

South Hams Development Management Committee



Title:	Agenda												
Date:	Wednesday, 2nd December, 2020												
Time:	10.00 am												
Venue:	Via Teams												
Full Members:	<p style="text-align: center;">Chairman Cllr Brazil</p> <p style="text-align: center;">Vice Chairman Cllr Foss</p> <p><i>Members:</i></p> <table style="margin-left: auto; margin-right: auto;"> <tr> <td>Cllr Brown</td> <td>Cllr Long</td> </tr> <tr> <td>Cllr Hodgson</td> <td>Cllr Pannell</td> </tr> <tr> <td>Cllr Holway</td> <td>Cllr Pringle</td> </tr> <tr> <td>Cllr Rowe</td> <td>Cllr Taylor</td> </tr> <tr> <td>Cllr Abbott</td> <td>Cllr Reeve</td> </tr> <tr> <td>Cllr Kemp</td> <td></td> </tr> </table>	Cllr Brown	Cllr Long	Cllr Hodgson	Cllr Pannell	Cllr Holway	Cllr Pringle	Cllr Rowe	Cllr Taylor	Cllr Abbott	Cllr Reeve	Cllr Kemp	
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Cllr Kemp													
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 4 November 2020;

2. Appointment of Vice Chairman

3. Urgent Business

Brought forward at the discretion of the Chairman;

4. Division of Agenda

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

5. 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;

6. Public Participation

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

7. 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) 1585/20/FUL

7 - 28

Land adjacent to Dartmouth Park and Ride site", Wessex Way, Dartmouth
READVERTISEMENT (Revised Plans Received) Construction of new two storey Health and Well-being Centre and associated external works

(b) 4063/19/FUL

29 - 42

"Sandnes", Beadon Road, Salcombe
READVERTISEMENT (Revised Plans Received) Replacement dwelling with associated landscape work (amendment to design previously approved 1125/17/FUL)

- (c) 1770/20/FUL** **43 - 56**
Land at SX 726 406, Malborough, associated with Land at Lower Mill park, West Alvington
READVERTISEMENT (Revised site description) Provision for general purpose agricultural building

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

- (d) 2840/20/FUL** **57 - 66**
Higher Hareston, Brixton
Change of use of land for the provision of two pods for self-catering holiday purposes

- 8. Planning Appeals Update** **67 - 68**

The following item will not commence before 3.00pm

- 9. Development Management Action Plan** **69 - 80**

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**MINUTES OF THE MEETING OF THE DEVELOPMENT MANAGEMENT
COMMITTEE HELD via SKYPE, ON WEDNESDAY,
4 NOVEMBER 2020**

Members in attendance			
* Denotes attendance			
∅ Denotes apologies			
*	Cllr V Abbott	*	Cllr K Kemp
*	Cllr J Brazil (Chairman)	*	Cllr M Long
∅	Cllr D Brown	*	Cllr G Pannell
*	Cllr R J Foss (Deputy Chair)	*	Cllr K Pringle
*	Cllr J M Hodgson (from 2:00pm)	*	Cllr R Rowe
*	Cllr T R Holway	*	Cllr B Taylor
*	Cllr H Reeve (substitute for Cllr Brown)		

Other Members also in attendance and participating:
Cllrs H Bastone and J A Pearce

Officers in attendance and participating:

Item No:	Application No:	Officers:
All agenda items		Head of Planning; Senior Planning Specialists; Deputy Monitoring Officer; Democratic Services Manager; Specialist (Democratic Services);
DM.30/20 – 6a & 6b		Highways Officer (Devon County Council)

DM.27/20 MINUTES
The minutes of the meeting of the Committee held on 7th October 2020 were confirmed as a correct record by the Chairman.

DM.28/20 DECLARATIONS OF INTEREST
Members and officers were invited to declare any interests in the items of business to be considered and the following was made:

Cllr Abbott declared a personal interest in application number 2312/20/HHO as he had known the agent over many years and proceeded to remain in the meeting and took part in the debate and vote thereon.

