed that a corner of the biodiversity offset area would be used as construction storage area and then would be returned to mitigation at the end of construction. CO also confirmed that outlying consent lists that the trees within public spaces would be under control of the management company and would be replaced at the next planting season if they died within the first five years.

Members asked for TPOs (Tree Preservation Order) to be added to any new tree planted.

The Senior Specialist (Natural Resources & Green Infrastructure) confirmed that the number of bat and bird boxes, while on the low side, was within guidelines in the emerging SPD.

3. Steps and remote parking at Eastern site. The case officer outlined the amendments made to the plan: the proposal to bring in a new footpath link higher up the hill avoiding steps, giving additional pedestrian access for those living in the units. An alternative design of introducing a snaking footpath had been considered but it was decided that the loss of open space and play area, on balance, was too great. Wheeling ramps to be added to any steps which would help move bikes up and down steps.

Some Members felt that the proposed footpath was too long a detour and a slope would be better for prams and wheelchair users. However, other Members felt that the loss of open space was too great a compromise for the slope, with one Member saying pram use was easier with steps as rests could be taken.

4. Landscaping throughout estate and more green space – more tree planting has been added to help soften the development. Increased strategic open space due to proposed new pathway.
5. Housing Mix – although the housing mix was not reserved matters, the applicant had changed one four bed house into a pair of semi-detached two bedroom units.
6. Scale and massing of the flats in the SE corner of the site – part of the apartment block has been reduced in height by a storey.

Members were still very concerned with the appearance and siting of the block of flats, commenting that the height of the block was still overpowering considering the height and style of nearby housing. Members commented that the site is at the entrance to the AONB and on the edge of Kingsbridge and that the current design and siting of the block of flats was not good enough for the AONB, being end on to the road and completely uncharacteristic for Kingsbridge.

Members also expressed grave concerns for the trees and hedgerow along the site. Whilst the majority of the hedgerow and all bar one tree are in the plan and therefore to be kept, it was felt that the siting of the block of flats at only 6 metres from back edge of the footway and 1.4 metres from the trees and hedgerow, would result in damage to same during the build. Members stated that the loss of these mature trees would impinge greatly on the AONB.

Several Members also commented on the design of the block of flats commenting that it was bland in design with lots of render, but is strategic view as come up the hill. The applicant confirmed that the natural stone lower portion and slate roof had been a clear preference of in order to satisfy

Policies DEV10 and DEV 20 and respect the local vernacular.

Committee Decision: Deferral

Reasons for Deferral:

As outlined in greater detail above:

3. The number of homes accessed via steps, and parking being too remote from properties in the eastern portion of the site, not sufficiently addressed.

6. Scale and massing of the block of flats in the south eastern corner of the site – particularly in relation to the close proximity to the existing trees and hedgerow on West Alvington Hill, and in terms of siting within the AONB

DM.05/20 **PLANNING APPEALS UPDATE**

Deferred due to absence of Development Management Manager due to illness.

(Meeting commenced at 10:00 am and concluded at 1:31 pm)

Chairman

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PLANNING APPLICATION REPORT – Householder Developments

Case Officer: Bryony Hanlon

Parish: Yealmpton

Application No: 1430/20/HHO

Applicant:

Mrs Sarah Lock
14 Riverside Walk
Yealmpton
PL8 2LU

Site Address: 14 Riverside Walk, Yealmpton, PL8 2LU

Development: Householder application for extension to rear of property.



Reason item is being put before Committee:

Cllr Baldry has raised a number of concerns regarding the proposal;

1. This is in the AONB and neither enhances nor protects. Indeed the Officer Report correctly says “appearance is not particularly aesthetically pleasing”. An understatement in my view the appearance is totally out of keeping for the AONB.
2. Reference is made in the report to the “evolution of the dwelling”. There have been 2 previous approved extensions. In addition 0224/20/CLP for a Certificate of lawfulness for a

single storey extension was refused. If this application is approved the dwelling will be by far the largest in Riverside Walk. As far as I am aware there have been only minor extensions, if any, to other properties on the south side of Riverside Walk. This is an example of seeking creeping planning approval and will mean a 50% increase on the original size of the dwelling.

3. The visual impact is unacceptable.
4. There is a neighbour loss of amenity, for number 12 and 16 Riverside Walk. Especially number 16.

Recommendation: Conditional approval

Conditions:

Standard time limit
Adherence to plans
Materials to match
Surface water drainage

Site Description:

The site is located within an established residential area of Yealmpton, c. 350m south west of the village centre. The site hosts a single, detached dwelling with gardens to the front and rear. The dwelling has been extended to the side and rear and dark grey horizontal cladding has been applied to the first floor on the front elevation and to the side and rear of the first floor element of the side extension.

Proposal:

The applicant seeks to extend the property by c. 2.3m at ground floor level to the rear of the dwelling to provide additional space to the living room and games room. The proposal will replicate the existing standard height window to the games room and extend the existing set of French doors to the living room. The extension will include a monopitch roof and will be finished in matching materials.

Consultations:

- | | |
|-----------------------------|---|
| • County Highways Authority | No highways implications |
| • Parish Council | Support |
| • SHDC Drainage Engineer | No comments offered on this category of application |

PUBLIC CONSULTATIONS

Representations:

Representations from Residents

Comments have been received and cover the following points:

- Thank you for informing us of the planning application 1430/20/HHO concerning 14 Riverside Walk, Yealmpton, PL8 2LU as we had not been informed by our neighbour and applicant, Mrs Sarah Lock, of her intention to build yet another large substantial 4th development to her property since 2014!
- OVER-DEVELOPMENT OF THE PROPERTY: The construction of this further extension is clearly serial over-development of the property and will affect the skyline for a 4th time to ourselves at 16 Riverside Walk in as many years contrary to the application that states we will not be able to see the development from our property, this is incorrect!!!
- Obviously you are already aware that this could be another large extension being added to the property by the applicant, as South Hams and West Devon Planning have already rejected this extension through the application made to the Council on 23rd January 2020, Ref 0224/20/CLP, as the extension was too large.

- The most recent completed extension built at the property was so sensitive and of such concern to South Hams Planning that there were site visits by Yealmpton Parish Council and South Hams Council Planning with application eventually going to committee and was only very narrowly passed.
- 14 Riverside Walk presently the largest house in the road and has already had 2 extensions added as well as other developments which have all affected 16 Riverside Walk in particularly. These includes:
 - Conversion of Car Port to Kitchen Dinner. (By previous owner).
 - Large ground floor extension to rear of Garage and Car Port for new Kitchen (2014) within 1 metre of the boundary
 - Two story Wendy House within 1 metre of the boundary of 16 Riverside Walk (2015)
 - Large 2nd story extension within 1 metre of the boundary covering the Car Port and Garage for En suite Bedroom. (2016)
- Combined these developments have meant that the property has been extended by more than 50% of its original size which must be considered to be overdevelopment of the property. Its present size is ample living space for the 4 occupants who have resided at the property since 2012.
- Photos attached to show current developments.
- UNNECESSARY BUILDING IN AREA OF OUTSTANDING NATURAL BEAUTY: This unnecessary development at 14 Riverside Walk is in an area of outstanding natural beauty and should be rejected on this basis.
- CARBON FOOTPRINT: Additionally we would like to add that given that Yealmpton is in an area of outstanding natural beauty that the carbon footprint of each property must come into consideration. Combined, this unnecessary development will undoubtedly increase the carbon footprint of this property and would be further grounds for rejecting this application.

Following receipt of comments from neighbours, the applicant wished to add further comments by way of a response. The original comments from neighbours are noted in blue, with the applicant's response in black.

another large substantial 4th development to her property since 2014!

This is incorrect and misleading to give weight to his argument. It is the third development and not one of them has been substantial. They have been single storey and were in fact stated as not substantial when the last planning officer wrote their comments on the previous application.

OVER-DEVELOPMENT OF THE PROPERTY: The construction of this further extension is clearly serial over-development of the property and will affect the skyline for a 4th time to ourselves at 16 Riverside Walk in as many years contrary to the application that states we will not be able to see the development from our property, this is incorrect!!!

This is again inflammatory and misleading.

Obviously you are already aware that this could be another large extension being added to the property by the applicant, as South Hams and West Devon Planning have already rejected this extension through the application made to the Council on 23rd January 2020, Ref 0224/20/CLP, as the extension was too large.

Again, misleading. This was rejected as lawful development as it did not fit the application criteria, not because it was too large.

The most recent completed extension built at the property was so sensitive and of such concern to South Hams Planning that there were site visits by Yealmpton Parish Council and South Hams Council Planning with application eventually going to committee and was only very narrowly passed.

Again, inflammatory. It went to a site visit due to the inflammatory case put forward previously by Mr Hudson - the vote was not, by all accounts a narrow margin and the committee members made it clear that it was misrepresented when they visited.

14 Riverside Walk presently the largest house in the road and has already had 2 extensions (is it 2 or 3? - again, the house is by far not the largest in the street and what does this matter?) added as well as other developments which have all affected 16 Riverside Walk in particularly. These includes:

- o Conversion of Car Port to Kitchen Dinner. (By previous owner).
- o Large ground floor extension to rear of Garage and Car Port for new Kitchen (2014) within 1 metre of the boundary
- o Two story Wendy House within 1 metre of the boundary of 16 Riverside Walk (2015)
- o Large 2nd story extension within 1 metre of the boundary covering the Car Port and Garage for En suite Bedroom. (2016) this was confirmed in the previous planning officer report as not being large

Combined these developments have meant that the property has been extended by more than 50% of its original size which must be considered to be overdevelopment of the property. Its present size is ample living space for the 4 occupants who have resided at the property since 2012. Again, this is incorrect.

CARBON FOOTPRINT: Additionally we would like to add that given that Yealmpton is in an area of outstanding natural beauty that the carbon footprint of each property must come into consideration. Combined, this unnecessary development will undoubtedly increase the carbon footprint of this property and would be further grounds for rejecting this application.

My property is now much better insulated than ever before and has a very efficient state of the art heating/water system that preserves both energy and water. It is speculation and assumption.

Relevant Planning History

Planning Application Reference	Proposal	Site Address	Decision
62/0934/13/F : FUL	Householder application for proposed alterations and extensions to property.	14 Riverside Walk Yealmpton Plymouth PL8 2LU	Withdrawn: 17 Jun 13
62/1286/14/F : FUL	Retrospective householder application for single storey extension to rear of dwelling	14 Riverside Walk Yealmpton Plymouth PL8 2LU	Conditional approval: 09 Jul 14
0890/16/HHO	Householder application for a first floor extension to comprise of master bedroom and ensuite	14 Riverside Walk Yealmpton Plymouth PL8 2LU	Conditional approval: 04 Aug 16
0224/20/CLP	Certificate of lawfulness for proposed single storey extension	14 Riverside Walk Yealmpton Plymouth PL8 2LU	Cert of Lawfulness (Proposed) Refusal: 12 Mar 20

Principle of Development/Sustainability

The site is located within the built form of Yealmpton and hosts an existing dwelling; the principle of development is therefore established subject to compliance with any other relevant policies.

Design, Scale and Massing

An objection has been received on the basis that the proposal constitutes over-development of the property, unnecessary building within an area of outstanding natural beauty and will result in an increase in carbon footprint. It is acknowledged that the host dwelling has been substantially altered and extended during its lifetime and that the end result is not particularly aesthetically pleasing when compared to the original dwelling, in the Officer's opinion. However, each application must be considered on its own merits and it is considered that, notwithstanding its location within the AONB, the modest nature of the proposal, together with its position at the rear of the dwelling mean that the proposal does not result in identifiable harm to either residential amenity, neighbour amenity or the wider street scene. The comments regarding the increase in carbon footprint are noted but it is not considered that the increase in carbon arising from the proposal would be so significantly harmful as

to justify a refusal solely on this basis. As such, notwithstanding the evolution of the dwelling during its lifetime, it is not considered that the proposal is so significantly harmful so as to warrant a refusal. On this basis, the proposal is considered to accord with the provisions of DEV1, DEV2, DEV20 and DEV23.

South Devon AONB

Policy DEV25 requires that proposals “conserve and enhance the natural beauty of the protected landscape with particular reference to their special qualities and distinctive characteristics or valued attributes”. The proposal meets the first policy test, in that the design and palette of materials have a neutral impact on the AONB, thereby conserving the natural beauty of the AONB. While it does not offer enhancement, given the small scale of the proposal and having regard to the current condition of the site, including the presence of an existing residential dwelling, the proposal is considered acceptable with regard to the provisions of DEV25.

Surface Water Drainage

The applicant has proposed the use of a soakaway to dispose of surface water from the proposed scheme; it is considered appropriate to secure these details by condition to ensure surface water runoff does not increase to the detriment of the public highway or other local properties as a result of the development. On this basis, the proposal is considered to accord with the provisions of DEV35 and is acceptable.

Conclusion

On balance, the proposal is considered acceptable and it is therefore recommended that the application be granted conditional approval.

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

Planning Policy

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

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

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

The relevant development plan policies are set out below:

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

SPT1 Delivering sustainable development

SPT2 Sustainable linked neighbourhoods and sustainable rural communities

SPT9 Strategic principles for transport planning and strategy

SPT10 Balanced transport strategy for growth and healthy and sustainable communities
 SPT12 Strategic approach to the natural environment
 TTV1 Prioritising growth through a hierarchy of sustainable settlements
 TTV2 Delivering sustainable development in the Thriving Towns and Villages Policy Area
 DEV1 Protecting health and amenity
 DEV2 Air, water, soil, noise, land and light
 DEV20 Place shaping and the quality of the built environment
 DEV23 Landscape character
 DEV25 Nationally protected landscapes
 DEV26 Protecting and enhancing biodiversity and geological conservation
 DEV28 Trees, woodlands and hedgerows
 DEV29 Specific provisions relating to transport
 DEV31 Waste management
 DEV32 Delivering low carbon development
 DEV35 Managing flood risk and Water Quality Impacts

Other material considerations include the policies of the National Planning Policy Framework (NPPF) and guidance within the Planning Practice Guidance (PPG). Additionally, the following planning documents are also material considerations in the determination of the application: Plymouth and South West Devon Joint Local Plan Supplementary Planning Document 2020, South Devon AONB Management Plan (2019-2024).

Considerations under Human Rights Act 1998 and Equalities Act 2010

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

Conditions:

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

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

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

Site Location Plan

Block Plan

Received by the Local Planning Authority on 07 June 2020

Proposed Floor Plans

Proposed Elevations

Soakaway Crate Plan

Received by the Local Planning Authority on 11 June 2020

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 materials to be used in the construction of the external surfaces of the development hereby permitted shall match those of the existing building, unless amendments have been agreed in writing with the Local Planning Authority.*

Reason: In the interests of visual amenity.

4. The surface water drainage from the proposed development shall be connected to the soakaway as shown on drawing Soakaway Crate Plan. The soakaway shall be retained and maintained for the lifetime 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.

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PLANNING APPLICATION REPORT

Case Officer: Bryn Kitching

Parish: Kingsbridge **Ward:** Kingsbridge

Application No: 2434/18/ARM

Agent/Applicant:

Mr T Biddle & Mr & Mrs Manisty (C/O
Baker Estates Ltd)
Green Tree House
Silverhills Road
Decoy Industrial Estate,
Newton Abbot
TQ12 5LZ

Applicant:

Mr T Biddle & Mr & Mrs Manisty (C/O
Baker Estates Ltd)
Green Tree House
Silverhills Road
Decoy Industrial Estate,
Newton Abbot
TQ12 5LZ

Site Address: Allocated Site K5, Land at SX 729 440, West Alvington Hill, Kingsbridge

Development: Application for approval of reserved matters (appearance, landscaping, layout and scale) for 52 no. dwellings and associated garages, infrastructure and landscaping following outline approval 28/0508/15/O for up to 60 no. dwellings, 0.5 hectares of employment land, 2no. vehicular accesses, open space, play provision and drainage.



Reason item is being put before Committee Cllr Pearce requested that this be considered by the Committee due to it being a major development in the AONB.

Introduction

Following the committee deferral on 12th February 2020, the application was presented back to the Development Management Committee on 8th July 2020 where members considered the revised proposals against the 6 reasons for deferral:

1. The siting of affordable homes across the site
2. Clarity over DEV26 biodiversity enhancement
3. The number of homes accessed via steps and parking being too remote from properties in the eastern portion of the site
4. Landscaping throughout estate and opportunities for more strategic green spaces
5. Housing mix
6. Scale and massing of the flats in the south eastern corner of the site

At the meeting on 8th July, the Committee still had reservations regarding items 3 and 6 and resolved to defer the application again for the following reasons:

3. The number of homes accessed via steps, and parking being too remote from properties in the eastern portion of the site, not sufficiently addressed.
6. Scale and massing of the block of flats in the south eastern corner of the site – particularly in relation to the close proximity to the existing trees and hedgerow on West Alvington Hill, and in terms of siting within the AONB

Following that meeting, the applicants have made a number of amendments which were submitted on 30th July. Those amendments not only relate to items 3 and 6, but also some of the other items through being either interlinked or by responding to other comments by the committee. An update of the amendments is below with the deferral items (3 and 6) in bold text.

The description of development has been amended to account for the removal of 1 dwelling from the block of flats at the entrance to the eastern part of the site (plot 52). The amended description is:

Application for approval of reserved matters (appearance, landscaping, layout and scale) for 52 no. dwellings and associated garages, infrastructure and landscaping following outline approval 28/0508/15/O for up to 60 no. dwellings, 0.5 hectares of employment land, 2no. vehicular accesses, open space, play provision and drainage.

The amendments are:

1. The siting of affordable homes across the site
 - Plot 52 (a 2 bed 3 person apartment on the first floor of the block HT 01) has been removed to facilitate the provision of a hipped roof and deal with item 6 on the original reasons for deferral.

- This affordable unit has transferred to plot 26 which was previously proposed as a 2 bed 4 person open market house.
 - The affordable housing provision remains at 16 units but with an increase to 5 units in the western portion of the site and the decrease to 11 units in the eastern portion.
2. Clarity over DEV26 biodiversity enhancement
- Increase in bird and at boxes from 52 to 104.
 - Provision of 52 bee bricks.
3. **The number of homes accessed via steps and parking being too remote from properties in the eastern portion of the site**
- **New ramped access to be provided through the open space between parking area and dwellings.**
 - **Parking allocation reduced from 131 to 130 spaces (increase from 2.47 spaces per dwelling to 2.5 spaces per dwelling due to reduction in dwelling numbers).**
4. Landscaping throughout estate and opportunities for more strategic green spaces
- Re-grading of open space in eastern portion of the site to facilitate access ramp.
 - Tree/hedge protective barrier during construction proposed on inside of existing hedge between plots 44 – 52 and West Alvington Hill.
 - Proposed retaining wall on inside of existing hedge between plots 44 – 52 and West Alvington Hill removed
5. Housing mix
- Dwelling numbers decrease from 53 to 52 by removal of 2-bed apartment (plot 52). Affordable housing number remains at 16 but open market units reduce from 37 to 36.
6. **Scale and massing of the flats in the south eastern corner of the site**
- **Amendment to position of apartment block HT 01 containing plots 44 – 51, moving it a further 2.3m from the hedge separating the eastern part of the site from West Alvington Hill.**
 - **Design of apartment block HT 01 has been amended to include a full hipped roof on the lower element and the 2-bed apartment that was contained within the roof space (plot 52) has been deleted. A half hip has been included on the higher element.**
 - **Apartment block HT 21 containing plots 38 – 43 has amended roof design with full hips replacing previously proposed gables**

Consultation responses

Following the submission of amended plans on 30th July 2020, a full reconsultation has taken place on those changes. The reconsultation ran for a period of 4 weeks from 31st July until 28th August and below is a summary of the responses received.

Please note that these responses only relate to the reconsultation that followed the submission of amended plans to address the latest committee deferral. The consultation responses received prior to it being last considered by the committee are contained in the main body of the report below that members considered on 12th February 2020 and again on 8th July

When determining the proposals, there is a requirement to consider all comments received in response to the application.