DM.29/20 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.30/20

PLANNING APPLICATIONS

The Committee considered the details of the planning applications prepared by the Planning Case Officers as presented in the agenda papers, and considered also the comments of Town and Parish Councils, together with other representations received, which were listed within the presented agenda reports, and **RESOLVED** that:

0704/20/FUL

**Higher Venice Barn, Allaleigh, Blackawton,
Totnes, TQ9 7DL**

Parish: Cornworthy

Development: Conversion of a barn to dwelling and associated landscaping (READVERTISED).

Case Officer Update:

Requires a Section 106 Agreement restricting the property to local use (in perpetuity); A number of works are proposed to the Green Lane which include the addition of a speed bump, passing places and resurfacing with 803 material to the satisfaction of DCC Highways department – any existing public use would remain available post-consent; Matters concerning on-site trees are considered acceptable (subject to approved plans) and rights to fell / prune trees remain the responsibility of the applicant / relevant land owner(s).

Speakers included: Objector – Ms S Jaine; Supporter – Mr M Evans;
Parish Council – Cllr Kirkland; Ward Member – Cllr J McKay;

During discussions it was clarified that if evidence of Barn Owl nesting was present, then the relevant pre-commencement condition was engaged. The barn owl nesting box would be re-established and retained following the completion of the works. A sprinkler system would be built into the new home and a Low-Carbon Development Plan condition to be added.

Recommendation: Conditional approval

Committee decision: Conditional Approval

Conditions:

Time Limit
Approved Plans
Unexpected Land Contamination
Site Access
Off-site Highways Works
Car Parking
Foul
Surface Water Drainage

Enhancements (Pre-commencement)
Bat Emergence Survey Report Adherence
Barn Owl Survey (Pre-commencement)
Evidence of Barn Owl Nesting (Pre-commencement)
CMP (Pre-commencement)
Conservation Style Rooflights
Details / Samples
Natural Stone
Natural Slate
803 Material
Remove PD Rights
Low-Carbon Development Plan.

2116/20/HHO **1 Barrack Road, Modbury, PL21 0RB**

Parish: Modbury

Development: Householder for proposed parking bay

Case Officer Update: No update.

Speakers included: Supporter – Mr J Joseph; Ward Member – Cllr B Taylor

Recommendation: Refusal

During the debate for this application, it was confirmed that there were parking areas nearby and approved parking for neighbouring houses. Members noted that safety by the school would be improved by taking these cars off the street as parents with young children and prams currently had to walk in the road to pass vehicles parking in the street.

Committee Decision: Conditional Approval

Conditions:

Time limit

Accord with plans

Pre-commencement drainage condition (surface water)

2312/20/HHO **1 Paper Makers Lane, Ivybridge, PL21 0JZ**

Town: Ivybridge East

Development: Householder application for alteration and extension to existing porch, installation of board over-cladding on first floor elevations, adaption of ground floor openings on East elevation including new stepped arrangement to garden and adjustment of section of garden wall.

Case Officer Update: Correction to A2a reference (houses in AONB) but should be A3a, ie houses outside of AONB

Speakers included: Supporter – Mr I Hodgson; Ward Members – Cllrs V Abbott and K Pringle

Recommendation: Refusal

During the debate, it was confirmed that cladding on the first floor would necessitate insulation behind the cladding as building regulations had subsequently changed. Some Members disagreed with the officer comments that the cladding would result in an unduly prominent building within the street scene, and were of the view that diversity was sometimes beneficial.

Committee decision: Conditional approval

Conditions:
Time limit
Accord with plans
Surface water drainage

1751/20/HHO **Bulland Farm, Bulland, Ashburton, TQ13 7NG**

Parish: Staverton

Development: Householder application for replacement single storey side extension and internal and external alterations.

Case Officer Update: Officer updated Members regarding the overview of bat issue, and IROPI – derigation test from Natural England which would need to be applied for bats

Speakers included: Supporter – Dr L. Middleton; Ward Member – Cllr J Hodgson

Recommendation: Refusal

During the debate, some Members stated their opinion that the extension would be subservient. It was acknowledged there would be some impact on the bat population in the garden but the maternal colony in the main house would not be disturbed and that a condition would be applied for more bat boxes in the orchard. The demolition aspect of the build would also need to be timed to have minimum impact on the bat colony, plus a lighting condition for dawn and dusk.