- **Kingsbridge Town Council:** *officer note - The next Kingsbridge Town Council Planning Committee is on Tuesday 1st September and as this is a major application, they make a recommendation to the Full Council who will meet on 8th September. A spoken update of their response will be given at the Development Management Committee. The Town Council supported the previous set of amendments that were reported on 8th July.*
- **Affordable Housing:** Support

“The Affordable Housing team note revised plans have been submitted with this application. We have studied the revisions and support the change of the removal of a 2 bedroom, 3 person apartment in the roof space and the replacement with a 2 bedroom, 4 person house for affordable rent tenure – plot 27. This change still meets an identified housing need in Kingsbridge. The overall number of affordable units remains the same.”
- **Police Designing Out Crime Officer:** no further comments
- **Natural England:** previous comments apply (NE wish to provide advice and review the detail regarding condition 12 of the outline planning consent when that information is submitted).
- **County Highways Authority:** previous comments apply (no objection)

Representations: At the time of writing, no further letters of representation from members of the public have been received in response to the latest consultation on amended plans.

Consideration of amendments

The following 2 pages provide an officer assessment of the amendments made in response to the deferral and ultimately lead to an updated recommendation.

3. The number of homes accessed via steps and parking being too remote from properties in the eastern portion of the site

The previous set of amendments included a new footpath route from West Alvington Hill into the eastern portion of the site which would allow residents to walk into Kingsbridge without

steps. However, the direct access between the car park and dwellings still included a route that contained steps.

Some Members felt that the proposed footpath was too long a detour and a slope thorough the proposed open space would be better for prams and wheelchair users. However, other Members felt that the loss of open space was too great a compromise for the slope, with one Member saying pram use was easier with steps as rests could be taken.

The revised plans show a sloped access which does reduce the amount of usable open/green space, however, with careful landscaping it should be possible to integrate this path into the open space without the need for large scale and visually dominating retaining walls or resulting in the loss of too much green space.

Accessibility between the properties and car park would be improved and residents would still have the choice of using the stepped routes if they considered these easier for their own specific circumstances.

6. Scale and massing of the flats in the south eastern corner of the site

The draft minutes record that members were still very concerned with the appearance and siting of the block of flats, commenting that the height of the block was still overpowering considering the height and style of nearby housing. Members commented that the site is at the entrance to the AONB and on the edge of Kingsbridge and that the current design and siting of the block of flats was not good enough for the AONB, being end on to the road and completely uncharacteristic for Kingsbridge.

Members also expressed grave concerns for the trees and hedgerow along the site. Whilst the majority of the hedgerow and all bar one tree are in the plan and therefore to be kept, it was felt that the siting of the block of flats at only 6 metres from back edge of the footway and 1.4 metres from the trees and hedgerow, would result in damage to same during the build. Members stated that the loss of these mature trees would impinge greatly on the AONB.

Although the previous set of plans did not propose the removal of the hedge (or trees contained within it), amendments have been made that set the proposed building a further 2.3 metres back from the hedge. They also remove a previously proposed retaining wall from the inside of the hedge and include a tree/hedge protective barrier during construction.

The Council's Tree Specialist has confirmed that the easement of the block away from the trees/hedge can only be beneficial. The apartment block is outside of the route protection area and, as before, the hedge (and trees within) is shown to be retained. Moving the building further away will decrease the possibility of future pressure to reduce the hedge, while also providing additional space for maintenance.

As the plans now show hedgerow protection that meets BS 5837 at a distance of 5.1m from the proposed building, it is considered that the hedgerow is sufficiently protected during construction.

The design of the block of flats has been further amended to remove one of the units that was contained in the roofspace. This has allowed for a fully hipped roof to be provided in the lieu of the previously reduced gable. This further reduces the visual impact of the building when viewed from West Alvington Hill and when combined with the setting back from the hedge, has a further improvement on the impact on the character of the area. The fully

hipped roof would follow the roof design of other dwellings that are also in the AONB and on the opposite side of the road.

The other apartment block has also been amended to include fully hipped roofs which help to reduce the mass of that building, while also mirroring the changes to the roadside block.

The loss of one of the affordable units has been offset by changing one of the two bedroom houses in the western portion of the site to an affordable dwelling. This is an additional benefit in terms of the sizes/types of affordable housing as well as the distribution across both portions of the site.

Other changes to the proposals include the doubling of the number of bird and bat boxes from 52 to 104 and the introduction of 52 bee bricks. Although these improvements do not relate to the latest reasons for deferral, they are made in response to member comments at the committee.

Following the deferral by the committee, the amendments address both of the issues raised and has resulted in further improvements to the overall scheme. The recommendation is therefore to grant reserved matters consent.

Recommendation: Grant reserved matters consent and discharge conditions 11 (foul drainage), 14 (landscaping) and 18 (LEMP) of 28/0508/15/O.

Conditions

1. Development in accordance with the plans
2. Full details and specification of any rootlock/hydroseed bank
3. Before development proceeds above slab level, submission of a scheme for electric car charging points
4. Inclusion of further areas of meadow/wildflower grass on western public open space
5. Plan to accompany the LEMP and show the rotation of land for annual grass cut
6. Details of play equipment and natural play areas to be submitted
7. Details/samples of all external materials to be agreed
8. All gates to rear gardens shall be same height as adjoining wall/fence and shall be lockable from both sides.
9. Submission of details to show how the use of natural resources are minimised and how the development responds to climate change.

End of report update.

The following 33 pages are the planning officer report that members considered in July 2020. That report comprised the original planning report from February 2020 as well as the amendments and report updates from July.

The detailed conditions at the end have been updated to take into account the amended proposals and to meet the legal tests and requirements for conditions.

Introduction

On 12th February 2020, the Development Management Committee considered this reserved matters application and following the officer presentation, public speaking and member debate, the committee resolved to defer the application for the following reasons:

Reasons for Deferral:

1. *The siting of affordable homes across the site*
2. *Clarity over DEV26 biodiversity enhancement*
3. *The number of homes accessed via steps and parking being too remote from properties in the eastern portion of the site*
4. *Landscaping throughout estate and opportunities for more strategic green spaces*
5. *Housing mix*
6. *Scale and massing of the flats in the south eastern corner of the site*

The minutes also record member discussion as being:

“Members had a detailed discussion regarding the merits of the application, seeking clarification on various points including: access to the car park and bins from the flats, disabled access to flats in relation to the 25% lifetime homes required from the outline permission, and achieving net gain in biodiversity. The previous refusal (subsequently quashed) had, in part, been due to the non-integration of affordable homes across the site – Members felt this had not been suitably addressed. Members also felt strongly that the housing mix did not reflect that of the Joint Local Plan for South Hams, which detailed 4+ beds being at 18% whereas this application had a ratio of 50% for 4+ bedrooms. It was also felt that the 3.5 floored buildings at the entrance to the site and as an entrance to AONB did not enhance the AONB, contributing to issues with the scale and massing at the lower edge of the site”

Following that deferral, the applicants have made a number of amendments to address and respond to the Committee’s concerns. This first section on the report is written as an addendum to the original committee report that members considered in February 2020. A copy of the original report is below and this first section provides an update on the changes made, reports the responses received to the reconsultation, and assesses the amendments with regard to how they fit within the scope of the reserved matters application, the development plan and any other material considerations.

The recommendation below relates to the latest set of amendments and considers all responses received to the various iterations of this application.

List of amendments following deferral

The description of development has been amended to properly reflect the scope of the application and that the number of dwellings now proposed is 53. The amended description is:

Application for approval of reserved matters (appearance, landscaping, layout and scale) for 53 no. dwellings and associated garages, infrastructure and landscaping following outline approval 28/0508/15/O for up to 60 no. dwellings, 0.5 hectares of employment land, 2no. vehicular accesses, open space, play provision and drainage.

The amendments can be summarised against each of the six reasons for deferral and are identified by the bullet points below:

1. The siting of affordable homes across the site
 - 2 affordable units have been moved from eastern part of the site (plots 29 & 30) to western part of the site (plots 8 and 53).
2. Clarity over DEV26 biodiversity enhancement
 - Explanatory plan provided (Tyler Grange ref 11728/P11) and accompanying statement (EAD ref 200303_P908_TN) submitted.
3. The number of homes accessed via steps and parking being too remote from properties in the eastern portion of the site
 - Additional pedestrian link from West Alvington Hill provided to eastern part of the site.
 - Parking allocation reduced from 133 to 131 spaces (2.47 spaces per dwelling)
 - Wheeling ramps to be provided on all steps.
4. Landscaping throughout estate and opportunities for more strategic green spaces
 - Additional tree planting shown in rear gardens of plots 1-12, 21-22, and 27-28.
 - Open space to rear of plots 38 – 43 increased from 449m² to 594m²
5. Housing mix
 - Removal of 4-bed house and replacement with 2 x 2-bed houses. Dwelling numbers increase from 52 to 53 but remain below the 60 permitted by the outline.
 - Updated planning statement includes letter from local Estate Agent Luscombe Maye.
6. Scale and massing of the flats in the south eastern corner of the site
 - Apartment block containing plots 44 – 52 has been reduced in height on eastern side (facing new access and West Alvington Hill) from 3.5 storeys to 2.5 stories.

Consultation responses

Following the submission of amended plans on 27th May 2020, a full reconsultation has taken place on those changes. The reconsultation ran for a period of 4 weeks from 29th May until 26th June and below is a summary of the responses received.

Please note that these responses only relate to the reconsultation that followed the submission of amended plans to address the committee deferral. The consultation responses received prior to it being last considered by the committee are contained in the main body of the report below that members considered on 12th February 2020.

When determining the proposals, there is a requirement to consider all comments received in response to the application.

- **County Highways Authority:** No objection
- **Environmental Health Section:** No objection
- **Kingsbridge Town Council:** Support
- **West Alvington Parish Council:** No further comments received
- **Police – Designing out Crime Officer:** No objection
- **Public Health:** No further comments received
- **Lead Local Flood Authority:** No further comments received
- **Open Space, Sports and Recreation:** No further comments received
- **South West Water:** No objection
- **Archaeology:** No further comments received
- **Affordable Housing:** Support

Representations:

Letters of representation from 5 members of the public and a letter from South Hams Society have been received in response to the latest consultation on amended plans. Many of the comments relate to the submission as a whole and have been already summarised in the main part of the original report below. In regard to the latest consultation, the following additional comments have been received:

- It would harm the character and local distinctiveness of the street scene of West Alvington Hill and the wider views of the eastern portion of the site would be adversely affected.
- The allocations have been deleted from the plan and the principle of development should be reconsidered.
- The development would not meet the latest standards of carbon emission levels.
- Disappointed that Kingsbridge Town Council now support the proposals.
- No improvements have been made to the plan to make it acceptable.
- The affordable housing report is poorly judged and encourages small unsuitable dwellings that have no benefit to the wellbeing of their inhabitants. They do not support young people and encourage an aging population.
- Loss of trees and natural habitat.
- The development should be considered in conjunction with other sites and not in isolation.

- Increase in traffic on Westville Hill will reduce safety of pedestrian access into town.
- Increased demand on Kingsbridge Community College will increase traffic in the area cause further deterioration to the parking situation.
- Building in AONB is unacceptable and loss of green pleasant fields.
- Access are onto a busy road.
- Local services would be under huge pressure to cope.
- Flooding of the town would be increased.
- Sewage needs attention and is not cheap or easy to sort out in a satisfactory manner.
- There is no shortage of accommodation in the area and the proposed dwellings are no affordable stare homes that would benefit younger people.
- New road junctions will increase chance of traffic accidents.
- The changes are negligible and do not address concerns previously raised by the South Hams Society.
- Block of flats is too close to main road, creating a canyon effect of noise to existing and proposed residents as well as people using the street.
- Loss of views from important footpath No.2
- The amendments only deal with the concerns of the committee and the concerns of the community are being ignored.
- Scale and mass of flats is too great and too close to the road.
- This is a key frontage and special architecture is required.
- The Devon hedge alongside the highway should be retained as it would also provide a beneficial noise barrier.
- Residents of the new development would be subjected to noise from the chiller units from the supermarket to the east.
- The council should commission a noise survey.
- The removal of the hedge would lead to residents suffering from poor air quality.

Consideration of amendments

The following 5 pages provide a brief explanation/summary of the extent of this reserved matters application and includes the issues for consideration. They continue provide a more detailed officer assessment of the amendments made in response to the deferral and ultimately lead to an updated recommendation.

Outline planning permission was granted in July 2015 for the erection of up to 60no. dwellings, 0.5 hectares of employment land, 2no. vehicular accesses, open space, play provision and drainage. All matters were reserved other than the two access points that were granted at either end of the site.

This application is for the reserved matters that are a requirement of condition 1 of the outline consent. The matters for consideration are the appearance, landscaping, layout and scale for the residential element of the consent and these are defined by the legislation as:

“appearance” means the aspects of a building or place within the development which determines the visual impression the building or place makes, including the external built form of the development, its architecture, materials, decoration, lighting, colour and texture

“landscaping” means the treatment of land (other than buildings) for the purpose of enhancing or protecting the amenities of the site and the area in which it is situated and includes —

- (a) screening by fences, walls or other means;*
- (b) the planting of trees, hedges, shrubs or grass;*
- (c) the formation of banks, terraces or other earthworks;*
- (d) the laying out or provision of gardens, courts, squares, water features, sculpture or public art; and*
- (e) the provision of other amenity features;*

“layout” means the way in which buildings, routes and open spaces within the development are provided, situated and orientated in relation to each other and to buildings and spaces outside the development;

“scale” means the height, width and length of each building proposed within the development in relation to its surroundings

The employment part of the outline consent does not form part of this application other than the access road to that part of the site. A separate application will need to be made in relation to any buildings on that site.

The application was deferred by the committee for six reasons and amended plans have been submitted in response. Each of those reasons and the latest submissions are considered below:

1. The siting of affordable homes across the site

The application has been amended by two of the affordable dwellings being moved from the eastern to the western part of the site. This further breaks up the number of clusters from 3 to 4 and creates a more even distribution of affordable dwellings on the eastern and western portions of the site. The size of the clusters comply with the guidance within the emerging SPD and have the support of the Affordable Housing Specialist with their full comments below:

The Affordable Housing team support these revised plans and amended description. We have the following points to make:

Integration of the affordable homes across the site. Two affordable units have now been moved further west and are now situated at plots 8 and 53. This revised layout ensures the affordable homes are integrated into the development and not segregated from the market element. The layout also allows for effective management of the affordable units.

Additional pedestrian link from West Alvington Hill. This is an improvement and allows for better walking and cycling links to the town centre for residents living in the affordable units on the eastern side of the site.

Housing tenure – we support the provision of 11 affordable rent units and 5 shared ownership units. The tenure secured in the S106 agreement for the outline planning permission.

Housing mix – this application will be providing the following affordable house types:

Affordable Rent

4 x 1 bedroom apartments
5 x 2 bedroom apartments
1 x 3 bed house
1 x 4 bed house

Shared Ownership

2 x 2 bed houses
2 x 3 bed houses

This mix meets the current and emerging housing need in Kingsbridge. The greatest need on the Council's housing register, Devon Home Choice, is for one and two bedroom rented accommodation, due to smaller household sizes and an ageing population. However, there is also a need for larger properties for growing families.

This has also been evidenced in our Strategic Housing Market Needs Assessment Part 2, see tables 4.6, 4.7 and 5.12b

<https://www.plymouth.gov.uk/sites/default/files/StrategicHousingMarketNeedsAssessmentPart2.pdf>

After discussions with local Registered Providers they also support this mix and note there is a demand for 2 and 3 bedroom shared ownership houses, as there has been no affordable housing to buy, built in the town for many years. There is demand from first time buyers and families who cannot afford to buy on the unrestricted open market.

This mix provides a range of housing that provides choice to existing and future residents of Kingsbridge and is compliant with policy DEV 8 of the Plymouth and South West Devon Joint Local Plan.

Based on the changes to the layout, it is considered that the deferral has led to an improvement to the affordable housing provision with a greater distribution of dwellings across the site and better integration.

2. Clarity over DEV26 biodiversity enhancement

At the committee meeting in February 2020, members sought a greater amount of clarity regarding the proposed biodiversity offset and enhancement. As the site already has outline planning permission with an associated legal agreement and conditions that addressed the relevant planning policies at that time, members were seeking clarification as to how the retained area of land adequately mitigated the overall loss of field to residential development.

As part of the revised submissions, a new plan has been produced that draws together the landscaping proposals and the biodiversity offsets/mitigation that are contained in the Landscape & Ecological Management Plan (LEMP). A specific area of land is set aside on the higher ground in the western part of the site and that meadow would be managed to provide a tussocky sward, native scrub planting and 5 reptile hibernacula. Planting within the open space areas of the main site has been specifically designed to include native tree and hedge planting with areas of wildflower meadow.

The Biodiversity Specialist is satisfied that requirements of the outline planning consent and S106 to provide a LEMP been met in full both for onsite habitats/protected species requirements, and for the retained field – effectively condition 18 being met. Two suggestions were made regarding the provision of some additional wildflower meadow in lieu of grass and

a plan to show the rotation of annual cutting of grassland can be resolved through the addition of planning conditions.

3. The number of homes accessed via steps and parking being too remote from properties in the eastern portion of the site

Members questioned the number of dwellings where, due to the gradient of the land and requirement to provide an access road to the employment site, had led to a number of houses being accessed by steps and parking being remote.

A new pedestrian access is now proposed from West Alvington Hill that would provide a level walking access to the 9 houses in the eastern part of the site. Prior to this, each of these houses could only be accessed via steps from the car park. This new footpath also has practical benefits in that it results in the better use of the open space that was proposed at the rear of the apartments.

Officers have worked with the applicants and looked into alternative was that could provide a sloped access (without steps) from the car parking that is alongside the new access road. Although physically possible, due to the requirement to meet certain gradients with level platforms/landings, this would result in the significant loss of the proposed public open space. This open space contains both landscaping and play equipment and it was considered that the reduction in provision would result in greater harm.

The layout is constrained by the slope of the hill, the access point being fixed by the outline application, the requirement to provide an access road to the employment site and the need to set the dwellings away from the existing employment site to the east. It is considered that the proposed layout of the eastern part of the site is the optimum that can be achieved given the site constraints and although the parking areas are some 25m from the houses, proposals have been put forward which improve pedestrian accessibility to and from West Alvington Hill and Kingsbridge town centre.

4. Landscaping throughout estate and opportunities for more strategic green spaces

This reason for deferral is partially addressed by the combined biodiversity and landscape plans above. Additional tree planting is proposed in the rear gardens of some of the dwellings that are on the highest part of the site. This would help to break up and soften parts of the development on the upper slopes. Prior to the submission of the amendments, officers considered whether there was scope for a greater level of strategic tree planting within the built up area of the site but this would have the consequence of pushing development further up the hill and result in greater landscape impact.

The amendments that provide the pedestrian access from West Alvington Road to the eastern part of the site result in an improvement to the open space through both it's enlargement and it becoming a more usable space. There would be a greater level of surveillance from the introduction of the new path and the size of the green open space increases from 449m² to 594m².

As a result of the deferral, the amount of tree planning has increased in the western part of the site and as this is on higher ground, it is considered that this is a betterment to the scheme. There were no objections to landscaping throughout the estate from the Council's specialists prior to the deferral and therefore the proposals are acceptable in this regard.

5. Housing mix

The main report below that was considered by members in February 2020 identifies the limited control that the Council has over open market housing mix on a reserved matters application. The outline permission pre-dates the Joint Local Plan and it is an outline planning consent that can include requirements on housing mix. The definition of each of the reserved matters is identified above and none of these include housing mix in the definition.

Notwithstanding this, the applicant has amended the housing mix to remove one of the proposed 4-bedroom houses and replace it with a pair of 2-bedroom houses. The previous and proposed open market mix is for the development is now:

Unit size	Former No.	Former %	Proposed No.	Proposed %
2 bed	9 units	25%	11 units	30%
3 bed	8 units	22%	8 units	22%
4 bed	17 units	47%	16 units	43%
5 bed	2 units	6%	2 units	5%

Note that increase of total number of open market dwellings from 36 to 37 changes the % of 3 and 5 bed units despite number of these remaining the same.

This is an improvement in that it provides a larger proportion of the smaller 2-bedroom properties through the removal of a larger 4-bedroom property. The total numbers are still well within the total number of up to 60 that was permitted by the outline planning consent. As open market housing mix can not be a determining factor for this application, the proposals are acceptable.