Committee decision: Conditional approval, with delegated authority being granted to the Head of Development Management, in consultation with the Committee Chairman and the

Local Ward Member to agree the conditions.

Conditions (NB: at the time of drafting these minutes, these are still to be agreed by the Chairman of the Committee and the local Ward Member and these will be reported (and then minuted) at the Committee meeting to be held on 2 December 2020).

DM.31/20 PLANNING APPEALS UPDATE

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

The Head of Development Management provided further details on specific recent appeal decisions.

DM.32/20 PLANNING PERFORMANCE INDICATORS

Members reviewed the performance indicators as outlined in the presented agenda report.

In discussion, particular reference was made to the impact of Covid 19 on the number of applications registered in April and May 2020. The DM Manager confirmed that there were few, if any, allocated sites now without permission which would impact on the future fees earned. It was also noted that planning enforcement cases had increased in quarters one and two of this year, however, the rate of case closure continued to positively impact on the backlog.

(Meeting commenced at 11:00 am and was suspended at 1:08 pm; restarted at 2:00 pm and concluded at 3:39 pm)

Chairman

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PLANNING APPLICATION REPORT

Case Officer: Jacqueline Houslander and East Dart

Parish: Dartmouth **Ward:** Dartmouth

Application No: 1585/20/FUL

Agent/Applicant:

Mr Alistair Powe - KTA
Kensington Court
Pynes Hill
Exeter
EX2 5TY

Applicant:

Torbay and South Devon NHS Foundation Trust
Torbay Hospital
Lowes Bridge
Torquay
TQ2 7QAA

Site Address: Land adjacent to Dartmouth Park and Ride site, Wessex Way, Dartmouth

Development: READVERTISEMENT (Revised Plans Received) Construction of new two storey Health and Well-being Centre and associated external works



Reason item is being put before Committee: The land upon which the development will be located is land owned by South Hams District Council.

Recommendation:

Delegate approval to Head of Development Management, in conjunction with Chairman to conditionally grant planning permission, subject to a Section 106 legal obligation for the following:

A contribution towards the design and implementation for a residents parking scheme on surrounding streets at any time over the next 10 years should on street parking for the use of this facility spill into such areas.

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

Conditions (list not in full)

1. Time limit
2. Accord with plans
3. No external lighting until agreed with LPA
4. Adherence to Ecology report
5. Unexpected contamination
6. Protection of hedgerows
7. No removal of hedgerow
8. Cycle parking in place before occupation
9. Parking to be completed prior to occupation
10. Surfacing of P& R to be complete prior to it being brought into use.
11. Tree protection scheme to be agreed
12. Landscaping scheme to be submitted and agreed.
13. Landscape maintenance schedule
14. Archaeology – written scheme of investigation
15. Samples of materials upon slab level
16. Refuse provision
17. Fencing details
18. CMP
19. Percolation testing
20. Groundwater monitoring
21. Design of surface water management scheme to be submitted
22. Design of surface water management during construction
23. Details of adoption and maintenance arrangements
24. Details of carbon reduction measures
25. Details of cycle way
26. Levels of building.
27. Protection measures for T14

Key issues for consideration: Principle of the development; Location of development; impact on landscape, trees, ecology; parking and access;

Site Description: The application site is located adjacent to the existing park and ride facility off the A3122 on the south west fringe of Dartmouth. The site is currently used as an overflow area to the park and ride.

The land is relatively level, with native field boundaries to the east and south, a Devon hedge to the north and with trees comprising large Scots Pine and small sycamore inside of the Devon hedges. The A3122 runs alongside the northern hedge of the site.

Opposite the site on the other side of the A3122 is a supermarket. To the east beyond the park and ride is the Dartmouth Leisure Centre. To the west land which is subject to a mixed use consent for residential, employment and a local centre. The reserved matters are

currently under consideration and some of the site is already being built out. The site is currently laid to grass. To the south of the site there are playing fields.