6. Scale and massing of the flats in the south eastern corner of the site

The affordable housing apartment block at the eastern entrance to the site was proposed to be 3½ stories high and members felt that this would not enhance the entrance to the AONB. Amendments have been made to reduce the height of the gable end that faces down West Alvington Hill. It is now proposed to be 2½ stories and this is a significant improvement to the entrance to the site and the AONB. The dwellings that are on the southern side of West Alvington Hill are on much higher ground and are a sufficient distance away to have any significant adverse impact from loss of residential amenity.

The reduction in the scale and mass of this apartment block is significant and the use of materials also helps to visually reduce its bulk. The higher sections of the building are cut into the steep slope of West Alvington Hill resulting in the rising ridge level following the slope of the hill.

The deferral on this point and the requirement to submit amended plans has resulted in an improvement to the development which overcomes the potential impact of the development when viewed from the street.

Following the deferral by the committee, the package of amendments addresses each of the issues raised and has resulted in improvements to the overall scheme. It now has the support of the Town Council and the recommendation is to grant reserved matters consent.

Recommendation: Grant reserved matters consent and discharge conditions 11 (foul drainage), 12 (surface water drainage), 14 (landscaping) and 18 (LEMP) of 28/0508/15/O.

Conditions

10. Development in accordance with the plans
11. Full details and specification of any rootlock/hydroseed bank
12. Before development proceeds above slab level, submission of a scheme for electric car charging points
13. Inclusion of further areas of meadow/wildflower grass on western public open space
14. Plan to accompany the LEMP and show the rotation of land for annual grass cut
15. Details of play equipment and natural play areas to be submitted
16. Details/samples of all external materials to be agreed
17. All gates to rear gardens shall be same height as adjoining wall/fence and shall be lockable from both sides.
18. Submission of details to show how the use of natural resources are minimised and how the development responds to climate change.

End of report update [for July committee].

The following 26 pages are the original planning officer report that members considered in February 2020 with corrections made in line with the case officer verbal update provided at the start of the meeting.

The detailed conditions at the end have been updated to take into account the amended proposals and to meet the legal tests and requirements for conditions.

Key issues for consideration:

Whether the submitted details meet the requirements of the reserved matters set out in the approved outline consent 28/0508/15/O including whether the details deliver commitments set out in the s106.

Landscape and character impact, especially whether the development 'conserves and enhances' the South Devon AONB.

Design quality, visual and general amenity.

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 was 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 application site is located north of West Alvington Hill, with portions of land either side of Norden Lane, in Kingsbridge.

The development site lies to the west of Station Yard, an existing employment area in the west of Kingsbridge, and is north of the A379, West Alvington Hill. The site is split by Norden Lane and comprises a single field between Station Yard and Norden Lane and part of a further, larger field, to the west of Norden Lane. It is approximately 3.2 hectares in total.

The site lies on the western edge of Kingsbridge, to the north of the A381, West Alvington Hill. The land is within the South Devon Area of Outstanding Natural Beauty (AONB) and lies approximately 200 metres from the Kingsbridge Conservation Area to the east and approximately 320 metres from the West Alvington Conservation Area to the west. The Salcombe to Kingsbridge Estuary Site of Special Scientific Interest (SSSI) lies approximately 380 metres to the east of the site.

The site is situated immediately west of Station Yard and extends towards the west. The proposal site comprises an approximately 1.2 hectare field to the west Station Yard and part of the field to the west of Norden Lane (comprising 1.9 hectares). The site was previously

allocated as 'Proposal K5' in the South Hams Local Development Framework Kingsbridge Site Allocations Development Plan Document. It was not carried forward as an allocation in the Plymouth and South West Devon Joint Local Plan, but was identified on the Plan maps as a commitment.

The land within the site slopes down fairly steeply from south west to north east and both fields are enclosed by hedgebanks /trees. There is a public footpath that runs along Norden Lane and the northern boundary of the land to the west of the lane. This links into areas of woodland to the north west of the site.

To the north east of the site, beyond the existing industrial development at Station Yard, are Morrisons supermarket and the residential development of Lime Grove to the north east. This development, along with the residential development around the Redford Estate and Trebble Park, forms the western edge of the town.

There is residential development to the south of the site, both along West Alvington Hill itself and beyond to the south. Beyond this residential development is Kingsbridge Community College. The playing fields for the college lie to the south of the site. There is a zebra crossing across the A381 close to the south western corner of the site. Open fields lie to the west of the site and there is a distance of approximately 370 metres between the western edge of the site and the residential development of Town Parks, West Alvington, which lies beyond to the west. To the south west are isolated properties of Thornfield and Little Thornfield, which lie to the south of the A381, beyond which lies the edge of the village of West Alvington, approximately 300 metres from the site.

The Proposal: This reserved matters application seeks to provide information pertinent to the residential element of the approved development:

Outline application (with all matters reserved except access) for erection of up to 60 no. dwellings, 0.5 hectares of employment land, 2 no. vehicular accesses, open space, play provision and drainage

This was approved under 28/0508/15/O on 27 July 2015. That approval was subject to the prior satisfactory completion of a Section 106 Agreement dealing with the following matters:

1. Affordable Housing provision.
2. Education Financial contribution.
3. Play and Public Open Space provision.
4. Off-Site Sport provision/contribution.
5. Cycle and Footpath provision to site boundaries.
6. Measures to secure public access to, and management and maintenance of, all footpaths, cycleways, public open space and play areas in perpetuity.
7. Landscape and Ecology Management Plan.
8. Management of Retained field for the benefit of Cirl Buntings.
9. Local Highways/Transport Infrastructure – off-site works.
10. Travel Pack/Sustainable Travel Vouchers.
11. Employment Land Transfer

Conditions

1. Outline – submission of reserved matters
2. Outline – reserved matters time limit 3 and 2 years

3. Outline – reserved matters to be submitted in 3 years
4. Accord with Plans/Exclude Illustrative Drawings
5. Parking/Turning Details (Residential)
6. Parking/Servicing (Employment Units)
7. Provision of Accesses and Visibility Splays
8. Details of Highway Infrastructure
9. Construction Management Plan
10. Safety Audits
11. Sewage Disposal Details
12. Submission of Surface Water Drainage Details and Management and Mitigation During Construction
13. Implementation of Surface Water Drainage Details and Management and Mitigation During Construction
14. Submission of a Detailed Landscape Plan, Planting Schedule & Specification
15. Implementation of Hard and Soft Landscaping
16. Restriction on cutting down retained trees
17. Submission and Implementation of Tree and Hedge Constraints Plan (Root Protection Areas)
18. Submission and Implementation of Landscape and Ecology Management Plan
19. No Burning of Vegetation etc During Construction
20. Details of External Lighting
21. Details of External Storage Areas
22. Renewable Energy/Energy Efficiency Details
23. Lifetime Homes
24. Unsuspected Contamination
25. Use of Employment Units
26. BREEAM Standard (Employment Units)
27. GPDO Exclusion (Residential)
28. GPDO Exclusion (Employment)

The reserved matters detail pertaining to the employment proposal is not included in this submission. The 0.5 hectares of space defined for the employment land has been identified on the application as land within the control of the applicant, but is not the subject of this application.

The application being considered in this report is to deal with the following reserved matters and conditions of the outline approval:

- (a) the design and external appearance of the proposed buildings;
- (b) layout and scale;
- (c) existing (and proposed) (i) site levels (together with proposed (ii) slab levels);
- (d) the materials for their construction
- (e) the arrangements for the disposal of foul and surface water;
- (f) the areas for (i) parking (ii) (and turning) of vehicles (in accordance with the Devon County Council's parking standards);
- (g) all other works including walls fences means of enclosure screening;
- (h) the location, extent and layout of open spaces;
- (i) the design, layout, levels, gradients, materials, drainage, lighting and method of construction of all new roads and connection with existing roads.
- (j) Hard and soft landscape

The conditions and reserved matters are considered together in this report.

Plans including detailed layout of the site and building design were provided on submission of the application in July 2018. Following public consultation, responses from statutory consultees and a review of the documents by the case officer including a number of meetings and discussions with the agents, revised plans were submitted for the Council's consideration. There was been no formal re-consultation at that time because a full set of revised plans had not been submitted and negotiations were ongoing. An extension of time was agreed to allow for just that, the event plans were not submitted by the stated date and the application was determined on the basis of the original (and only) full set of plans received. A delegated decision to refuse the application was taken, though it was later realised that the correct protocol, securing Ward Member agreement to the delegated approval, had not been followed as a result of not having considered the single letter of support received from West Alvington Parish Council.

The error was acknowledged by SHDC and the grounds for a Judicial Review were agreed between the Council and Applicants, the result of which was that the decision was quashed. It is therefore as though no decision on the reserved matters application had been made. The outline consent has not therefore expired, and so the Applicant and Council continued to work together toward the revised scheme which is the subject of this report.

Consultations:

The original application was made July 2018 and public consultation was undertaken at that time. Negotiations with the LPA followed and while some draft revised plans were submitted for the LPA to consider and provide feedback, a fully revised scheme was not submitted before a decision to refuse was made in July 2019. After that decision was quashed, the LPA continued discussions with the Applicant to work toward a more acceptable scheme. As a result, a fully revised scheme was submitted in December 2019 and a second public consultation period ensued. A summary of the changes made was provided by the applicant as follows:

The principle changes which have been made to the proposals are as follows:

- The development envelope has been amended, as agreed with the Council's Landscape and Planning Officers.
- A total of 52 units are now proposed. The mix of units is set out below and has been agreed with the Council's housing and policy officers:

Open Market

<i>Bed Space</i>	<i>Number</i>	<i>Percentage</i>
<i>2 bed</i>	<i>9</i>	<i>25%</i>
<i>3 bed</i>	<i>8</i>	<i>22.2%</i>
<i>4 bed</i>	<i>17</i>	<i>47.2%</i>
<i>5 bed</i>	<i>2</i>	<i>5.6%</i>
<i>TOTAL</i>	<i>36</i>	<i>100%</i>

Affordable

<i>Bed Space</i>	<i>Number</i>	<i>Percentage</i>
<i>1 bed</i>	<i>4</i>	<i>25%</i>
<i>2 bed</i>	<i>7</i>	<i>43.75%</i>
<i>3 bed</i>	<i>4</i>	<i>25%</i>
<i>4 bed</i>	<i>1</i>	<i>6.25%</i>
<i>TOTAL</i>	<i>16</i>	<i>100%</i>

- An enlarged area of public open space towards the south west of the site is proposed, incorporating natural play. Details of the proposed play equipment are provided.
- An additional area of natural open space is also proposed to the south west of plots 38/39 given the slope of the land and adjacent mature hedge.
- Parking has been reviewed across the site and is clearly identified on the submitted plans. The majority of parking is provided on plot, with additional on-street parking sensitively accommodated (including adjacent to the additional open space by virtue of the reduced development envelope highlighted at point 1). Provision has been made for 1 space per 1 bed, 2 spaces per 2/3 bed and 3 spaced for 4+ bed units.
- A similar entrance feature has been created on the approach into the site from the south west.
- Urban design adjustments have been made to provide improved transitions between storey heights and relationships between properties, identified by officers.
- The palette of materials comprises predominantly render and slate. A variety of colours are proposed to respond to positive local examples.
- Boundary treatment/ level change information has been provided, in particular, around the frontage of the apartments towards the east of the site.
- A short Landscape and Visual Peer Review/ Technical Note has been submitted to show the co-ordinated final scheme massing from the viewpoints agreed with the Council's Landscape Officer (1, 7 and 8) via verified wirelines. Separate semi-verified models of the emerging scheme and a reasonable interpretation of the outline permission has also been incorporated to show the scheme iteration.

Following review of those plans and further feedback from the case officer, some further and relatively minor changes were made to the scheme. Those plans were added to the public website but, in accordance with Government's Planning Policy Guidance (Paragraph: 026 Reference ID: 15-026-20190722), the LPA determined these changes did not require a further public consultation.

In summary those changes included:

- a) Amendment to the key on elevation drawings to make clear all roof finishes are real slate
- b) Moving the footway from the southern side of the road in the western portion of the site to the northern side and making it a solid surface rather than grass verge
- c) Provision of site levels for the public spaces within the site to supplement the site sections and finished floor levels
- d) Amending bin storage design
- e) Omitting the remaining brick walls in the otherwise render and stone scheme

- f) Removing the grass verge from the areas outside plots 15 – 23 where a hard surface is required
- g) Clarification of what comprised the 'landscape enhancement' referred to on plans

These matters did not address the concerns of those who had objected to the development and so it was not considered necessary to provide a further formal consultation.

- **County Highways Authority:** No objection
- **Environmental Health Section:** No objection
- **Kingsbridge Town Council:** objection the following grounds:

1. The proposed development does not provide appropriate house sizes which conflicts with the Plymouth & South West Devon Joint Local Plan Policy DEV8: Meeting local housing need in the Thriving Towns and Villages Policy Area and the Supplementary Planning Document DEV8.1 & DEV8.1(i).

Reason: The open market housing mix proposal is 1 bed x 0, 2 bed x 9 at 25%, 3 bed x 8 at 22%, 4 bed x 17 at 47% and 5 bed x 2 at 6%. The JLP evidence base SHMNA Part 2 (which was quoted by SHDC in June 2019 to respond to a planning appeal in Kingsbridge) identifies a need for 1 bed x 5 at 13%, 2 bed x 13 at 36%, 3 bed x 12 at 33% and 4 bed x 6 at 18%.

The application fails to demonstrate an understanding of existing housing stock and does not justify the proposed open market mix. Moreover, the difference between the proposals and identified DEV8 and SHMNA Part 2 needs, particularly for 4 bedroom open market housing, is substantial and cannot be determined as acceptable.

2. The proposed affordable homes are not integrated into the whole development which conflicts with the Supplementary Planning Document DEV10.3.

Reason: Fourteen of the 16 homes have been positioned in 2 clusters of 5 and 9 on the east/lower site. The remaining 2 homes have been shoe-horned into the south east corner of the west/upper site. The affordable homes have not been truly distributed across the 2 sites and the proposal is an insincere attempt to endorse policy.

3. Inappropriate height, scale and massing of the proposed block of homes in the east/lower site adjacent to West Alvington Hill conflicts with the Plymouth & South West Devon Joint Local Plan Policies: DEV20 Place Shaping and the Quality of the Built Environment, DEV23 Landscape Character and DEV25 Nationally Protected Landscapes.

Reason: The proposals will

- depreciate the visual amenity,
- not conserve and enhance the natural beauty of the protected landscape,
- not maintain the area's local distinctiveness, and
- add an incongruous feature at a key gateway/route into the town

4. Insufficient drainage information has been provided and Devon County Council's Flood and Coastal Risk Management Team has not responded with its Recommendation to date which may not meet the requirements of Plymouth & South West Devon Joint Local Plan Policies: SPT1 Delivering Sustainable Development and DEV35 Managing Flood Risk and Water Quality Impacts.

Reason: KTC is unable to comment on drainage matters until DCC's opinion is known.

- **West Alvington Parish Council:** support (dated 21 August 2018 – in relation to now superseded plans, no detailed comments provided)
- **Police – Designing out Crime Officer:** No objection
- **Public Health:** no objection
- **Lead Local Flood Authority:** No objection
- **Open Space, Sports and Recreation:** No objection
- **South West Water:** No objection
- **Archaeology:** No objection
- **Affordable Housing:** No objection

Representations:

Letters of representation from 30 members of the public were received (some people made multiple submissions). Of those letters, 3 were 'undecided' and the remainder were objections. The comments are summarised below:

- The impact on the local infrastructure, in respect of schooling, senior and junior. Dental facilities, there are no NHS places available in Kingsbridge at present only private and if this is for new local housing, where would they go. Medical facilities in respect of NHS doctor surgery has also not been calculated. I believe this has not been addressed
- The application should consider a new review of the impact of traffic instead of using data from an earlier application for the same site between 2010 -2015. With it being in close proximity to KCC.
- I strongly object to the above application for the following reasons :-
 1. It greatly exceeds the boundaries of K5 and the outline permission granted in 1985.
 2. The top access will increase the danger to pupils accessing their playing fields and also will cause traffic congestion and danger on this very busy road.
 3. It will destroy the vistas available to all in this Area of OUTSTANDING Natural Beauty.
 4. Indeed when the two Government Inspectors recently examined the Joint Local Plan they were dismayed that insufficient weight had been given to the protection of the AONB which should have been given the highest status. They stated that sites (with some exceptions) including K5 should be deleted from the housing allocations.
 5. I cannot believe the South Hams Development Committee can possibly go against the Government Inspectors recommendations that this planning application be granted.
- This site was subject to a planning inquiry and the inspectors report is clear regarding the scale of development going up the hill and its impact upon the AONB. Outline approval contained development to the lower slopes of the field. This application presents houses numbers 1 to 8 outside the development boundary the planning inspector said was acceptable. The scale of development is too large and will be detrimental to the AONB. The plans do not provide sufficient holding capacity for water run-off and will add to current flooding of the properties in Mill Street and around the Quay at the bottom of the hill from the site. This run off will have a polluting effect upon the SSSI and Local Marine Nature Reserve. The foul sewer network has been highlighted in the past as being insufficient capacity and so the applicant must ensure upgrading of the system is provided for. Traffic levels at peak times already make this location one of the worst air quality areas in the South Hams. The additional housing and related car numbers will increase the poor air quality conditions. Peak hour traffic will add to public safety dangers at the two new junctions and road crossing points.

The public rights of way need to be protected.

Provision should be made for additional off site landscaping including links to existing public rights of way.

- 1. PLANNING POLICIES AND GUIDANCE

Surely this current application to the council should be classed as an AMENDMENT to the OUTLINE planning granted in 2015

This current application is making a nonsense of an outline permission system which grants permission for a certain number of dwellings on a designated site.

If this is now progressed without recourse to the original plans to a permission to include these additional buildings and proceed with the whole new proposal for development it makes a nonsense of the whole planning system.

COMMUNITY FACILITIES

the effect of the greatly increased demand on our schools and other community facilities and the reduction of public open spaces

TRAFFIC GENERATION

It is proposed to increase greatly the number of buildings with consequences for traffic on an already crowded road

- This application is for a development significantly larger than the permission given in the outline planning submission.

There is less employment area than the outline planning submission.

The dwellings are larger than the outline planning submission.

There is a significant reduction in the green space than the outline planning submission.

The road access onto the A381 continues to be unsafe and based on road traffic data obtained during an unrealistic low peak traffic period.

There will be an increase in traffic on the A381 which even now is unsuitable for the pupil pedestrian traffic to the secondary school. This development puts children at higher risk.

This submission is not compliant with its outline planning permission and places higher risk on the children within the community.

- This new application is too large for the location, too many large houses next to public footpath, less affordable housing in unsuitable areas.
- No provision within the community for additional people with healthcare needs, pre school and schooling needs.

A great loss of very large and old established trees and natural landscape.

- I am curious to know if there is still provision for the footpath from West Alvington to Kingsbridge? I most certainly would not like to lose that.

Also, Mr Baker told me that his company will be paying quite a large sum towards facilities locally but he had no say in where it is spent. I would like to suggest that some could be spent in West Alvington. There is the disused old school playground which would make a fantastic resource for the village e.g. sitting area, outdoor gym, boules court etc.

I would appreciate your answer on these subjects. Thank you.

- I note the high number of public comments on increased traffic at the consultation event.
 - Can you please explain what studies have been undertaken to assess the impact of increased traffic through West Alvington village (as a result of the above proposal)?
 - Can you please outline any planned traffic mitigation measures in the light of the above?

- I represent Tally Ho! Coaches who operate from the Industrial Estate below this site.

We operate PSV's and start work from 06.30 often finishing late at night. Our vehicles have to start some 15 minutes before leaving the site (to build up air pressure and for safety checks) we make noise and emit some diesel fumes. It is essential the developers install noise insulation, we do not want to receive complaints from residents about early morning or late night noise, we have been here a long time and we are unable to vary our operating times or vehicle location.

The level of noise we generate would be accepted as normal for an Industrial Estate with PSV or HGV transport tenants.

Please will planners include a requirement for a survey of the noise levels and insist on acceptable prevention measures for the new residential areas?

- Absence of traffic assessment through West Alvington.

- Concerns regarding surface water drainage and flooding, as well as capacity of the foul drainage network.
- Low carbon development and design
- I am very concerned about the proposed height of the high rise flats on the lower eastern section of the site. These high buildings will not be conserving, protecting or enhancing the AONB in which they will sit. They will become a prominent eyesore from various view points in the local area. They will create a tunnel like feel as you approach the town down Westville Hill.
- Also it is not right to put families into this type of building, families need gardens and space so they can thrive.
- JLP policy Dev 8 - I am very concerned about the lack of 2 bedroom houses being built in the open market provision. I am a young professional person who desperately would like to buy a home in the town where I have lived all my life. If there isn't the low cost open market houses provided for me and many of my friends we will be forced to move away. Taking our skills and earnings away from the area. Making Kingsbridge become like Salcombe. Who needs 4 and 5 bedroom properties. Not local people I suspect.
- The South Hams Society wishes to object to this application on four main grounds:
 - Incompatibility with the South Devon AONB
 - Adverse visual impact
 - Encroachment on a PROW
 - Adverse impact on biodiversity and climate.
- Overshadowing & loss of light: It will lead to loss of light into nearby homes and will negatively impact on the skyline, being above the current tree level.
- Noise disturbance: it will increase noise levels and disturbance to current properties as street and property sounds are increased in an enclosed space (across a lowered street level).
- Over Dominance: it will dominate the landscape especially upon entering Kingsbridge from West Alvington. It will be out of character with the current housing stock.
- Impact on the local area's character: It will degrade the town's character as you drive up Westville Hill, the development creating an imposing and enclosed street with little or no outlook.
- Loss of parking on the main road.

NB – a number of the letters from Mr L Pengelly were lodged via this application and some are clearly marked as a formal complaint. That formal complaint has been dealt with outside of this planning application as it is a separate matter and process.

Relevant Planning History

Following the allocation of the site within the LDF Kingsbridge Site Allocations DPD, a master-planning exercise was undertaken that did not reach completion.

In January 2012, under planning reference 28/2907/12/SCROP a Screening Opinion application was submitted to the Council to determine whether the development was considered to be "EIA development" under the meaning of the 2011 Regulations and thus whether any planning application would require an Environmental Statement. The Local Planning Authority, following consultation with RSPB, Natural England, Environment Agency and internal Council services, did not consider that the proposed development constituted "EIA development" as the proposed development was not considered to be of more than local importance and was not likely to have significant effects on the environment in terms of factors such as nature, size and location.

An outline planning application reference 28_59/1232/13/O (with all Matters Reserved except Access) for "*erection of up to 82 dwellings, 0.7 hectares of employment land (Use Class*

B1/B2), 2 no. vehicular accesses, open space, play provision and drainage” was refused on 1st August 2013. The decision was issued with one refusal reason relating to the extent of the proposed development outside of the allocation site boundary and its effect on visual amenity, landscape and character of the AONB.

The refusal was appealed under reference APP/K1128/A/13/2210602, which was dismissed on 22nd August 2014. The Inspector, in dismissing the appeal, questioned the need for significant encroachment of the proposed housing scheme on higher land beyond the extent of the allocation in the adopted Development Plan, given the impact on the AONB.

Following that, a revised application was made and approved as detailed below:

28/0508/15/O

Site Address: Allocated Site K5, SX 7299 4407 and land directly west of allocated site, West Alvington Hill, Kingsbridge

Development: Outline application (with all matters reserved accept access) for erection of up to 60 no. dwellings, 0.5 hectares of employment land, 2 no. vehicular accesses, open space, play provision and drainage

Approved 27 July 2015.

ANALYSIS

Principle of Development/Sustainability:

Notwithstanding that, the principle of development has been established by the outline consent 28/0508/15/O and it is on that basis that this application seeks to provide details in relation to the reserved matters identified in that consent, along with a number of matters which planning conditions on that consent required to be addressed.

Kingsbridge is a Main Town in the JLP hierarchy of settlements and as such development in the town and adjacent to its boundaries accords with the strategic approach set out in policy TTV1. Policies SPT1 and SPT2 establish support for growth that delivers development in accordance with the principles of sustainable development centred on the three themes of a sustainable economy, a sustainable society and a sustainable environment. Policy SPT2 sets out 12 characteristics of development to deliver sustainable, linked neighbourhoods. These are covered in the topical sections of the report to follow and concludes that these policy requirements are, on balance, met.

The more detailed matters which are the subject of other plan policies are considered in the sections below.

Play and open Space

The Open Space Sports and Recreation Specialist comments require little further analysis so are copied out in full here:

The s106 agreement for the outline application secured the provision of “no less than 0.1ha of area for play and an area of no less than 0.25ha of other publically accessible open space shown indicatively on Plan 4 or of such other size or location as may be approved pursuant to reserved matters or otherwise agreed in writing between the Council and the Owner”. A financial contribution towards improvements of off-site sports and recreation facilities was also secured.

The revised layout shows the following areas of public open space:

- *Western parcel – land both sides of the access road, extending further east than previously and including land to the south of the access road (south of plots 1-5) which includes a play area (public open space marked as 603m² on soft landscaping plan although the whole area appears to measure c.2,000m²). Further linear landscaped space along the southern boundary and south-east corner (515m²).*
- *Eastern parcel – area in front of plots 29-37 (836m²), as well as an area in the south-west corner (449m²). Further linear landscaped space along the north-east boundary (1,097m²)*

The key public open space in the eastern parcel (in front of plots 29-37) is considered to provide a useable, overlooked space with amenity benefit as well as offering some play opportunities for residents in that parcel. The area in the south-west corner will provide some further amenity value, although I'm unclear from the boundary treatment plan whether this area will be accessible or not, and the topography will limit its use.

The main area in the western parcel, to the south of the access road and plots 1-5, is well overlooked and is considered to provide much more meaningful provision than that previously proposed.

The quantum of public open space provision now meets the requirements of the s106 agreement.

Notwithstanding comments from the Landscape Officer regarding planting proposals, I wonder whether there is potential for some further areas/strips of meadow/wildflower grass planting in the landscaped areas to the north of the main access road in the western parcel (strong lawn grass is currently proposed).

Play

The inclusion of play provision is welcomed as this was not shown on previous proposals, despite the s106 requirement.

Very limited detail regarding provision is shown, with the plans merely stating that this would be natural play equipment in the form of logs, stumps and boulders. Whilst natural play is welcome in this location, some more formal equipment, including swings, will be required in the play area in the western parcel – these could be timber to fit in with the natural play theme. More variety could also be introduced through the use of mounds with slides, scramble nets, tunnels etc and willow planting. I would recommend the addition/relocation of a bench close to the play provision in the western parcel, as well the addition of a picnic bench to provide seating for parents/carers. I would be happy to discuss the proposals with the Landscape Architect/Play Designer in more detail.

Whilst I would prefer full details this stage, this could be secured by a prior to occupation condition. This will need to include details of any proposed safety surfacing (suggested that bark or mulch may be the best option where required around play items), fencing and gates. Thought will need to be given regarding fencing of the play provision in the western parcel taking into account the proximity of the access road and the potential for conflict between users and dogs if fencing is not proposed.

The suggested conditions for further meadow grassed areas and the detail for the play equipment are reflected in the suggested scheme of conditions. With these the application accords with policies DEV20, DEV27 and DEV30.

Design & Landscape:

Comment were received from the Forestry commission – in response to that advice officers note there will be no loss or deterioration of the nearby Ancient Woodland as a result of this

application. The development boundary does not border the Ancient woodland to the north west of the site.

The Landscape Specialist comments have developed as the scheme has been amended. The concluding remarks are:

I note and support the additional and amended information that has been submitted in response to previous comments. Whilst these have largely addressed my earlier comments, there remain concerns over the blanket use of black asphalt throughout the site, with no change in material to break up the expanse of tarmac or to provide natural demarcation of different priority areas. Our strong preference, particularly in the AONB where the policy tests to 'conserve and enhance' are so high, would be to use concrete imprint paving in key areas, to the adoptable highways standard.

If you were minded to recommend approval of the application, alongside implementation of the landscape proposals and LEMP, please condition:

- *Full details and specification of the Rootlock/hydroseed bank*
- *Amended details for the turf faced Devon Bank (omitting the mesh and tie rods; please refer to Devon Hedge Group guidance on Hedge Creation for locally appropriate construction methodology).*

The design of the buildings proposed has been amended since the application was submitted. Originally proposed to be principally brick external finishes, the revised scheme is principally render with some stone facing. The submitted Design and Access Statement (DAS) includes an assessment of local building characteristics in Kingsbridge. The proposed architectural designs do not seek to mimic the character of the surrounding area, and instead uses key elements of the town character to provide a visual reference. This creates a distinct character for the site which does not rely on an attempt to copy. Materials have been chosen to reflect local vernacular and acknowledge the location of the site which needs to conserve and enhance the AONB. An example is the use of real slate for roofs and some areas of slate wall hanging, use of conservation curbs. Strong public/private property boundaries are formed by hedge planting in front gardens and walls. Existing local detailing such as traditional fenestration, porches and bay windows are not present in the proposed designs, but this enables the development to establish a modern character of its own and which, in combination with the traditional external materials, avoids pastiche. In this way the design provides a positive sense of place and identity and unique character which SPT2.10 identifies as a characteristic of a sustainable neighbourhood.

For these reasons the architectural design accords with the requirements of policies SPT1.3.v which seeks identifies the need for local distinctiveness and sense of place to be respected, maintained and strengthened through high standards of design.

The position of the site is adjacent to a key transport route into the town and with a main access opposite existing housing area and the town secondary school. The layout has largely been determined by the slope of the site which limits the options for road construction in order achieve acceptable gradients for vehicular and pedestrian movement around the site. Plans initially submitted proposed housing extending into the south western portion of the site and beyond the building line which was indicated in the outline application. However in response to local objections and discussions with the Development Management Senior Specialist and Landscape Specialist, the applicants involved an independent landscape architect to model and advise on the extent and form of buildings on the site. The aim was to

avoid the adverse visual and landscape character impacts earlier identified. The result of the additional assessment was to remove the 5 dwellings in the south western part of the site which is most elevated, and enables views from Footpath No 2 to be achieved of the town lower down in the valley. Some changes to individual building positions and the relationship between roof slopes were also made to avoid a distinct step and large exposed elevations in key views from north east.

The development retains the existing pedestrian footpath running along West Alvington Hill and along the southern edge of the site. As well as the two main entrance points to the eastern and western parts of the site, there are 2 further footpath links from Footpath No 2 into the development, and a footpath link from the main site entrance in the southwest, running along the northern edge of the estate road to serve the houses to reach the main area of public open space and play equipment located there. Where earlier plans had shown a grass verge, the applicant has responded to LPA request to amend to a hard surface to provide a usable surface all year, and ease of use for people with pushchairs and for able and less ambulant users. These footpath links connect logically and usefully into the existing network and meets with the requirements of policy DEV10.1 in that regard. The location of the public open space and main estate road adjacent to Footpath No. 2 enables views into the site and avoids hard urban edges, also as directed in policy DEV10.1.

Policy DEV10.2 Development proposals should look for opportunities to design out crime and the fear of crime in the layout of the development. Comment from the Police Designing out Crime Officer have been taken on board and access to rear gardens have been repositioned behind private boundaries to avoid unwanted access. Parking courts are exposed to the road and so natural surveillance should deter opportunistic crime.

DEV10.3 requires that *“affordable housing should be indistinguishable from other homes on the site, reflecting the type of housing on the development as a whole.”* This is the case for this site. Some letters from members of the public expressed concern that the affordable housing was mainly in the eastern part of the site which is separated from the western by Norden Lane, each part requiring its own vehicular access. However, location within the site of the mix of affordable housing needed to reflect local needs was largely determined by where the houses of that type were available. This in turn had been determined largely by the site constraints: needing to address the slope of the site for accessible roads and footways; visual impact of building types in key views; and creating a coherent streetscene. The result was that there are two main areas where affordable housing units are located, but both also include open market housing which is ‘tenure blind’. The clustering approach is adopted to assist housing providers which manage the affordable housing with maintenance and is an approach the Council’s Affordable Housing Specialist supports.

Policy DEV20: Place shaping and the quality of the built environment, requires development proposals to meet good standards of design, contribute positively to both townscape and landscape, and protect and improve the quality of the built environment through a number of criteria. Style, local distinctiveness, siting, layout, materials, detailing, orientation, visual impact, views, scale, massing, height, density (see DEV20.2 and .4) are already addressed in the preceding paragraphs.

DEV20.3 requires development to achieve *“utilisation of existing assets such as quality buildings, heritage assets, trees and landscape features and attention to the design details of the scheme.”* The scheme locates larger properties in the western part of the site, which have a larger footprint which can more easily accommodate the slope of the land. Near the western site entrance, buildings are cut into the slope of the land so that they appear 1 – 1.5

stories when approaching from the west and when seen in pedestrian views using Footpath No2. The western site entrance retains open green space on either side, some set out as meadow areas, plus the play area. The road will be tree lined creating a quality entrance to the site which has rural characteristics. As one travels east into the site the building transition from the lower height buildings to more standard 2-3 stories as the slope of the site descends and development becomes more dense in the less exposed and visually sensitive areas. Overall therefore the development does accord with this policy requirement.

Overall the detailed design considerations are positively addressed, and given the site constraints the developer has been able to respond successfully to policy requirements. Notwithstanding that, as explained above, a change to the material for the road surface to something other than asphalt/tarmac would be a significant further improvement which would better respond to the landscape policy requirements at a local and national level to *conserve and enhance* the South Devon AONB.

Overall the design and landscape considerations weigh in favour of the reserved matters application.

Neighbour Amenity:

The site is not immediately adjacent to any existing dwellings in that it does not directly border other private residential property boundaries. Existing residential development to the south of the site is separated by West Alvington Hill and those houses are set at a higher level than the development site. The position of the public open space in the western portion of the site, in combination with the footpath and West Alvington Hill road, combine to create a suitable offset distance between existing dwellings and proposed such that no adverse amenity impacts in terms of overlooking, noise, or shadowing would be expected to result from the proposed development. It is recognised that this is not the perspective of some local people who wrote letters of objection to the scheme. Because of the location of the school opposite the western part of the site, and the large grass verge at its entrance, it is only the properties east of Ashleigh Road which face toward the site. These are elevated approximately 3m above the ground level and set back approximately 4m. The northern boundary of West Alvington Hill, which they face, is marked by a mature hedge and trees which will be retained. The only clear gap in this vegetation is opposite 1 Waverly Road which is oriented with a windowless elevation facing the site creating no privacy issues for occupants of either existing or proposed properties.

South of Norden Lane and Waverly Road, the existing houses south of the site are set back even further from the road and at a higher ground level than described above. Opposite the proposed location for the flats, existing properties face a mature tree screen between them and the road, beyond which the flats will be located. While the proposed buildings in the eastern part of the site are likely to be visible to existing properties, the setback distances (and intervening vegetation in some locations) combine to avoid a threat to privacy, and dominance.

Notwithstanding the above considerations, new residential development in close proximity to other residential development is in principle acceptable with obvious land use compatibilities.

Council Waste Services provided earlier comments on the bin storage and collection points. These were addressed by the applicant in most recently revised drawings.

Highways/Access:

There is no objection to the proposed development from the Highways Authority, but it is noted that its remit is restricted largely to issues of highways safety and design to meet adoptable highways standards (for example to ensure emergency services access and waste collection). The levels for the highway and footways within the site are not shown on plans although this has been requested in order to establish which, if any, areas are shared surface, and how on-street parking can be managed to avoid obstructing footways and maintain safe pedestrian access. The LPA's request for imprint concrete (a product which appears to be paved/cobbled surface available in various designs), has not been taken up by the applicant which is disappointing. As considered in the design section above, the extent of standard asphalt/tarmac on the site for parking courts, driveways and the highway and footways is a standard approach which has low maintenance costs and is used widely across the District. However, this being a site in the AONB and therefore having to demonstrate a higher design standard in order to meet the policy test to "conserve and enhance" the AONB, a different material was discussed with Highways who indicated imprint concrete was the preferred of various alternative options. While the LPA can be advised future repairs would be carried out in asphalt due to DCC budgetary constraints, it is possible that in future years when wear and tear may demand repairs, budgets may be less tight, and a common sense approach to repair the public highways in like for like material may then prevail. The LPA has enquired how the specification of repairs by statutory undertakers are instructed by the Highways Authority as it seems there may be an opportunity to establish a like for like repair in those cases where the Highways Authority is not having to meet the cost.

Initial plans for this development did not show a satisfactory parking layout, with an under provision of parking spaces and some poorly arranged within the site. Amendments to the plans have addressed these concerns and it is considered that there is adequate parking, including some visitor parking spaces and opportunity for overflow parking on the street. For some larger properties garages are provided in addition to parking space. While the LPA does not generally count garages as parking spaces, understanding that occupants tend to use them for household storage or uses other than storing cars, in this case the Applicant has designed garages which are larger than is commonly provided (e.g. the integral garage for house-type 22 measures 7.5m x 3m. Where 2 of the garages are double garages, there are also 2 parking spaces on site and so it is likely that at least 1 car would be parked off road and out of sight. Planning Specialists of this Council have also advised that on other South Hams developments built by Baker Estates, to a similar design, residents are parking large SUVs in the garages provided.

There are 4 properties which have their second parking space located outside the property boundary as an allocated on street parking space. These spaces are located as close to the houses as is possible and are visible from the properties which offers some natural surveillance. While this is not an ideal arrangement, the unusual shape and steep slope of the site is a considerable constraint and this is a reasonable solution to ensure adequate parking spaces are provided for these 3 bedroomed homes.

There is a small parking court in the western portion of the site, the character of which is enhanced by proposed tree planting and vegetation to break up the banked car parking and in an effort to appear as a designed outside space. The eastern portion of the site is also served by parking courts and a long section of banked parking. In front of plots 38 & 39 and 44 – 52 (the flats), there is a tree and some vegetation and grass proposed which is preferable to the otherwise heavily engineered areas around the buildings which is necessary deal with the site levels and to provide adequate parking for the number of dwellings provided. It is unfortunate that there is not enough room to provide more green wedges between the banked car-parking serving plots 29 – 37, but with the number of dwellings

proposed there is no spare space while also providing pedestrian access and bin storage/collection points.

Overall, the proposed layout does meet criteria 3 of policy DEV29 which requires developments to *“Ensure sufficient provision and management of car parking in order to protect the amenity of surrounding residential areas and ensure safety of the highway network.”*

The proposed planning condition for provision of electric car charging points by the Environmental Health Specialist is noted and would suitably respond to policies SPT1, DEV2 and DEV32. These would be difficult to deliver in some of the parking areas as shown on the proposed site layout, in particular the banked parking serving the affordable housing and the block of flats, which is not ideal. However, a significant portion of overall parking areas could be served by a charging point scheme and so these policy requirements is met through by the recommended planning condition.

All but two plots on the western portion of the site have a garage or rear access to their garden which would assist with safe bike storage. However a scheme as required by condition 5 of the outline consent is required before any dwelling is occupied. Of particular concern is that bike storage is made available for the flats. It is noted there is a void under the building which might offer an option for secure storage.

The site is within practicable walking distance of the town, and is connected by a pavement for pedestrian access to community facilities and public transport. Earlier sections describe how pedestrian movements around and within the site have been considered and determined to be acceptable.

Overall, the highways aspects of the development with particular regard to parking and sustainable travel are acceptable, and further improvements should be secured through the discharge of condition 5. In this regard the development accords with policies SPT1, SPT2 and DEV29.

Historic Environment

Immediately north of the north western part of the site, separated only by Kingsbridge Footpath No3 which runs roughly east-west along Norden Lane, is Norden House which is a listed building and therefore a designated heritage asset. While the site and Norden House are in close proximity, due to the change in levels, the extent of mature vegetation in the grounds of Norden House and protected hedge-banks either side of the footpath, there are no intervening views of the site from that property. When walking along Norden Lane and peering through the boundary vegetation it was difficult to see Norden House from the public footpath, and there are no open views into the site to the south. Taking this into account, there appears to be no adverse impact on the setting of Norden House resulting from the detailed design of the reserved matters application under consideration here. As such the development satisfactorily accords with the requirements of policies SPT11: Strategic approach to the historic environment and DEV21: Development affecting the historic environment. The absence of adverse impacts in this respect is neutral in the planning balance.