The Proposal: The construction of a health care facility including primary and community care services for Dartmouth. The aim of the proposal is to bring health and wellbeing services under one roof. The building would accommodate services currently provided by Torbay and South Devon NHS Foundation Trust at Dartmouth Clinic; Dartmouth Medical Practice; Dartmouth Caring and a retail Pharmacy.

Access to the site would be via the existing park and ride access off the roundabout on the A3122. 24 parking spaces are proposed for the Heath hub and the remainder of the parking will be provided for Park and Ride overflow. The parking areas are proposed as brick pavements for the health hub parking, tarmac for the park and ride overflow, but areas where the spaces are over tree roots are proposed as a non-dig cellular confinement system.

The proposed building is located on the northern part of the site. The building itself is over 2 stories and is roughly T shaped, with one edge against the eastern boundary of the site and a projection in the midpoint of that building towards the west. In terms of use of the building, the Pharmacy is proposed on the south eastern corner of the building. The main entrance is located in the junction between the pharmacy and the westwards element of the building. In the remainder of the ground floor there are office spaces, audiology; outpatients; staff room; consulting rooms; podiatry reception and lobby, lifts and storage spaces.

On the first floor, there are 8 GP consulting rooms; 7 nurse consult/treatment rooms; Phlebotomy room; administrative space; managers office; meeting room and a patient waiting area.

Externally the building is proposed as brick on the ground floor, with timber cladding on the first floor. The timber cladding is proposed as being laid vertically across most of the elevation, but above and below the windows the cladding is horizontal. This creates a degree of articulation on the first floor elevations. The cladding overhangs the brickwork on the ground floor by a small amount.

Around the proposed building the brick pavements extend into the area of parking and also around all sides of the building. At the rear of the building is the entrance to the Dartmouth Caring facilities. Plant and mechanical units are also at the rear as are two bike stores. A further 2 bike stores are proposed at the north eastern end of the car park.

Three electric vehicle (EV) parking points are proposed along the eastern edge of the site, within the area identified as parking for the Heath hub. Three disabled spaces are also proposed in front of the entrance to the Health Hub as well as a patient drop off point.

Consultations:

- County Highways Authority: No in principle objections subject to revised plans to provide:
 - Two way flow at the vehicle access and details of pedestrian footway;
 - a give way line to give way to cars entering the car park;
 - No entry signs for the one way system;
 - Tactile paving and dropped kerbs for partially sighted and blind patients;
 - Cycle parking to be provided and clearly shown on the plans;
 - The proposed cycle link to the north west of the building is welcomed and recommend its provision should be tied down as a planning condition or legal agreement.

- Provision of a contribution of money towards the provision of residents parking scheme in the surrounding area should parking spill into these areas over the next 10 years
- Environmental Health Section: No comments
- Dartmouth Town Council: Support
- Stoke Fleming Parish Council: Support. Having been to the Cotton development and viewed the site, we now would like to add the following additional comments. We note that a considerable number of trees on the boundary between this site and the adjacent one are to be removed. That belt of trees is a distinctive local feature and forms part of the proposed bat corridor. We feel these should only be removed if absolutely necessary.
- Blackawton Parish Council: Support
- Dittisham Parish Council: Support
- DCC Archaeology: The proposed development lies in an area of known archaeological potential with regard to known prehistoric activity in this landscape. Archaeological investigations in advance of development on sites to the west have demonstrated the presence of Bronze Age and Iron Age settlement. As such, groundworks for the construction of the proposed development have the potential to expose and destroy archaeological and artefactual deposits associated with these heritage assets. A programme of archaeological work shall be submitted which should investigate, record and analyse the archaeological evidence that will otherwise be destroyed by the proposed development.
- DCC Drainage: No objection in principle subject to the imposition of pre commencement conditions relating to percolation and ground water monitoring.
 - Historic England: No comments
- Landscape: No objection subject to a condition requiring a soft and hard landscaping scheme and details of lighting.
- Tree officer:
 1. No objection on arboricultural merit in respect of the massing and siting of the facility, noting a requirement for pre-commencement agreement.
 2. Objection to the car parking scheme as described
 3. Holding Objection in respect of the cycleway/ footway in the absence of Arboricultural Impact Assessment work as described.
- Biodiversity: It is evident that the recommendations from the consultant ecologist which were intended to avoid impact on an assumed light-sensitive bat commuting/foraging feature have not been heeded. The following points are noted:

The building abuts the hedgerow/tree line – with windows on the western elevation. This layout/design would illuminate the hedgerow. It also does not leave room for any meaningful corridor alongside the hedgerow/tree line feature. It is also noted that car parking spaces would be directly adjacent to the hedgerow/tree line.

- The scheme includes reference to removal of 13 trees. Notwithstanding the Pre Development Tree Survey was written by the same consultants as the PEA (Reports 4 Planning), the PEA makes no reference to the proposal for loss of 13 trees, nor makes no assessment of the implications. In addition to any loss of biodiversity value associated with the trees themselves, there may be impact on the coherence of the hedge/tree line forming the western boundary of the site (and its contribution to the bat commuting/foraging feature) – this requires assessment.
- The Design and Access Statement includes reference to the proposed approach to site lighting in section 4.7. Whilst neither detailed (in terms of locations of lights) nor modelled (in terms of lux), reference is made to aiming to achieve an average of 20 lux for the security perimeter, and 20 lux for the carpark. This is significantly in excess of 0.5 lux as is typical for any dark corridor intended for continued bat passage.
- The proposal has to be seen in the context of its surrounds, and ‘in-combination’ with other developments with respect to the South Hams SAC and the requirement to ensure continued Landscape Connectivity for greater horseshoe bats. I have referenced the approach taken on the site to the southwest, which effectively borders the continuation of the same tree/hedgeline to the south. The approach taken on the adjacent site was intended to enable the continued ability of light sensitive bats to use the tree/hedgeline feature. The same should follow for the proposal.”
- Police Architectural Liaison: A site specific security needs assessment (SNA) was requested by Alistair Powe of KTA Architects prior to the above proposal being submitted for planning approval. The content of the Police Designing Out Crime Officers (DOCO) survey, in the main, is referenced in the Design and Access Statement at 4.12 - Designing out crime - Security needs assessment, and I am pleased to advise that much of the advice and recommendations appear to have been considered and implemented where possible in the proposed scheme.

Representations:

Representations from Residents

Comments have been received and cover the following points:

Object: 4

- 3 electric charging points is insufficient for a Council who have declared a climate emergency
- The development is required to be low carbon by policy DEV32
- Residents of Dartmouth have not been consulted about the cuts and changes to their healthcare provision, which is unlawful.
- There is a conflict of interest regarding SHDC, who if the plans are approved will become landlords of proposed hub and gain rent over 25 years.
- The people of Dartmouth need access to NHS services not a café
- SHDC is enabling the Trust and CCG to privatise our NHS in return for monetary return
- The hospital site will be developed for the benefit of few, as will the clinic
- The environment will be affected by the earth being ripped open, by breathing in the debris.
- The people of Dartmouth do not want this expensive building.
- We already have a GP practice
- We have pharmacies (2)

- The building is ugly.
- If this is approved the town will lose its hospital, which will be developed for greed and bring long term chaos to the town centre for many years.
- There will be no benefit for the residents from this development.
- There is a perfectly good hospital in the town, which could be brought back to the required standards, for a fraction of the cost.
- There is also a perfectly good clinic in the town, which could also be brought up to scratch with minimal cost to the public purse.
- The pharmacy and café are completely unnecessary as there are far too many cafes in the town as well as one in the supermarket opposite.
- The pharmacy here could result in loss of jobs at the two existing pharmacies
- The promise of inpatient care has not been delivered – a promise made since the beginning and a promise many townsfolk still believe will be delivered in this facility.
- Park and ride spaces will be lost, thus a loss of tourist revenue
- The public were not properly informed about these proposals
- This centre is not in the best interests of the residents of Dartmouth.