Economic Impacts

If this application were to be refused, the result would be that the Outline consent expires, and so the employment land included in the Outline consent, along with the other commitments in the s106 would be lost. Delivering this development would provide an

opportunity for job creation, contracts for existing local businesses in the construction industry and training which would be secured through measures set out in an employment and skills plan as required by condition 12 to meet Policy DEV19.

In keeping the outline consent, the approval of this application would enable the delivery of an employment site contributing to policy DEV14: Maintaining a flexible mix of employment sites, and DEV15: Supporting the rural economy. This weighs in favour of the reserved matters application.

Biodiversity

When consulted in relation to the outline application the Council's Natural Environment Team responded with no objection 'with regard to trees and hedges and ecology'. Reference was made to the retained field being managed for the benefit of ciril buntings and managed in accordance with a Landscape & Ecological Management Plan to be provided. That requirement was secured through Condition 18 of the outline consent. A LEMP was therefore submitted as part of the information seeking to address the associated planning conditions alongside this reserved matters application.

The Biodiversity Specialist is satisfied that requirements have been met in full both for onsite habitats/protected species requirements, and for the retained field – effectively condition 18 being met. The Biodiversity Specialist also makes two suggestions picking up on points made by other consultees:

- *Inclusion of further areas of meadow/wildflower grass in association with the public open space towards the western end of the site (adjacent to the new road access) – I am unclear as to why this wouldn't have been specified as a matter of course – this currently shown as 'strong lawn grass' on the Soft Landscaping Proposals. This need not necessarily be the entirety of this POS area, but I would suggest the majority would be warranted – the biodiversity benefits are clear. (This supporting the point made by Alexis Huggins).*
- *Within the retained field for ciril buntings and reptiles, Helen Jessop (RSPB) usefully notes that while the LEMP states "annual cut of one third of total grassland area on rotation; all cut materials to be collected and removed" it does not indicate which parts of the site would fall into each third. I support Helen's recommendation that 'mowing should be planned avoid cutting all grassland adjacent to boundary hedges in the same year – strips across the extent of the area would be best and ideally those strips should have 'wavy' edges.'*

To address this planning conditions will require these amendments to the soft landscaping plan and the mowing specification can be captured as an additional detail in a planning condition to complement the LEMP.

Taking these details into account, therefore the reserved matters application meets the requirements of JLP policies SPT1 and DEV26.

Drainage

The Lead Local Flood Authority has raised no in-principle objection to the application, from a surface water drainage perspective, and also advised that sufficient information has been submitted to discharge condition 12 of the outline consent.

The LLFA specifically notes that:

“The applicant has proposed a feasible drainage solution encompassing permeable paving and an attenuation tank to restrict flows to greenfield rates, incorporating Critical Drainage Area requirements, prior to discharge into the Westville watercourse. Infiltration has been assessed at the site, in accordance with the surface water management hierarchy however due to the gradient of the site and concerns over groundwater re-emergence downstream and slope stability as well as high groundwater in parts of the site, infiltration based techniques were deemed not viable. Attenuation storage up to the 1 in 100 year plus 30% (which was the requirement in terms of climate change at the outline stage) will be achieved in the attenuation tank. The applicant is proposing a betterment in terms of surface water discharge rates compared to what was agreed at the outline stage; previously 36 l/s was proposed and now 9.9 l/s is proposed.

Silt traps and smart gullies will offer treatment of runoff including removal of potential hydrocarbons prior to discharge into Westville.

Unfortunately due to the steep gradient of this site, above ground sustainable drainage systems are not viable therefore options were limited with regards to sustainable drainage systems. Never the less, the applicant is proposing permeable paving towards the north east of the site to act as source control and to provide treatment of the runoff at this location.

During construction, runoff will be managed via catch pits and ditches placed in strategic locations allowing attenuation and sedimentation of the runoff.”

South West Water also responded to consultation to advise they had no objection to the indicative foul drainage details which will connect to the existing main sewer as shown on the submitted indicative plans. A planning condition secures any additional information necessary and implementation of the detailed scheme.

The requirements of policies DEV1, DEV2 and DEV35 relating to water quality, amenity, drainage and flooding matters therefore adequately dealt with.

Housing mix/affordable housing

The proposed housing mix is summarised as follows:

1 and 2 bed units	20	38%
3 bed units	12	23%
4 + bed units	20	38%
Total:	52	100%

The number of affordable units provided (16 units) is compliant with the agreed S106 agreement. Earlier plans which included 2 x one bedroom, one person units have been amended in response to Affordable Housing Specialist advice that one bedroom housing need is generally for two person occupation. This accords with policy DEV9.

The Strategic Housing Market Needs Assessment that formed part of the evidence base for the Joint Local Plan specifically set out the housing mix needed for each Parish in order to address any imbalances in the local housing stock. Extensive discussions have taken place between the LPA and Applicants to agree a suitable housing mix for this site which reflects

what we know about the current housing provision in the two wards this site encompasses and would address rather than worsen any skew that was evident.

Policy DEV8 which seeks *“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.”* However, and crucially, the housing mix was not specified to be a requirement of the reserved matters when the outline consent was approved. This limits the control which the LPA has in this respect, although it is recognised as an important component of whether the proposed development meets other strategic policy requirements which are relevant to this application, in particular policy SPT2 which requires that developments *“have a good balance of housing types and tenures to support a range of household sizes, ages and incomes to meet identified housing needs ... [and] ... promote resilience to future change by ensuring a well-balanced demographic profile with equal access to housing and services.”*

Low Carbon Development

Condition 22 of the outline consents reads:

Prior to construction of any of the dwellings above slab level (or alternatively in accordance with a previously agreed timetable for the submission of the details set out below), details of how at least 10% of the energy supply of the development shall be secured from a decentralised renewable or low-carbon energy supply, including an implementation programme, and/or details of how the energy supply of the development shall be reduced through the use of energy efficiency measures secured through a 'fabric first' approach (this should meet at least a 10% reduction and shall include an implementation programme) shall have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and retained in operation thereafter.

Reason: To ensure that the dwellings are built in a way to minimise energy consumption and harmful emissions.

The applicant has not applied to discharge this condition alongside the reserved matters submission but the requirement still remains to do so 'prior to construction of any of the dwellings above slab level'. Policy DEV32 of the Joint Local Plan places slightly different requirements on new developments with the aim of delivering a low carbon future for Plymouth and South West Devon and in support of a Plan Area target to halve 2005 levels of carbon emissions by 2034 and to increase the use and production of decentralised energy. To do this DEV32 sets out certain criteria as follows:

- 1. 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.*
- 2. Major development should take account of projected changes in temperature, rainfall, wind and sea level in its design with the aim of mitigating and remaining resilient to the effects of changing climate.*
- 3. 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.*

4. 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. For major developments, a solar master plan should show how access to natural light has been optimised in the development, aiming to achieve a minimum daylight standard of 27 per cent Vertical Sky Component and 10 per cent Winter Probable Sunlight Hours.

5. All major development proposals should incorporate low carbon or renewable energy generation to achieve regulated carbon emissions levels of 20 per cent less than that required to comply with Building Regulations Part L.

6. Developments will be required to connect to existing district energy networks in the locality or, where there is a future network planned, to be designed to be capable of connection to that network. Where appropriate, proportionate contributions

Criteria 3 and 5 of that policy are covered in the wording of condition 22. Criteria 6 is not relevant. If Members felt it was appropriate to apply a further requirement on the applicants to reflect the updated policy position relating from the adoption of the JLP since the outline consent was given, and to reflect the Council's declaration of a Climate Change Emergency, then criteria 1 and 2 could be addressed by the applicant in a statement to be submitted before development commences. Criteria 4 is not a concern on this site due to the slope and orientation of the buildings which generally face north-east to south-west providing good levels of natural light into the proposed homes. Furthermore, there is very little option for an alternative arrangement on site due to the levels which somewhat dictate the route of the access roads and the position of houses in order to address landscape and character matters.

Taking into account the existing requirement of condition 22 on the outline consent and scope for further supporting detail to address criteria 1 and 2 by way of a condition on the reserved matters application, the requirements of policies SPT1, SPT2 and DEV32 are met by this application.

Other Matters

JLP policy DEV30: Meeting the community infrastructure needs of new homes requires that developers plan sites to meet the needs of the occupants and increased pressure they would place on existing community services. The s106 attached to the outline consent secured various contributions as indicated in at the start of this report and so no further consideration is necessary.

With respect to JLP policy DEV31: Waste Management, the Highways Authority have assessed the layout to ensure the development is accessible to household waste collection vehicles and raised no objection in that regard. Smaller dwellings include facilities for the storage of recyclable and non-recyclable waste in gardens or shared bin storage areas while larger dwellings have their own bin stores within the property curtilage to the front of the dwellings (as marked on the Bin Storage Strategy drawing 171202 L 02 05 Rev L).

The LPA Assets Specialist has advised that a s257 PROW Diversion Order application has been received from the applicant relating to diversion of the footpath which crosses the new access road to the development site, and it is being processed separately (and concurrently).

Building regulations require the installation of ducting for high speed broadband, so a specific condition is not required to that. The applicant has also advised that it intends to notify BT Openreach of its intention to commence development in the requisite timeframe that will commit them to deliver high-speed broadband to the development.

Contamination risk from groundworks is accounted for by condition 24 of the outline consent.

There are some procedural matters which are raised in letter received from the public consultation in relation to the scope of this application and whether it is strictly reserved matters. As the start of this report notes, some conditions are also being discharged to accompany the reserved matters application as required by the outline consent. Some letters also comment on earlier versions of the plans which are now superseded and so, in particular comment that the development extends beyond the area the appeal inspector advised have been addressed.

Conclusion

The reasons for refusal (contained in the decision which was later quashed) which related to parking provision, external materials, architectural design, scale and massing and in combination effects of those aspects on landscape and visual amenity, the provision of open space, housing mix and drainage matters have all been addressed by the revised scheme. With the removal of 5 of the larger dwellings in the western part of the site, landscape impacts have been addressed through improved layout. Materials have been changed from principally brick to a mix of render and stone facing with real slate proposed for all roofs. The fewer dwellings enabled creation of a larger area of open space and an equipped play area. Parking arrangements were addressed with more scope for on street parking and additional on plot parking spaces. Changes to the position and proportions of some dwellings has successfully addressed character concerns relating to visual impact in distant views of the site. The LLFA have removed their objection as a result of additional information relating to drainage, and housing mix has been adjusted and offers a suitable mix to meet a range of local housing needs.

The reserved matters application and accompanying details intended to address some of the conditions of the outline consent (28/0508/15/O) have been assessed to be policy compliant in terms of the key material considerations relevant to this site. Where the LPA previously had significant concerns regarding adverse impacts on landscape and local character and amenity, architectural design and layout, later revisions which have been subject to public consultation have addressed those concerns.

The detailed plans for the development now being determined will deliver 52 homes in one of the District's Key Towns, on a site with an extant outline planning consent. There are no objections from statutory consultees and the objections raised in letters have been addressed through explanation in the detail of this report and through the use of suggested planning conditions.

There are no demonstrable adverse impacts as a result of this development and so it is considered to be sustainable in terms of the economic, social and environmental elements set out in policy SPT1 and the NPPF and the recommendation is therefore to approve, subject to conditions.

This application has been considered in accordance with Section 38 of the Planning & Compulsory Purchase Act 2004 and with Section 66 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
SPT4 Provision for employment floorspace
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
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
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
 DEV19 Provisions for local employment and skills
 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
 DEV27 Green and play spaces
 DEV28 Trees, woodlands and hedgerows
 DEV29 Specific provisions relating to transport
 DEV30 Meeting the community infrastructure needs of new homes
 DEV31 Waste management
 DEV32 Delivering low carbon development
 DEV35 Managing flood risk and Water Quality Impacts
 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). Additionally, the following planning documents are also material considerations in the determination of the application: National Design Guide, South Devon AONB Management Plan.

Considerations under Human Rights Act 1998 and Equalities Act 2010

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

Conditions

1. The development hereby approved shall in all respects accord strictly with drawing number(s) [to follow]...

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. Prior to its installation, full details and specification of any Rootlock/hydroseed bank shall be submitted to and approved in writing by the local planning authority and implemented in accordance with the approved details.

Reason: To ensure that the proposed technique is effectively implemented in the interests of visual amenity.

3. Prior to construction of any of the dwellings above slab level, details shall be submitted to the Local Planning Authority of proposed electric vehicle charging points to be provided. These details shall include the location, number and power rating of the charging points. The electric car charging provision shall accord with good practice

guidance on mitigating air quality impacts from developments produced by the Institute of Air Quality Management. The development shall be carried out in accordance with the agreed details and shall be made available for use prior to the first occupation of the building(s) to which they relate, and retained thereafter as such.

Reason: To protect air quality and support sustainable development in accordance with Joint Local Plan policy DEV2 and NPPF paragraph 148.

4. Notwithstanding the details contained within the Landscape and Ecological Management Plan (LEMP) dated May 2020 and the Soft Landscaping Proposals Drwg No. 11728/PO7 Rev C, prior to creation of the green areas on the western public open space, details of additional areas of meadow/wildflower grass shall be submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out in accordance with the approved details.

Reason: In the interests of biodiversity and landscape amenity within the South Devon AONB.

5. Notwithstanding the details contained within the Landscape and Ecological Management Plan (LEMP) dated May 2020, prior to the creation of the grassland mitigation area in paragraph 3.5.6, plans that identify the areas that will be cut on the annual rotation shall be submitted to and approved in writing by the local planning authority. The plans shall include scalloped edges to the mown areas and avoid the cutting of all grassland adjacent to boundary hedges in the same year. Thereafter, the approved details shall be attached to the LEMP and form part of the ongoing management of the area.

Reason: In the interests of clarity of LEMP specifications and biodiversity interests.

6. Prior to the formation and installation of the play areas, details of the play equipment and natural play features shall be submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out in accordance with the approved details.

Reason: In the interests of visual amenity, landscape amenity with respect to the location within the South Devon AONB and to ensure engaging and robust play provision is provided.

7. Prior to their installation details and samples of all facing materials and 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.

8. All gates to rear gardens shall be same height as adjoining wall/fence and shall be lockable from both sides using a long throw key lockable bolt or any other similar lock

that has previously been submitted to and approved in writing by the local planning authority.

Reason: in the interest of community safety.

9. Notwithstanding the requirements of condition 22 of the outline planning consent ref 28/0508/15/O, prior to construction of any of the dwellings above slab level (or alternatively in accordance with a previously agreed timetable for the submission of the details set out below), a statement to show the following:
- (i) How the development minimises the use of natural resources such as water, minerals and consumable products, by reuse or recycling of materials in construction, and
 - (ii) How the development takes account of projected changes in temperature, rainfall, wind and sea level in its design with the aim of mitigating and remaining resilient to the effects of changing climate.

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.

Reason: To ensure that the dwellings are built in a way to minimise use of natural resources and remain resilient to climate change in accordance with the provisions of Policy DEV32 of the Joint Local Plan.

PLANNING APPLICATION REPORT

Case Officer: Cheryl Stansbury
Thurlestone

Parish: Salcombe **Ward:** Salcombe and

Application No: 1180/20/FUL

Agent/Applicant:

Mr Paul Myers - BBH Chartered
Architects Ltd
Bbh Chartered Architects Ltd
9 Duke Street
Dartmouth
TQ6 9PY

Applicant:

Mr & Mrs L & C Griffin
Walled Garden House
Cucumber Lane
Essendon, Hertfordshire
AL9 6GL

Site Address: Boatyard Building, Thorning Street, Salcombe, TQ8 8DW

Development: Proposed change of use of first floor to open plan residential unit with
B8 marine storage to ground floor



Reason item is being put before Committee *Councillor Long - I cannot support delegated approval of this application. It is clearly against the Salcombe Neighbourhood Plan policies, and questionable on a number of JLP areas as well. There is an existing planning permissions (and LBC) for works to this building to bring about improvements which still need to be actioned. I question the viability arguments for this conversion to an open plan residential use, against the conversion to employment/office space, and would achieve the same for the structure but maintain it as employment space.*

Recommendation: Conditional Approval

Conditions:

1. Time
2. Accord with Plans
3. Flood evacuation plan prior to occupation
4. Flood resilient construction materials (prior to commencement)
5. Restriction of use of the ground floor to B8
6. To accord with precautions of ecology report
7. Unexpected contamination
8. Primary residency

Key issues for consideration:

Principle of development; design; conservation/listed building impacts; neighbour amenity; highways / car parking; flooding; contaminated land; biodiversity

Site Description:

This grade II listed former boatyard building is located towards the north-eastern edge of the Town of Salcombe, in Thorning Street, which itself lies perpendicular to Island Street, an important historic thoroughfare, epitomised by its association with the boat building industry both past and present. The site is within the South Devon AONB and Salcombe Conservation Area. It is also within Flood Zones 2 and 3, and Employment Area C in the Salcombe Neighbourhood Plan. The building offers a gable end (like many of its neighbours) facing directly overlooking the estuary, with Batson Creek beyond.

The building comprises a two-storey stone and brick structure (the brick higher is thought to represent a later phase of development, possibly replacing an original timber framed section at first floor).

The roof is supported by historic timbers and embraces a slate roof covering. The building includes door and window openings on the north, east and west elevations. Internally, the ground floor, which has been used for storage associated with the boat building industry, is a single open plan space with plain unfinished walls and a rough unfinished floor. The first floor is one open space open to the rafters, accessed independently via a steep (and non-compliant) rough stair.

The building is currently vacant, and in a poor state of repair – the roof is not lined and allows water ingress, the building is not insulated, there are signs of woodworm, damp penetration, and its windows and doors are in a poor state of repair. There is also no potable water supply and no sanitary facilities.

The Proposal:

Permission is sought for the change of use of the upper floor to a self-contained open plan one bedroom flat; the ground floor is to remain as is, that is B8 storage.

A listed building application was also submitted. This was supported by the Conservation Officer, but was withdrawn due to it including numerous elements that had already been given permission; it is to be resubmitted in due course with just the additional works needing listed building consent (additional internal partitions).

As set out in the Planning History, permission has previously been granted for the change of use of the first floor to office accommodation, along with a comprehensive package of repairs and remedial works to secure the long-term preservation of this listed heritage asset. This current application seeks minor internal re-ordering of the first floor level to allow an element of residential accommodation to be provided at this independently accessed upper floor.

The physical works now proposed over and above that which has been previously consented are by their nature very minor, simply internal partitions allowing for the introduction of a new small wet room and kitchen area.

External works are as per those already approved, with no new openings proposed except for the addition of 2 conservation style roof lights.

Consultations:

- SHDC Drainage Specialist: There are no downstream flood risks as it is located adjacent to the Estuary. No objection regarding surface water and foul drainage. The Environment Agency must be consulted to confirm that the mitigation measures are appropriate for this application.
- Environment Agency: No objection. The Flood Risk Assessment (FRA) demonstrates the proposed first floor flat will be safe over the proposal's lifetime. The proposal is located within the coastal Flood Zone 3, with a high probability of flooding. The FRA confirms the proposal is presently at risk of flooding and expected flood depths will increase over the lifetime of development.

The design flood level (i.e. the 1-in-200-year event in 100 years' time allowing for climate change) in this part of Salcombe is 5.12mAOD. For the development to be appropriate ground floor levels should be set at a minimum of 5.42mAOD. In this instance the FRA gives the first floor level of the building as 6.35mAOD which indicates the flat will be above the flood level over the lifetime of the development.

Paragraph 7-038 of the Planning Practice Guidance and para. 160 of the NPPF are clear that access and egress needs to be part of the consideration; Paragraph Reference ID: 7-039-20140306 of the PPG provides further guidance. Consult with your Emergency Planners to determine their views on safe refuge as an alternative to safe access and egress. They should also confirm whether they can incorporate the additional occupants into their emergency evacuation plans.

- County Highways Authority: No highways implications
- Environmental Health Section: Have viewed the proposal, the FRA and the EA's letter; have no comments to make

- Salcombe Town Council: Objection. In contravention of the Salcombe Neighbourhood Plan in the following areas:
 - EM2 which only permitted employment uses in this area (the application mentioned previous appeals, the first of which was allowed before the NDP was adopted and the second was refused after the NDP was made and thus had full weight);
 - B1 & T1 which required adequate parking provision for any development and there was none in this application.
 - If the application was approved then there would need to be a Section 106 agreement in respect of the Principal Residence policy set out in the NDP policy H3.