Support: 2

- As many car charging pints as possible please.
- Co locating health services in modern purpose built premises will dramatically improve health care provision in Dartmouth, with good transport links and adequate parking
- The bus and private vehicle drop off area may be affected by visitor traffic
- I hope natural ventilation is proposed rather than aircon and that air or ground source heat is incorporated.

Relevant Planning History

15/1480/96/10

Townstal Road Dartmouth

Construction of park and ride facilities including new roundabout on A3122 (Regulation 3 LPA own development authorised by Minute LR 22/96),
Conditional Approval 31/10/1996

15/1263/97/10

Park & Ride Site at Townstal Road Dartmouth

Removal of condition (g) of permission 9/15/1480/96/10 to enable all year round use of facility, Regulation 3 LPA own development pursuant to a decision by Management Team dated 22 July 1997.

Conditional approval 04/09/1997

15/1264/97/10

Park & Ride Site at Townstal Road Dartmouth

Retrospective application for amendments to approved plans 9/15/1480/96/10 Regulation 3 LPA own development pursuant to a decision by Management Team dated 22 July 1997,
Conditional approval 04/09/1997

ANALYSIS

Principle of Development/Sustainability: The principle of this development must be considered against the strategic policies of the Plymouth and South West Devon Joint Local Plan (JLP), which forms the development plan for this area. The Joint Local Plan Supplementary Planning Document (SPD) is also relevant to the detailed consideration of the

proposal. The Dartmouth Neighbourhood Plan is at an early stage in the Neighbourhood Plan (NP) process, having had the area designated and is currently at the information gathering stage. At this stage the NP is not part of the Development Plan.

In considering policies SPT1 and SPT2 of the JLP, there is a presumption in favour of sustainable development. SPT1 providing the principle behind sustainable development and SPT2 providing the detail behind sustainable settlements. Policy TTV1 provides the hierarchy for growth in the Thriving Towns and Villages policy area. The main towns are the first tier in that hierarchy and Dartmouth is identified in the Plan as a main town.

In terms of sustainability the Plan acknowledges that main towns are the most sustainable places for growth (para.5.8). *“Strengthening the role of the six Main Towns and recognising that, after Plymouth, these are the most suitable locations for sustainable growth.”*

TTV1 states ... *“The Main Towns - which will be prioritised for growth to enable them to continue to thrive, achieve strong levels of self-containment, and provide a broad range of services for the wider area.”*

The Plan also demonstrates the vital role that the main towns provide in terms of supporting their rural hinterlands and villages.

In terms of principle and sustainability the proposal meets the strategic aims and focus of Policies SPT1, SPT2 and TTV1.

Policy SPT6 sets out the spatial role for main town centre uses. And indicates at part 3.i that the main town centres should be the appropriate location for *“primarily main food / convenience shopping and other retail and services as appropriate to role of the centre.* The JLP does not definitively define what other town centre services might be but instead refers to the definition provided in the NPPF glossary, which defines main town centre uses as: *Retail development (including warehouse clubs and factory outlet centres); leisure, entertainment and more intensive sport and recreation uses (including cinemas, restaurants, drive-through restaurants, bars and pubs, nightclubs, casinos, health and fitness centres, indoor bowling centres and bingo halls); offices; and arts, culture and tourism development (including theatres, museums, galleries and concert halls, hotels and conference facilities).* The NPPF promotes a sequential approach to the consideration of these uses outside of town centres. However the list of uses does not include a health and well being hub. Whilst health and fitness centres are mentioned, officers would suggest that these are more along the lines of a health centre associated with sport and recreation, rather than GP services. It is therefore concluded that it is not necessary to undertake a sequential test for this development.