Representations:

Two letters of objection received, summarised as follows:

- Unusual for an architect to carry out an FRA, which is based on out of date information
- In a flood, the ground floor user must move everything upstairs but has no access; they lose the ability to store on the first floor
- Is not a sensible employment option, neither is storage on ground floor
- Emergency route is limited especially during a flood in the dark and the building needs to stay as a single entity for the benefit of the ground floor due to expected and worsening floods
- Will become another second home in a town with high numbers of second homes, with significant social and economic consequences
- Adds further to incremental loss of workspaces in the local area and will not lead to full time employment of another type
- Located in Employment Policy Area C set out in the Salcombe NDP. Contravenes Policy EM2 which seeks the retention of employment uses, including reuse of existing premises, with priority given to marine uses. If the loss is justified as no longer viable, it must be actively marketed at a reasonable rent.
- Contrary to JLP Policy DEV14 which seeks to maintain a flexible supply of employment land and premises; loss is only allowed where it delivers wider strategic objectives, there are overriding and demonstrable economic, regeneration and sustainable neighbourhood/ communities benefit or no reasonable prospect of employment use in the future.
- Location is ideally suited for boat maintenance businesses and the loss of a stone sculpture use to facilitate residential use conflicts with policy.
- Retention of this workspace could help to provide a mix of employment opportunities that would positively contribute to the regeneration of this area of Salcombe.
- A similar case at Creek House (0550/19/FUL) was refused and dismissed at appeal
- Incompatible employment use with residential above and likely to result in complaints about noise, dust, fumes etc

Relevant Planning History: 3525/18/LBC – Proposed repairs and maintenance works – Conditionally Approved Dec 2018.

ANALYSIS

Principle of Development/Sustainability:

The principle of this development must be considered against the relevant planning policies for this area.

JLP Policy DEV14 seeks to maintain a flexible mix of employment uses, whereby development resulting in a change of use is only permitted if:

- 1. The proposal is specifically provided for by the local plan to deliver wider strategic objectives, or*
- 2. There are overriding and demonstrable economic, regeneration and sustainable neighbourhood/communities benefits from doing so; or*
- 3. There is no reasonable prospect of a site being used for employment use in the future.*

The policy goes on to state that sites with potential to expand or with access to wharves or deep water facilities will be protected.

The JLP (Strategic Objective SO8) encourages the rural towns and villages, including Salcombe, to become more sustainable, with access to housing, employment, services and facilities that meet their needs and which are resilient. There is a concern from objectors and the Town Council that proposals such as this one will lead to a gradual diminishing supply of employment uses, which in turn will affect the sustainability of the town and its long term resilience.

Development plan policies centre on ensuring flexibility to meet business needs in terms of both size and type of premises and geographical location, minimising the loss of employment land and encouraging the re-use of existing employment buildings. When existing employment uses cease, alternative employment use is the first preference for the re-use of such buildings unless it can be proven that such development would not be viable. It is important that any re-use opportunities should recognise the economic importance of Salcombe for delivering services and providing a source of employment for the town and its surrounding area in particular the marine aspects of employment and the areas character and heritage.

Paragraph 85 of the NPPF states that planning policies and decisions should support the role that town centres play at the heart of local communities, by taking a positive approach to their growth, management and adaptation. It goes on to say that planning policies should recognise that residential development often plays an important role in ensuring the vitality of centres and encourage residential development on appropriate sites.

Salcombe Neighbourhood Plan policy SALC EM2 reads as follows;

Retention of existing Employment Land in Salcombe Within the area of Island Street and Gould Road shown as employment policy area C on figure 17 only employment uses shall be permitted. Development shall include:

- a) Rehabilitation, re-use or redevelopment of existing premises;*
- b) Marine related uses shall take priority in this area however all B1 uses will be supported, small scale workshops for marine uses or arts and crafts are considered the most appropriate by the community;*
- c) Retail use will only be permitted if it forms a minor part of the overall development. 'Minor' is defined as ancillary and subsidiary to the principle use of manufacturing, craft and other service enterprise in the area.*

Where the loss of an employment site is justified as no longer viable the applicant must demonstrate through an independent assessment that the vacant units have been actively marketed and offered at a reasonable rent (comparable with rents achieved elsewhere in the parish) for a minimum period of 1 year, a market review of the sites and details of the

marketing. New employment proposed under this policy should conform to General User Class B1 with ancillary retail as A1 only.

It could be argued that this proposal runs contrary to the above policies, however, in this case, it is considered there are clear economic and regeneration reasons for permitting the change of use of the first floor to residential.

- The lower floor, whilst currently vacant, will retain its use as B8 marine related storage; a condition is proposed to secure this. Objectors refer to the loss of a stone sculptor and employment uses in general. The stone sculptor occupies the adjacent property so will not be affected and Officers see no reason why this proposal would change that.
- Justification for the conversion of this floor to residential, including a detailed independent viability assessment, has been put forward, suggesting there is no prospect of this building being brought back into an employment use unless there is a mixed use scheme with the residential use cross-subsidising the employment. The application building is unable to be occupied, unless and until it has been refurbished.
- The applicant secured Listed Building Consent for extensive alterations and repairs to bring the building to a fit state to be rented for employment use on both the ground and first floors; the first floor was to be used as an office. Having secured that consent, the applicant has attempted to progress the refurbishment, with a view to letting the space to suitable end user. However, the cost of the works would far exceed the out-turn value of the building in its current use, indicating that an employment use for this building is not viable.
- The viability appraisal submitted in support of the application explains how various scenarios have been considered and costed. Further evidence is provided via a local Estate Agency. It is clear that significant works are required to bring the building back into any form of viable use, including employment. A sole employment use would not generate returns sufficient to make such a scheme viable; the only viable use, and that has been assessed as marginal, is a mixed use with residential at first floor. A structural survey, carried out by independent engineers, whilst stating the building is in a *fair state of repair*, notes considerable repair and remedial measures are needed.
- The justification points out the Salcombe NDP has objectives including “to promote the conservation of the South Hams as a living, working environment”, suggesting a mixed use of living and working which is what that application proposes. The vision is to create: “A Salcombe where generations can prosper in both work and life within a friendly, welcoming and inclusive community; where development of land for employment and housing is achieved in harmony with the town’s character and the area’s distinctive natural environment.” Taking this into consideration, the applicant considers the proposal will bring an achievable use back into this Listed Building which will retain and protect the heritage significance for future generations.

Reference has been made by objectors to a similar application at Creek House (0550/19/FUL) which was refused and dismissed at appeal. It is noted this proposed the total loss of the employment space, was set amongst predominantly commercial uses and was a retrospective application; there was no thrust in that case to bring a vacant listed building back into use and secure its long term future. The circumstances are therefore considered to be very different and not comparable.

More comparable to the current proposal is a recent application at Brewery Quay (2748/17/FUL), which was refused but allowed at appeal (June 2019, after the adoption of the JLP). This shares similar circumstances in that it is located in SALC EM2 Policy Area C, amongst mixed uses including residential, only sought to change the first floor to residential whilst retaining employment at ground floor and the building was in a very run down state. The Inspector noted that due to the poor condition of the building it was not likely to be viable as an employment use, but a mixed use could be viable, retaining employment at ground floor; he also noted that given the poor condition of the building, marketing in such a condition would not be appropriate.

At pre-application stage, Officers suggested that the building subject to this current application be marketed to fully demonstrate that there were no prospects of it being used for an employment use. However, it is put forward that given the current condition of the building, it would not be appropriate to conduct such a marketing exercise; it would be most unlikely given the need to carry out significant and costly repairs, that any employment end user would look to rent the building. This approach was supported by the Appeal Inspector in relation to Brewery Quay as detailed above, with the Inspector noting...*this would not be the case here as the redevelopment would retain two commercial units as part of a mixed-use redevelopment. Accordingly, the absence of marketing in accordance with emerging Policy SALC EM2 is not a determinative point against the appeal scheme.* Officers recognise this appeal was concluded prior to adoption of the Neighbourhood Plan, however, it was at such a stage that it carried weight and that in itself is not a reason to reach a different conclusion in this case.

It is important that employment uses can be sustained and enhanced where appropriate, however small they may be, and the cumulative impacts of employment space loss over time will invariably impact upon economic sustainability. However, in this case, the subject building is Grade 2 listed and in a very poor state of repair. There is a strong desire to not only retain this building, but to bring it back into use and to maintain it in a good condition. The policy conflict with SALC EM2 can be outweighed by the regeneration benefits, the need to bring this building back into use and to secure its long term future. To insist on an employment use would see the building continue to stand empty and deteriorate further, potentially resulting in the loss of the ground floor as an employment use also. This is also reiterated in DEV21 in relation to the historic environment, whereby great weight is placed upon the conservation of heritage assets and specifically, point 5 which states:

Development should help secure the long term sustainable future for the Pan Area's heritage assets, especially those identified as being of greater risk of loss and decay and that might have a community benefit where possible.

Salcombe NDP Policy SALC H3 is also applicable to this application, in that a new open market residential unit is proposed. It states:

a) 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. This policy is as a result of impact upon the local housing market of second or holiday homes.

New unrestricted market homes will not be supported at any time. This policy applies to all new build development both allocated and windfall sites where open market housing is proposed within the Neighbourhood Plan Area.

The supporting text in the NDP notes, at paragraph 6.6.3.4 -*This plan supports the provision of smaller 1 to 2 bedroom properties either for rent and sale for middle and lower income people or as home for older people wishing to downsize.*

Given the proposed flat has 1 bedroom and is of modest size, it is considered to confirm to this aspiration.

The ground floor will retain its B8 use, and as such, taking all of the above into consideration, the principal of the development proposed is deemed to conform to the JL, Salcombe Neighbourhood Plan Policy SALC H3, plus the National Planning Policy Framework Paragraph 85, subject to the imposition of a Primary Residency condition.

Design:

The application proposes limited external alterations, reuses external openings and utilises appropriate materials where new are introduced (timber fenestrations, natural slate for roof repairs and so on). All external changes have been previously approved.

Given the building sits amongst other tightly packed development, it is not considered there will be any harm to the immediate area or wider AONB; the proposal therefore protects and enhances the AONB through improving the external appearance of the building and increasing the contribution it makes to the street.

Conservation/listed building impacts:

The architectural and/or historic interest of the listed building will not be unduly impinged upon. The merits and benefits of the vast majority of the works as described within the application documentation have already been considered when assessing the previous application and the Specialist Conservation Officer has raised no concerns.

Within the adopted Salcombe Neighbourhood Plan, Policy SALC B1 Design Quality and safeguarding Heritage Assets states that:

Any new development in Salcombe Parish must demonstrate high quality design.

Within the Salcombe and Batson Conservation Areas development should preserve and enhance the conservation area and make a positive contribution to the significance of the heritage assets and their setting and have regard to the Salcombe Conservation Area Appraisal 2010

Officers are content that the works advocated in both this and the previously consented application (ref: 3525/18/LBC) satisfy the requirements of the above adopted Plan Policy.

Neighbour amenity:

Residential amenity is considered within Policy DEV1 of the JLP. This seeks to ensure satisfactory living conditions of occupiers of residential development, 'Ensuring that new development provides for satisfactory daylight, sunlight, outlook, privacy and the protection from noise disturbance for both new and existing residents, workers and visitors'

It is therefore the spirit of the policy to apply to existing occupiers as well as future occupiers

also therefore ensuring that it is not permitted in a location that would give rise to unacceptable living conditions for its future occupants.

The proposal seeks the creation of a 1-bedroom flat at first floor for which National Technical Housing Standards (as echoed by JLP Policy DEV10) recommends a minimum gross internal floor area of 50sqm. The proposal meets this standard, providing for approximately 55 sqm. The proposal will also include suitable amenities to ensure a good living environment for the potential occupant(s), providing a bathroom / en-suite, kitchen, lounge and sleeping areas. The proposal has sought to provide additional natural daylight / sunlight with the addition of 2 rooflights.

Officers are satisfied that the proposed glazing and window siting will provide for an acceptable level of light to serve the property. No loss of privacy or overlooking will incur as a result and, in this instance, is considered acceptable in terms of amenity impacts.

It is always necessary for developments to take into account the residential amenity of neighbours and impact on the environment. Concerns have been highlighted that there could be potential conflicts between employment and residential uses, and the loss of existing employment uses. The proposal itself will not result in the loss of any current employment uses, and through the impositions of a condition securing the ground floor as a B8 use, the proposal is not likely to introduce any “industrial” processes which could be detrimental to neighbour amenity.

The building sits with a mixed use area, and complies with the principles of good neighbourliness and the protection of existing residential amenities. As such, the proposal would not lead to any materially harmful impact on residential amenity by way of loss of light, loss of outlook, loss of privacy or overbearing impact. It would therefore accord with JLP Policies DEV1 and DEV2 and the requirements of the NPPF 2018.

Highways/car parking:

DCC highway officers have made no comments on the proposals, given the location of the site within a large settlement the provision of car parking spaces would not normally be expected and as such there are considered to be no impacts to highways.

Flood Risk:

As noted above, the site lies within Flood Zone 3 and a flood risk assessment has been submitted. Notwithstanding the comment by an objector that it is unusual for an architect to carry out this and that it relies on out of date information, the Environment Agency, the statutory consultee, have viewed the proposal and are satisfied.

The Council’s Emergency Planner has also raised no concerns.

Mention has been made of the ground floor user being disadvantaged by the lack of access to a safe refuge at first floor in times of flood; this is no different than the current situation as there is no link between ground and first floor. There is also no requirement for both floors to be occupied together so to insist on a link would be unreasonable, and would require further works to the fabric of the building. This is also similar to the aforementioned Brewery Quay application.

Given the residential use is to be created through a change of use, there is no requirement to conduct sequential or exceptions tests.

In light of the above, subject to a condition ensuring there is a flood evacuation plan in place and that flood resilient construction methods are used, there is no conflict with Policy DEV35 of the JLP.

Land contamination:

A contaminated land report has been submitted and whilst identifying no areas of concern, it is prudent to attach the standard condition to deal with any unexpected contamination, should that arise.

Biodiversity:

The application is accompanied by an ecology survey. No protected species were found and no impacts are considered likely. Although no bats or bird nests were found, the NPPF outlines the government's commitment to minimise impacts on biodiversity and provide net gains where possible. These provisions include a bat box, swallow terrace and bee brick. As part of discussions concerning the previously approved listed building consent, it was agreed that to include these provisions would negatively impact on the special interest of the listed building, and these were not considered necessary.

As such, the proposal accords with JLP Policy DEV26.

Planning Balance:

Planning decisions should be taken in accordance with the development plan, unless material considerations indicate otherwise. It can be argued there is a policy conflict in relation to SALC EM2 in that the office use at first floor will now become a residential unit, resulting in the loss of a single employment unit. However, there are material planning considerations that are seen to fully justify this.

The use as an office, whilst permitted, has not been implemented. Given the significant financial investment required to carry out the refurbishment and repair works needed for this, it is not likely to happen; a detailed Independent Viability Appraisal supports this.

Since the date of this earlier scheme (Dec 2018) Officers have noted that this important listed Heritage Asset continues to fall into a slow decline; this is an important and prominent building, the retention of which is considered essential in maintaining the character of the Conservation Area and wider settlement. As such, Officers are content to lend support for a package of proposals which if consented and implemented will offer obvious benefit to not only the listed building but also the wider Conservation Area and AONB.

Overall, this package of proposals (when considered with the earlier consented scheme) represents a significant investment by the current owners, an investment which will undoubtedly aid in securing the long-term preservation of this important listed building.

The proposal is also similar to the aforementioned appeal decision at Brewery Quay, whereby the Inspector allowed the redevelopment as mixed use (part employment and part residential) in order to secure the long term future of the building.

Subject to a robust set of planning conditions to ensure that the appropriate conservation-based best practices are undertaken when delivering the works, to secure flood resilient construction and to secure the residential element as a principal residence, approval is recommended.

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 of 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 neighbourhoods
SPT3 Provision for new homes
SPT4 Provision for employment floorspace
TTV1 Prioritising growth through a hierarchy of sustainable settlements
TTV2 Sustainable development in the TTV policy area
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
DEV14 Maintaining a flexible mix of employment sites
DEV17 Promoting competitive town centres
DEV19 Provisions for local employment and skills
DEV20 Place shaping and the quality of the built environment
DEV21 Development affecting the historic environment
DEV23 Landscape character
DEV25 Nationally protected landscapes

DEV29 Specific provisions relating to transport
DEV35 Managing flood risk and Water Quality Impacts

Salcombe Neighbourhood Plan- Policies SALC B1, EM2 and H3

Other material considerations include the policies of the National Planning Policy Framework (NPPF) including but not limited to paragraphs 85 and 182 and guidance in Planning Practice Guidance (PPG).

Considerations under Human Rights Act 1998 and Equalities Act 2010

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

Conditions:

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

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

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

Location Plan 3712 01; Floor plans 3712 40 A; Roof Plan 3712 13 C; Elevations 3712 14 B; Elevations 3712 15B; Elevations 3712 16 B; Elevations 3712 17 C; Sections 3712 18B; Sections 3712 19B; Windows and doors 3712 20B; Sash windows 3712 21B

received by the Local Planning Authority on 6th May 2020

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 the first occupation of the residential unit, a Flood Warning and Evacuation Plan shall be submitted to and approved in writing by the Local Planning Authority. The plan shall then be implemented and adhered to throughout the lifetime of the development.

Reason: In order to ensure there is an appropriate warning system in place for the safety of the occupiers in the event of a flood event.

4. Prior to the commencement of the development, a plan indicating flood resilience measures shall be submitted to and approved by the Local Planning Authority. The building will be constructed in accordance with those agreed plans.

Reason: in order to maximise the flood resilience of the building hereby approved.

5. The ground floor of the building shall be used for B8 (marine related storage) uses only of the Schedule to the Town and Country Planning (Use Classes) Amendment Order 2005, and for no other use.

Reason: To ensure a flood compatible use and to safeguard occupiers of adjoining properties from possible effects of dust/smell/effluvia.

6. Works shall proceed in accordance with the construction precautions set out in the Bat and Protected Species Survey by EcoLogic 180713rev01 dated August 2018.

Reason: To safeguard the interests of protected species

7. 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.

8. The dwelling hereby approved shall not be occupied otherwise than by i. person(s) as his or her only or principal home; ii. persons living as part of a single household with such a person or persons; iii. persons who were living as part of a single household with such a person or persons who have since died; iv. Non-paying guests of any of the persons listed in (i) – (iii).

For the avoidance of doubt the dwelling shall not be occupied as a second home or holiday letting accommodation. The occupant(s) will supply to the Local Planning Authority (within 14 days of the Local Planning Authority's written request to do so) such information as the Authority may reasonably require in order to determine whether this condition is being complied with.

Reason: To safeguard the sustainability of the settlements in the Salcombe Neighbourhood Planning area, whose communities are being eroded through the amount of properties which are not occupied on a permanent basis and to ensure that the resulting accommodation is occupied by persons in compliance with the Salcombe Neighbourhood Plan.

NB: proof of principal residence is via verifiable residence including (but not limited to) residents being registered on the local electoral register and being registered with a local GP or a child attending a local school.

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PLANNING APPLICATION REPORT

Case Officer: Jacqueline Houslander
and Aveton Gifford

Parish: Churchstow **Ward:** Loddiswell

Application No: 1093/20/FUL

Agent/Applicant:

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

Applicant:

Messrs Ben/Paddy Howard/Wellens
C/O Agent
Cedar House
Membland, Plymouth
PL8 1HP

Site Address: The Yard, Land At Sx 699 454, Aunemouth Cross To Bantham Cross,
Bantham, Devon

Development: Change of use, renovation and extension of existing redundant farm building to create multi-purpose community facility including co- working hub with surfboard shaping workshop and ancillary cafe; replacement of existing equine sand school area with new five-a-side 4G football pitch; construction of new skate bowl and children's adventure play facilities; creation of communal farm and proposed substantial landscape enhancement including construction of wildlife pond, planting of community orchard/tree nursery and wildflower meadow, associated landscape and ecological enhancement measures together with the upgrade and expansion of the existing car parking area



Reason item is being put before Committee

Councillor Brazil considered that it should be considered by Committee because of the unusual nature of the application and the policy concerns

Recommendation:

Refusal

Reasons for refusal:

1. The site is located in an unsustainable location in the open countryside away from settlements and is contrary to the promotion of sustainable development via the NPPF and the strategic approach in the Plymouth and South West Devon Joint Local Plan, contained in Policies SPT1, SPT2 and TTV1. Its open countryside location also fails to meet policy TTV26, which seeks to restrict development to that which is essential in a rural location.
2. The site is located within the South Devon Area of Outstanding Natural Beauty and the development of recreational facilities, café, employment facilities in such an area would be incongruous; and detrimentally impact on the tranquillity and dark skies associated with this AONB and the development would not conserve and enhance the special landscape qualities, contrary to Policy DEV25, DEV23 and SPT1 and SPT2 of the Plymouth and South West Devon Joint Local Plan and para. 172 of the NPPF 2019.
3. The proposed development by virtue of its location, and land uses does not meet the requirements of policy DEV15, which allows for employment development in rural areas, subject to criteria relating to the environment, avoiding incongruous development and avoiding additional trips by the car, all of which fails to meet SPT1, SPT2 and TTV1 of the Plymouth and South West Devon Joint Local Plan.
4. The proposed development is likely to generate an increase in pedestrian traffic on a highway lacking adequate footways with consequent additional danger to all users of the road contrary to Policy DEV29 of the Plymouth and South West Devon Joint Local Plan and para.108 and 109 of the National Planning Policy Framework.
5. The proposed development will generate additional noise; light pollution and disturbance to the adjoin properties, which would be harmful to the residential amenities currently enjoyed by those properties, contrary to policies DEV1 and DEV2 of the Plymouth and South West Devon Joint Local Plan.
6. The proposed development in an unsustainable location, without sufficient facilities for safe walking and cycling will result in significant car journeys to and from the site resulting in an impact on the carbon footprint of the development. Whilst other measures such as photovoltaics and ground source heat pump are proposed, it is considered that the traffic impacts outweigh the benefits, contrary to Policy DEV32 of the Plymouth and South West Devon Joint Local Plan and para. 148 of the NPPF 2019.

Key issues for consideration: Location of development; landscape impact; impact on AONB; highway safety.

Site Description: The application site is a field located off the road from Aunemouth Cross to Bantham Cross, near Bantham. The site is overgrown and in a sorry state. The previous use appears to have been equestrian, but has been abandoned for some time.

The application site lies in the following designated areas: South Devon AONB; Cirl Buntings; Churchstow Footpath No. 5 (200m east of the site); SSSI Risk Impact Zone.

The Proposal: Change of use, renovation and extension of existing redundant farm building to create multi-purpose community facility including co- working hub with surfboard shaping workshop and ancillary cafe; replacement of existing equine sand school area with new five-a-side 4G football pitch; construction of new skate bowl and children's adventure play facilities; creation of communal farm and proposed substantial landscape enhancement including construction of wildlife pond, planting of community orchard/tree nursery and

wildflower meadow, associated landscape and ecological enhancement measures together with the upgrade and expansion of the existing car parking area.

Consultations:

- County Highways Authority:
Object, due to lack of safe footway from Churchstow. The visibility splay provided overcomes concerns about the visibility splay for the access, however there are concerns with regard to the land ownership of the eastern hedgerow to the east of the access. The applicant would therefore be required to enter into a legal agreement to secure the required visibility in perpetuity. The recommendation of the Highway Authority is to refuse the application for the following reason:
The proposed development is likely to generate an increase in pedestrian traffic on a highway lacking adequate footways with consequent additional danger to all users of the road contrary to Paragraph 108 and 109 of the National Planning Policy Framework.
- Environmental Health Section:
No comments received
- Churchstow Parish Council:
Support. The PC would ask that if permission is given that the following conditions are attached:
 1. Antisocial Behaviour. That the opening hours for the site be similar to usual business hours (approx 9am-6pm). If the pitch is to be used for training in the evening then the gates are closed behind each user. The site has a responsible person on site at all times when open. The site is gated and locked when not open. (Mr Wellens has spoken with the PC and said the above will be acceptable).
 2. Parking. That the parking provided on site is sufficient, and more importantly: That no parking be allowed on the roadside. (Mr Wellens has spoken to the PC and has expressed his openness to advice on deterrents for roadside parking).
 3. Pedestrian Access. It is understood that this is to be considered as a drive to destination but could pedestrian / cycle access be provided at some point?
- Thurlestone Parish Council:
Support. Councillors considered that this application for the neighbouring parish of Churchstow would help contribute to a more active, vibrant year-round community and provide opportunities for local employment in the area. Thurlestone parish is generally well served in terms of private recreational facilities (golf, tennis and sailing) but has little in the way of play and youth facilities that this proposal in the neighbouring parish would provide. Highway and AONB issues would, however, be important considerations, particularly any external lighting.
- Drainage:
No objection subject to a condition on final drainage details.
- Natural England:
No comments to make.
- Sport England:

The proposed development does not fall within either our statutory remit (Statutory Instrument 2015/595), or non-statutory remit (National Planning Policy Guidance (PPG) Par. 003 Ref. ID: 37-003-20140306), therefore Sport England has not provided a detailed response in this case, but would wish to give the following advice to aid the assessment of this application.

If the proposal involves the provision of a new sports facility, then consideration should be given to the recommendations and priorities set out in any approved Playing Pitch Strategy or Built Sports Facility Strategy that the local authority may have in place. In addition, to ensure they are fit for purpose, such facilities should be designed in accordance with Sport England, or the relevant National Governing Body, design guidance note

- Police Architectural liaison:

The site should be capable of being fully secured when not in use:

- ☐ To deter and prevent unauthorised vehicle access it is recommended that the vehicular entrance has some form of barrier or gate that can be secured when the premises are not in use.
- ☐ External secure storage should, where possible, be provided within the main building/s. Initial generous and well thought out storage provision should help to avoid future need for additional outbuildings which are more vulnerable to attack.
- ☐ An appropriate and fit for purpose monitored CCTV & alarm system should be installed to cover all external areas, including easily accessible windows and external doors.
- ☐ Lighting – please be advised that the proposed ‘motion sensors’ can actually increase the fear of crime due to the potential for repeated activations. Also if there is no response to the activations of this type of lighting it is likely to do little in deterring unauthorised access. Illumination of the facilities will need to be carefully considered so it coordinates with actual occupation and use to avoid unwanted attention at times when there are no users or ‘capable guardians’ present.
- ☐ Any internal doors, particularly those separating private areas from public accessible areas should ideally have an access control facility to manage and control human movement or as a minimum requirement be capable of being secured.

- Strategic Planning:

Of key concern is the lack of accordance with SPT1, SPT2 and TTV1. Equally, there is no evidence based support for the addition of recreation facilities, the café (which is a town centre use) or the employment unit(s). I’d be interested to know what the AONB response has been too – because I also feel there could be an objection using DEV25.8(ii), which seeks to avoid incongruous features within the AONB landscape – and I’m suggesting that a 4G five-a-side pitch and skate bowl would be incongruous outside an established settlement. The pre-existing sand school on site, whilst not a natural feature, is at least aligned to an equine/countryside use, whereas the proposed recreation facilities cannot be considered to benefit from that association.

Looking at the Thurlestone and AG NPs, and neither of these plans have identified a recreational need in their areas that their own NPs can’t deal with, or have asked neighbouring NPs to meet this need. The AG NP identifies two play facilities in the village already, and that both of these facilities will need contributions from future development. They are also seeking to protect the village green, which has football goals in situ, and is located at the heart of the village – and this will also need contributions to support ongoing maintenance. The TNP advocates change of use from agricultural to recreational only if there is demonstrable need – of which you

could argue that 300 letters of support would suggest there is – but the plan envisages new facilities being delivered within the plan area, not beyond the plan area.

Representations from Residents

358 letters of support have been received. Many of the comments are similar, so below is a summary of the comments received. There is however overwhelming local support for the project:

- Something that will benefit all ages of the community, particularly children and teenagers.
- Bantham is desperately in need of such a facility, to provide a safe and friendly place for locals and young families to meet with access to various recreational, educational and community focussed facilities
- There are few facilities in the area
- The nearest grass football pitch is at Marlborough (5.6 miles away)
- Nearest astro turf pitch and skate park is in Kingsbridge (5 miles away).
- Work space is also useful in this area, particularly self-employed people.
- Opportunity for cultural and social events, exhibitions
- There are no facilities for young people and the Yard could provide a safe space to socialise.
- Allotments are welcomed as it would encourage local people to grow their own and contribute to biodiversity.
- Many young people in Bantham, Thurstlestone and Kingsbridge surf and it will be a place to meet and socialise, when the sea is flat.
- The re wilding of some areas and planting of trees will help with conservation of insects, birds, mammals.
- It will encourage the local community to get together.
- Such a facility is lacking on the South Hams at the moment.
- The Yard is a great idea to bring together people in a fun, positive and productive way.
- It is a good community facility
- It will help to make the community strong
- It will be a space for young people, where they could learn new skills
- The ecological benefits are a good example.
- Job creation
- A meeting place for different ages
- A new and vibrant space which will benefit the community and the economy of the area.
- The plans are sensitive to the local environment
- A social, creative sports hub, providing year round employment
- There is a void of activities for teenagers
- It promotes a healthy and active lifestyle
- The workspace for local people to start out is a great idea
- If ever there was a reason for a rural exception this type of social enterprise is it.
- The site is at the more accessible end of the Bantham road which can be very busy during holiday periods.
- It will feed greater connections among varying generations as well as enhancing work force enthusiasm within the area.
- A fantastic asset for the community
- The café will be a lovely place to meet friends and see local craftspeople
- Provides something unique and much needed in this area.
- somewhere friends and families can go to randomly and frequently.

- Locally sourced food is another positive.
- This is something that this area badly needs.
- The power of community spaces and community is immense
- I feel that support of spaces, such as this, where community can flourish should be at the top of the agenda for local councils, especially in the current global climate where local resilience and the care of physical and mental health will play an ever more important role.
- There is a real lack of 4G pitches in the South Hams.
- It would get kids off their phones or computers
- There are so few spaces like this for the whole community to engage in.
- Rural living can sometimes be limiting. Public Transport links aren't great, residents struggle to involve themselves in the community. This would be a real step forward for our communities.
- There is nothing around Kingsbridge of this nature.

2 letters of objection:

- The road is unsuitable to cater for additional traffic. In the holiday periods the road is often gridlocked. More traffic on an already overloaded road cannot be supported.
- How can people argue there are environmental benefits when they will be travelling by car to get to the facility?
- I would support it if it were located in a more appropriate location where foot and cycle access were more able to be used.
- It will generate additional traffic, noise and litter and impact on the qualities that make it an AONB
- It will create a scar on the landscape
- It calls into question what next?

Relevant Planning History

11/1368/95/1 - Outline application for the erection of agricultural dwelling. Refusal: 17 Oct 95

3887/17/FUL - Change of use of farm field to equestrian ménage. Conditional Approval 26 January 2018.

A pre app was undertaken for this proposal and officer advice was ...

ANALYSIS

Principle of Development/Sustainability:

The principle of the development falls to be considered against the strategic approach towards sustainable development outlined in Policies SPT1, SPT2 and TTV1. The approach is to support sustainable development and for growth in the Thriving Towns and Villages policy area to focus development in the main towns. Policy TTV1 provides the hierarchy for growth and the countryside, which is where the application site is situated is in the countryside and small hamlets, which is at the bottom of the hierarchy. The policy states... *"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."*

The site is in the open countryside and no evidence has been provided or present in local Neighbourhood plans that there is a need for recreational development within the NP areas.

As stated by the strategic planning team above, . *“The AG NP identifies two play facilities in the village already, and that both of these facilities will need contributions from future development. They are also seeking to protect the village green, which has football goals in situ, and is located at the heart of the village – and this will also need contributions to support ongoing maintenance. The TNP advocates change of use from agricultural to recreational only if there is demonstrable need – of which you could argue that 300 letters of support would suggest there is – but the plan envisages new facilities being delivered within the plan area, not beyond the plan area.”*

As there is no demonstrated local need in the development plan documents for a recreation space in this area, the principle of the development is unacceptable.

Policy TTV26 deals with development which is proposed in the countryside and is a restrictive policy. Agriculture , forestry of another relevant occupational need must be demonstrated or a building which is in need of renovation, and which is structurally sound could be converted, however the uses for café, skate park, football pitch and employment units, provided for in this proposal are not uses which would be supported by policy TTV26.

Policy DEV15 is a policy which supports the rural economy, it states...*“seek to improve the balance of jobs within the rural areas and diversify the rural economy.”*

The employment units could potentially fall to be considered against this policy. Part 2. states: *“Business start-ups, home working, small scale employment and the development and expansion of small business in residential and rural areas will generally be supported, subject to an assessment that demonstrates no residual adverse impacts on neighbouring uses and the environment.”*

All such developments in rural areas also have to meet the following 4 criteria:

- 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.*

The environment will be considered in the next section, however, in relation to the above 4 criteria, the entrance to the site was initially a concern for the highway authority but revised plans have resulted in the highway authority finding the visibility splay acceptable from a highway safety perspective, subject to the applicant entering into a Section 106 agreement with the adjacent landowner to provide the visibility splay.

Concerns are maintained however about the walkability of the site and the danger to pedestrians. So a safe access for vehicles can be provided, but safety of pedestrians is still a concern.

The site will be reliant on the use of the private car as it is located along a narrow rural road with no pavements and passing places for cars and some distance from the settlements. It would not be considered a safe place to encourage people from Bantham, Thurlestone and Churchstow to walk or cycle to. The highway officer in his comments raised this as an issue.

Whilst there is an existing building on the site which is proposed to be reused. The works also include: the provision of a 4G football pitch, a skate bowl; workshops/cafe; a pond; a car park; play structures all of which are not activities associated with a rural area. So whilst not buildings these features would appear incongruous in this rural setting. It is considered that the proposal is not in compliance with (iv) above.

Design/Landscape:

Detailed plans have been provided of the renovated barn. The proposed materials are: Cladding of Onduline (or corrugated cement board) with a matt grey finish. The porch area will have a transparent fibreglass material, creating a greenhouse type space. With a concrete plinth and the floor will be concrete. The building materials and design are typical of buildings found in rural areas and so the building would be acceptable in a rural area. The use (as considered above) is not policy compliant.

Two floodlights are proposed for the 4G pitch. Highly efficient LED lights that have low levels of light spill with downward facing cowls are proposed and will only be used for allotted periods. The parking area will also need to be lit, but will be controlled using a motion sensor.

Policy DEV 25 relates to development in the AONB. The policy seeks to ensure that any development in the AONB conserves and enhances the special landscape qualities. The policy and the NPPF 2019 also place great weight on this landscape designation in the decision making process. Part 8 of the policy provides criteria which must be met....

“Require development proposals located within or within the setting of a protected landscape to:

- i. Conserve and enhance the natural beauty of the protected landscape with particular reference to their special qualities and distinctive characteristics or valued attributes.*
- ii. Be designed to prevent the addition of incongruous features, and where appropriate take the opportunity to remove or ameliorate existing incongruous features.*
- iii. Be located and designed to respect scenic quality and maintain an area’s distinctive sense of place, or reinforce local distinctiveness.*
- iv. Be designed to prevent impacts of light pollution from artificial light on intrinsically dark landscapes and nature conservation interests.*
- v. Be located and designed to prevent the erosion of relative tranquillity and, where possible use opportunities to enhance areas in which tranquillity has been eroded.*
- vi. Be located and designed to conserve and enhance flora, fauna, geological and physiographical features, in particular those which contribute to the distinctive sense of place, relative wildness or tranquillity, or to other aspects of landscape and scenic quality.*
- vii. Retain links, where appropriate, with the distinctive historic and cultural heritage features of the protected landscape.*
- viii. Further the delivery of the relevant protected landscape management plan, having regard to its supporting guidance documents.*
- ix. Avoid, mitigate, and as a last resort compensate, for any residual adverse effects.”*

The proposal does not meet all of the criteria. The site is currently dis-used and was previously used for equestrian purposes, which can be associated with rural land uses. Whilst the condition of the site (with rubbish, a caravan and old tyres and old agricultural vehicles) cannot be described as attractive agricultural land at the moment, So in terms of conserving the landscape - the current state of the land cannot be argued to be conserving the special landscape qualities of the AONB.

However, if the tyres, and old machinery were removed the landscape is essentially rural in character. The introduction of the facilities proposed would not conserve landscape quality as there will be a significant change in the nature of the landscape as a result of the works.

In terms of enhancements, some landscaping is proposed around the site and an orchard (pears and apples) is proposed. The Design and Access statement indicates that an '*ecology led process for the landscaping, focussed on preserving the existing features*'. The proposals suggest that existing trees and hedgerows will be retained and locally sourced oak and ash trees will be planted. A mix of blackthorn, hawthorn, beech, hazel, spindle and holly will be planted in gaps in the boundary hedgerows and a new hedge is proposed in the north western corner to provide a screen from the adjoining farm and to protect the site from the south westerly winds. Grass in the orchard will be re-sown with meadow flowers.

Additional nesting and roosting habitat will be provided across the site including bird and bat boxes to encourage wildlife. All of which are a positive addition to the site and will be of biodiversity value to the area. The concern for officers is however that these benefits do not outweigh the adverse impacts the proposed development overall would on the AONB landscape.

In relation to policy DEV25, part (ii) refers to incongruous features, whilst some of the proposals are uses that would be found in rural areas, a 4G football pitch together with floodlights and a skate bowl would not be features one would normally expect to see in a highly rural area such as this.

The distinctive nature of this area is one of a traditional rural landscape, with farms and farm buildings and fields used for grazing or crops. The provision of multipurpose recreational facilities, a café and employment units in this location would be juxtaposed to that distinctive character which is protected through a national landscape designation.

The AONB in many places is known for its very dark skies and is a specific and important issue which is identified in policy DEV25 and the AONB Management Plan. The introduction of a football pitch with floodlights and the lighting of a 24 space car park would have a significant impact on those traditionally dark skies. The police liaison officer comments, places doubt on the use of motion sensor lighting for the car park and so permanent lighting on the car park would be hugely detrimental to the dark skies of the AONB.

Tranquillity is another distinctive characteristic of the AONB landscape. That relative tranquillity (acknowledging that farming practices take place and so there are some moments when there is noise), will be affected by the facilities, with peoples voices and potentially music blaring out when people are using the skate bowl and the football pitch. They are noises that are not associated with rural areas in AONB's and so their impact in terms of the tranquil nature of the area would be significant. This type of human activity is not a characteristic of the AONB and associated traffic would have adverse impact on tranquillity too.

Item (iv) seeks to protect the flora and fauna and the information provided does indicate that the existing hedges and trees will be retained and new native species will be planted as well as wild flower meadows and a new orchard. However the works associated with the creation of the football pitch, skate bowl and car park would potentially destroy some biodiversity value on the site. A Preliminary ecology survey was provided for the application which indicates that

- The hedgerows, woodland patch and scrub have value as nesting habitat for farmland birds and there is a historical record of a curlew.
- The south hedge is potentially suitable for dormice, though close to the road and the riding arena. No signs of dormice were observed.
- The barn contains a high ledge in the eaves to the north side which features 3 nests of swallows, 2 of which appeared to be occupied in May 2019.
- No signs of bats
- The likelihood of GCNs using terrestrial habitat within the site boundary is considered to be low.
- The site is considered suitable foraging habitat for badgers. However, no sign of active badger foraging or runs or a badger sett were observed during site visits.
- There are piles of tyres and rubble at several locations across the site which could provide hibernating habitat for reptiles and amphibians. A thorough check of potential refugia was undertaken in May 2019 revealed no signs of reptiles or amphibians.

The report recommends timing limitations for construction work; a watching brief and careful removal of tyres etc. to avoid potential hibernating amphibians. It also considers that *“Due to the small scale and the nature of this proposal, it is not expected to negatively impact the biodiversity and landscape value of the AONB or any other designated site. In fact, the scheme is considered to positively impact on the landscape value of the AONB and support its primary purpose to conserve and enhance the natural beauty of the landscape in the following ways:*

- *First, it will improve and restore degraded and unused agricultural land;*
- *Second, it will enable the creation of new habitats recognised as key features of the AONB;*
- *Third, it will actively seek to promote awareness of the AONB*

Officers question the term small scale in relation to the development proposed, however it appears that appropriate mitigation could be put in place to protect existing wildlife, flora and fauna on the site.

No information has been submitted about any particular historic or cultural heritage features on the application site or surrounding area. In reviewing our historic environment records, the farmhouse and farm buildings at Osborne Newton are grade 2 listed. The site is approximately ½ Km away from these buildings and the topography of the land is such that there is no intervisibility between the two sites.

In terms of furthering the South Devon AONB management plan, this type of facility is not one which has been identified as being a potential land use within the AONB management plan. Finally item (xi) is particularly relevant – *“avoid, mitigate or and as a last resort compensate”* In this case because of the potential adverse impact of the proposal on the AONB landscape, the development should be avoided. The proposal is in clear conflict with policy DEV25.

A landscape and Visual Impact Assessment was provided with the application, which assessed the landscape impact on the site from various viewpoints (some private and some public) around the area. The public viewpoints are of relevant to planning consideration. The extent of the LVIA was limited to views immediately adjacent to the site, rather than any more distant views from surrounding areas. Viewpoints 1,2,3 and 4 are the public views provided and are taken from the road between Bantham and the A379, close to the site.

Viewpoint 1 shows the rear of the barn which is proposed to be extended and renovated; viewpoint 2 is taken from the Bantham road looking east towards the access to the site.

Viewpoint 3 is directly looking into the site from the access and viewpoint 4 is taken from the road looking west.



Viewpoint 1



Viewpoint 2



Viewpoint 3



Viewpoint 4

The views of the site from the road are limited as is noted by the LVIA, however, what is noted is that there is a public footpath to the east of the site, for which there are no viewpoints provided. Even if there were no view from the footpath, a view indicating that would have been helpful. The LVIA concludes that *“the visibility of the site is clearly restricted. The site has limited visibility from any public highway or public footpath. The only visibility from the public domain is from the Bantham Village Lane and these are limited glances through gateways to the site.”*

It goes on to indicate that with additional landscaping at the entrance and parking area will diffuse views of the site and will be an enhancement.

Officers however consider that the LVIA is limited in its extent and as such does not provide the appropriate level of assessment to provide an appropriate impact of the development on the landscape. In addition viewpoint 3 clearly indicates that the proposed car parking area will be very visible from the road and will be an incongruous feature as one travels down this rural lane towards Bantham village and beach.

Neighbour Amenity:

This proposal has been supported by 358 letters of support. It is clear therefore that there is very strong community support for this proposal. The benefits to the local community are considered to be huge, the ability for there to be somewhere safe and different and educational for young people is highlighted by many. The ability for local people to have somewhere to start a new business and grow the local economy is identified by many. The lack of any such facilities in rural areas is identified as a key positive of the proposal. The LPA acknowledges these advantages to the development, but such facilities must accord with the strategic locational principles in the JLP and be located on a suitable site, outside of the most highly protected areas of landscape and with a better relationship to settlements and transport.

The extent of community support must form a material consideration in weighing the planning balance of this proposal.

The objections to the development relate to the increase in traffic, noise, litter and impact on the AONB, which are also relevant concerns. The NPPF para 172 places great weight on AONB landscapes, particularly where adverse impacts are a factor

In terms of neighbours to the development, Osborne cottages and farm adjacent, no concerns have been raised by the occupants. No concerns were raised by the Environmental Health section on the application, however in the pre app process, concerns were expressed by Environmental Health that the size of the development proposed would be likely to have and lead to an unacceptable level of impact on the residential amenities of these properties. However the proposal will at certain times generate noise, which may impact on the residential amenities enjoyed by the adjoining cottages. The proposal is therefore contrary to Policy DEV1 and DEV2 in the Plymouth and South West Devon Joint Local Plan.

Highways/Access:

The highway authority have accepted the access for the proposal. In terms of visual impact of the altered access in order to obtain an 85m visibility spay for the entrance, an area of hedgerow will need to be graded down to a height not exceeding 600mm. The area to be removed is to the east of the access and extends for a distance of 12 metres from the entrance and for a depth of approximately 2.7 metres at its widest point. There will be an adverse visual impact of the regrading of the hedgerow and the widening of the access. In addition the lighting, surfacing, security features and gates will all add to the urbanisation of a rural landscape.

The highway authority remain concerned about the potential for people walking to the site, especially for young people, which the site is likely to attract. Churchstow which is the nearest settlement is 1100m away. In making reference to the Manual for Streets the Highway Authority is concerned that there are no footways, continuous verges or street lights between the site and the village on both the Bantham road and the A379. Volumes of traffic are too high to safely accommodate pedestrians in the carriageway of the A379 into and out of Churchstow village. Officers are also concerned about the potential impact young people motivated to walk to the facility along roads which do not cater for the pedestrian.

Drainage: The drainage engineer has reviewed the proposal and subject to conditions does not object to the development.

Low carbon development: The proposal indicates two solar arrays on the site and is proposing the use of ground source heat pump technology. Rain water harvesting is proposed for grey water installations and the building will be insulated to the highest levels. Windows and doors will be double glazed.

Whilst the use of these low carbon initiatives goes some way to meet policy DEV32 in the JLP, the fact that most trips to the facility will be by car, with drop off and pick up lift by parents and friends for younger users would also be far more significant in this location than if safely accessible on foot or bike. The principle of this use in this location is not sustainable and the traffic impacts are not ameliorated by the renewable energy sources.

Other matters

No objections have been received from Natural England.

The police Architectural Liaison Officer raised issues relating to security of the site, encouraging a secure gate; CCTV/alarm system; no external storage; and secure internal doors in the building. These issues are detailed matters which in the main could be accommodated, but would have an adverse visual impact. The lighting was also mentioned and the Police view was that activation lighting such as is proposed for the car park, can sometimes increase the fear of crime especially when they are activated, but there is no one there.

This raises two issues, one with regard to keeping the car park secure, but also in relation to the dark skies in the AONB landscape. If it is necessary to have lighting that is operating all the time when the site is occupied (for security reasons), then the impact on the dark skies will be increased by the development. This is potentially another reason why the proposed facilities are being proposed located in the wrong place. If it were located within or adjacent to a settlement, then there may well be borrowed light from street lights or if permanent lighting was required it would be seen within the context of the settlement and the impact on the landscape would be minimised.

Conclusion and Planning Balance:

This proposal is an unusual one and not one which readily comes forward. In considering the proposal against the current Development Plan policies, which planning officers are required to do (NPPF para. 2), there is an in principle objection, in that the proposal in this location is in an unsustainable location, contrary to the strategic approach of the Plymouth and South West Devon Joint Local Plan and the NPPF paragraph 11.

In addition the site is located within the South Devon AONB, which must be given great weight in the decision making process, as stressed in Par 172 in the NPPF, *“Great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to these issues.”* In giving that weight, it has been demonstrated that the proposal would impact negatively on the AONB landscape and would not conserve or enhance the special landscape qualities. The proposal is in an unsustainable location contrary to the underlying principle of the Joint Local Plan through policies SPT1, SPT2 and TTV1; it fails to meet policy DEV15 because of the potential environmental impact of the development on the AONB landscape and it's reliance on the use of the private car; the risk it presents in terms of young people attesting to walk or cycle along roads which do not adequately cater for walking or cycling and it would have a detrimental impact on the residential amenities of the neighbouring dwellings; As indicated by the letters of objection the Bantham Road is narrow with only a few passing places and can already be gridlocked during holiday periods. Adding traffic to this will exacerbate that situation. The impact in terms of encouraging a facility in an unsustainable location thereby increasing the carbon footprint of the development must also be of concern, particularly when we have declared a climate change emergency. Whilst some measures have been provided to add to the biodiversity of the site, this in no way ameliorates the impact of allowing a development such as this in an unsustainable location.

The LPA recognises that there is a great deal of local public support for the proposal, some 358 letters of support have been submitted. This amount of public support suggests that this sort of facility is greatly in demand by families living in the surrounding villages. The potential benefits to the local community, economy, children, families, the older generation have all been eloquently highlighted in the letters of support. It has to be acknowledged that there is a dearth of such facilities for people in rural areas. However officers are also of the view that something like this should be delivered through the Neighbourhood Plan process, such as in the Kingsbridge, Churchstow and West Alvington Neighbourhood Plan. It may also be possible to find a site which is more local to one of the villages so that walking and cycling can be better accommodated.

The location of this site is too far away from any of the settlements to be considered to be in any way sustainable. The policy supporting the rural economy fails to override the in principle objection and in fact the proposal also fails to meet the relevant criteria in terms of the need

to use a car to access the facilities and the impact on the environment. The site is also within the area designated as the South Devon AONB and the proposal fails to meet Policy DEV23, which seeks to conserve and enhance the landscape quality and DEV25 which relates to nationally protected landscapes.

The strong local support for the proposal indicates that such facilities within the area are supported by a great many people, however as officers it is necessary to respond to the proposal based on the current development plan which must be the starting point for the consideration of applications and if proposals are against the Plan policies, which in this case the proposals are, and the development is not sustainable as required by the NPPF 2019, then applications should be refused. As stated in para 2. *“Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise”* The application 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.

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
TTV26 Development in the Countryside
DEV1 Protecting health and amenity
DEV2 Air, water, soil, noise, land and light
DEV3 Sport and recreation
DEV4 Playing pitches
DEV5 Community food growing and allotments
DEV15 Supporting the rural economy
DEV23 Landscape character
DEV24 Undeveloped coast and Heritage Coast
DEV25 Nationally protected landscapes
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) including but not limited to paragraphs 2, 11, 47, 83, 84, 91, 92, 96, 102, 103, 108, 118, 149, 163, 172, 174, and guidance in Planning Practice Guidance (PPG). Additionally, the following planning documents are also material considerations in the determination of the application: South Devon AONB Management Plan

Neighbourhood Plan: The site does not fall within a Neighbourhood Plan area, but the Thurlestone Neighbourhood Plan is a Made Plan and the Aveton Gifford Neighbourhood Plan is in draft form. The Kingsbridge, West Alvington and Churchstow Neighbourhood Plan is at Regulation 7 stage, so there is no draft plan at this stage.

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.

DEVELOPMENT MANAGEMENT COMMITTEE 9-Sep-20

Appeals Update from 29-Jun-20 to 24-Aug-20

Ward Charterlands

APPLICATION NUMBER : **3126/19/FUL** APP/K1128/W/20/3249586
 APPELLANT NAME: Mr & Mrs Freeman
 PROPOSAL : Proposed Dwelling (Re-submission of 1768/19/FUL)
 LOCATION : Field At Sx 641 480 Lower Gaberwell
 APPEAL STATUS : Appeal decided
 APPEAL START DATE: 09-June-2020
 APPEAL DECISION: Dismissed (Refusal)
 APPEAL DECISION DATE: 18-August-2020

Ward Dartington and Staverton

APPLICATION NUMBER : **3677/19/FUL** APP/K1128/W/20/3255390
 APPELLANT NAME: Mr & Mrs R Hanlon
 PROPOSAL : Erection of single storey dwelling in garden
 LOCATION : Wash House Buckfastleigh TQ11 0LD
 APPEAL STATUS : Appeal Lodged
 APPEAL START DATE: 18-August-2020
 APPEAL DECISION:
 APPEAL DECISION DATE:

Ward Dartmouth and East Dart

APPLICATION NUMBER : **0319/20/CLE** APP/K1128/X/20/3252613
 APPELLANT NAME: Mr David Holloway
 PROPOSAL : Lawful development certificate for use of land in breach of condition 7 and the non-application of conditions 6 and 8 of 15/1790/98/F which required the laying out, landscaping and use as an area of open grassland accessible to the public
 LOCATION : Land at SX 861 514 North of Seymour Drive Dartmouth
 APPEAL STATUS : Appeal Lodged
 APPEAL START DATE: 30-June-2020
 APPEAL DECISION:
 APPEAL DECISION DATE:

APPLICATION NUMBER : **1296/19/FUL** APP/K1128/W/20/3247610
 APPELLANT NAME: Dallas Burston Property
 PROPOSAL : READVERTISEMENT (Revised plans received) Demolition of existing property, proposed new four bedroom dwelling and boathouse.
 LOCATION : Gramercy Boathouse Dartmouth TQ6 9BZ
 APPEAL STATUS : Appeal decided
 APPEAL START DATE: 23-April-2020
 APPEAL DECISION: Dismissed (Refusal)
 APPEAL DECISION DATE: 18-August-2020

APPLICATION NUMBER : **2583/19/FUL** APP/K1128/W/20/3252623
 APPELLANT NAME: Mr David Holloway
 PROPOSAL : Erection of 9no. dwellings and associated works (resubmission of 0852/19/FUL)
 LOCATION : Land At SX 861 514 North of Seymour Drive Dartmouth
 APPEAL STATUS : Appeal Lodged
 APPEAL START DATE: 23-July-2020
 APPEAL DECISION:
 APPEAL DECISION DATE:

Ward Loddiswell and Aveton Gifford

APPLICATION NUMBER : **3760/19/FUL** APP/K1128/W/20/3249870
 APPELLANT NAME: Mr & Mrs Davin Merrin
 PROPOSAL : Retrospective application for provision of general purpose building (1of 2)
 LOCATION : Land at Lowerdale Woodleigh Kingsbridge
 APPEAL STATUS : Appeal Lodged
 APPEAL START DATE: 24-July-2020
 APPEAL DECISION:
 APPEAL DECISION DATE:

Ward Marldon and Littlehempston

APPLICATION NUMBER : **4086/19/HHO** APP/K1128/D/20/3248098
APPELLANT NAME: Mrs Mountford
PROPOSAL : Householder application for repositioning of existing conservatory,
construction of two storey extension and dormer roof extension
LOCATION : The Drey Farthing Lane Westerland Marldon TQ3 1RR
APPEAL STATUS : Appeal decided
APPEAL START DATE: 26-May-2020
APPEAL DECISION: Dismissed (Refusal)
APPEAL DECISION DATE: 31-July-2020

Ward Newton and Noss

APPLICATION NUMBER : **2326/19/HHO** APP/K1128/D/19/3242955
APPELLANT NAME: Mrs Annie Glancy
PROPOSAL : Householder application for provision of Garden Room above existing
Boat Store
LOCATION : The Smithy 61 Stoke Road Bridgend Noss Mayo Devon PL8 1DX
APPEAL STATUS : Appeal decided
APPEAL START DATE: 10-February-2020
APPEAL DECISION: Dismissed (Refusal)
APPEAL DECISION DATE: 03-July-2020

APPLICATION NUMBER : **2466/19/HHO** APP/K1128/D/20/3245226
APPELLANT NAME: Mr & Mrs Nigel Sobey
PROPOSAL : Householder application to replace front porch with two storey extension
LOCATION : Rowan Orchard Bridgend Noss Mayo Devon PL8 1DX
APPEAL STATUS : Appeal decided
APPEAL START DATE: 10-February-2020
APPEAL DECISION: Dismissed (Refusal)
APPEAL DECISION DATE: 16-July-2020

APPLICATION NUMBER : **3041/18/HHO** APP/K1128/W/20/3245187
APPELLANT NAME: Mr Simon Pratten
PROPOSAL : Householder application for new boathouse (Resubmission of 4421/17/HHO)
LOCATION : Tamarinda 11 Yealm View Road Newton Ferrers Devon PL8 1AN
APPEAL STATUS : Appeal decided
APPEAL START DATE: 04-March-2020
APPEAL DECISION: Upheld (Conditional approval)
APPEAL DECISION DATE: 20-July-2020

Ward Newton and Yealmpton

APPLICATION NUMBER : **3724/19/FUL** APP/K1128/W/20/3252605
APPELLANT NAME: Mr Allan Wright
PROPOSAL : Demolition of agricultural building and construction of 3 detached
dwellings, garages and site landscaping (Following approvals 0360/19/PDM and
1567/19/FUL)
LOCATION : Barn at West Pitten West Pitten Plympton PL7 5BB
APPEAL STATUS : Appeal Lodged
APPEAL START DATE: 21-July-2020
APPEAL DECISION:
APPEAL DECISION DATE:

Ward Salcombe and Malborough

APPLICATION NUMBER : **1676/19/HHO** APP/K1128/D/20/3244334
APPELLANT NAME: Ms Lucinda Davies
PROPOSAL : Householder application for proposed roof extension and alterations to front, side and rear
(Resubmission of 2098/18/HHO)
LOCATION : Summerleaze Drake Road Salcombe Devon TQ8 8EG
APPEAL STATUS : Appeal decided
APPEAL START DATE: 03-February-2020
APPEAL DECISION: Dismissed (Refusal)
APPEAL DECISION DATE: 06-July-2020

Ward Salcombe and Thurlestone

APPLICATION NUMBER : **0313/20/HHO** APP/K1128/D/20/3250424
APPELLANT NAME: Mr & Mrs Brian Lavenex
PROPOSAL : Householder application for construction of garage and associated
works

LOCATION : 2 Devon Villas Devon Road Salcombe TQ8 8HD
APPEAL STATUS : Appeal Lodged
APPEAL START DATE: 29-June-2020
APPEAL DECISION:
APPEAL DECISION DATE:

APPLICATION NUMBER : **3391/19/HHO** APP/K1128/D/20/3250594
APPELLANT NAME: Mrs Sheila Jansen
PROPOSAL : Householder application for rebuilding of boundary wall following
partial collapse (Retrospective)

LOCATION : Cheesewring Sandhills Road Salcombe TQ8 8JP
APPEAL STATUS : Appeal Lodged
APPEAL START DATE: 29-June-2020
APPEAL DECISION:
APPEAL DECISION DATE:

Ward Wembury and Brixton

APPLICATION NUMBER : **3403/19/HHO** APP/K1128/D/20/3250577
APPELLANT NAME: Mr Justin Withey
PROPOSAL : Householder application for first floor extension, single storey rear
extension at LGF level, infill of swimming pool and construction of detached garage.
LOCATION : Sodem Hall Wembury Road Wembury PL9 0DQ
APPEAL STATUS : Appeal decided
APPEAL START DATE: 11-June-2020
APPEAL DECISION: Upheld
APPEAL DECISION DATE: 14-July-2020

APPLICATION NUMBER : **3413/18/OPA** APP/K1128/W/19/3243854
APPELLANT NAME: Mr Brian Santillo
PROPOSAL : Erection of 3no detached dwellings
LOCATION : Wembury Cottage Bovisand Lane Down Thomas PL9 0AE
APPEAL STATUS : Appeal decided
APPEAL START DATE: 05-February-2020
APPEAL DECISION: Dismissed (Refusal)
APPEAL DECISION DATE: 23-July-2020

Ward West Dart

APPLICATION NUMBER : **0169/20/FUL** APP/K1128/W/20/3253150
APPELLANT NAME: Mr D Mould
PROPOSAL : Conversion of existing redundant barn to live/work unit with workshop
(B1) and store
LOCATION : Little Grove Tigley Harberton TQ9 6EW
APPEAL STATUS : Appeal Lodged
APPEAL START DATE: 13-August-2020
APPEAL DECISION:
APPEAL DECISION DATE:

APPLICATION NUMBER : **2198/19/FUL** APP/K1128/W/20/3253688
APPELLANT NAME: Drs Philip Johnston & Cathryn Edwards
PROPOSAL : Cladding of existing gate and topping off of stone wall.
(Retrospective)
LOCATION : Post Barn Ashprington Cross Ashprington Totnes TQ9 7EA
APPEAL STATUS : Appeal decided
APPEAL START DATE: 16-June-2020
APPEAL DECISION: Upheld
APPEAL DECISION DATE: 17-August-2020

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South Hams District Council
DEVELOPMENT MANAGEMENT COMMITTEE 9-Sep-20

Appeal Hearings/Public Inquiry from 25-Aug-20

Ward **Loddiswell and Aveton Gifford**

APPLICATION NUMBER :	3760/19/FUL	APP/K1128/W/20/3249870
APPELLANT NAME:	Mr & Mrs Davin Merrin	
PROPOSAL :	Retrospective application for provision of general purpose building (1of 2)	
LOCATION :	Land at Lowerdale Woodleigh Kingsbridge	
APPEAL STATUS :	Appeal Lodged	
APPEAL START DATE:	24-July-2020	
TYPE OF APPEAL	Informal hearing	
DATE OF APPEAL HEARING OR INQUIRY:	29-September-2020	
LOCATION OF HEARING/INQ:	Virtual Hearing	
APPEAL DECISION:		
APPEAL DECISION DATE:		

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