However some of the objections to the scheme mention the location of the development on the south west edge of the town and the fact that the hospital and clinic site within the town could be restored. This is a valid concern. Dartmouth Hospital site is within the central part of the town. However it is on a restricted site, where parking is very difficult, and expansion is impossible because of the development surrounding it. Additionally, the nature of the town centre with densely knit development and steep slopes, makes the provision of a large building such as this more difficult, particularly when there are many listed buildings within the town, it would be inappropriate to locate a building such as this in the town centre itself. As for other sites further out from the town centre, the sloping nature of the land would not be appropriate for a building of this scale and the AONB landscape designation around the south east and northern parts of the town would also be inappropriate for a large

development such as this. The amalgamation of the other facilities in this area, with the park and ride, supermarkets allocated new employment and residential development (through TTV4) as well as regular bus services from the town centre out to Townstal area provides a well serviced, sustainable location for such services. The need to provide more efficient GP services is also a priority which is becoming more relevant in remote locations such as this.

The application site lies within the TTV4 allocation on the JLP. This allocation states:

Land at Cotton is allocated for residential led mixed-use development. Provision is made for in the order of 450 new homes and 10,800 m of employment floorspace (Use Classes B1).

Development should provide for the following:

- 1. A local community hub.***
- 2. Retention of the existing sports pitches with any re-ordering only acceptable if it would result in enhancement of the facility.***
- 3. Provision of both formal and informal open space.***
- 4. Strategic landscaping, open space, and tree planting to address the scale and prominence of the site, to help mitigate any adverse visual impact on the AONB, and to soften the edges of the development onto the undeveloped countryside.***
- 5. A scale, density, design and southern extent of development which is not overly prominent when viewed from the surrounding countryside.***
- 6. Positive frontages onto the adjoining road network, especially the main road.***
- 7. Delivery of enhanced connectivity with the lower town for public transport, pedestrians and cyclists.***
- 8. A lighting strategy, which minimises the impact of light spill to the surrounding countryside.***

The application is submitted based on the fact that it contributes to the development and consolidation of the local community hub (part 1. Above). That hub includes the two supermarkets, the playing fields, the leisure centre, the park and ride and ultimately the employment and retail space on the adjoining residential and employment site. Para. 5.34 in the supporting text of the JLP states that the community hub will “*facilitate the creation of a high quality, distinct community that also benefits from links to services in Dartmouth.*”

The allocation clearly seeks to ensure that the surrounding countryside is protected and requires the provision of strategic landscaping and tree planting to “*address the scale and prominence of the site, to help mitigate any adverse visual impact on the AONB, and to soften the edges of the development onto the undeveloped countryside.*”

The application submission has not provided any additional planting proposals, and officers consider that additional planting on the southern boundary may be beneficial to accord with the allocation. There is discussion in the Design and Access and the ecology statement about additional planting to plug gaps in the existing western and northern boundaries. This same approach could also be provided along the southern boundary where the planting is also a little gappy. This edge of the site fronts onto the community playing fields and the countryside is beyond to the south. It is here where additional planting would help to soften the edge of the built development. Indicates that additional planting will be provided. A condition will be imposed on the consent to secure additional landscaping in this area.

Design: The design of the proposal is described in detail in the Design and Access Statement submitted with the proposal, which includes massing studies; daylight and sunlight studies;

review of views into the site, from all directions; there are some significant areas of trees around the site, particularly on the northern and western boundaries. Originally the scheme indicated a number of these trees to be removed, however as the scheme has proceeded through the planning process and various consultees have responded the scheme has been revised such that there are now 3 trees to be removed to the north of the site in order to accommodate the building and a further 4 on the western boundary. As a result the trees nature of these boundaries to the site will be maintained.

The building design has been improved since its first iteration, with the timber cladding becoming a more fundamental aspect of the design. The orientation of the timber changes across the elevation and therefore adds a degree of shadow and articulation to the façades. The brick and timber will need to be agreed via a condition to ensure that they are complementary to each other.

Policy DEV20 seeks to ensure that development proposals are of a high quality design. The policy seeks to ensure that the development has taken account of the context of the site. In this case the context is quite mixed, with a supermarket opposite, a leisure centre to the east and residential development (Townstal) further to the north and east. Adjacent to the application site, is the TTV4 Land at Cotton allocated site, which is allocated for mixed use – 450 new homes and 10,800 of employment floorspace (B1).

In the not too distant future the proposal site will be enclosed by significant residential and employment land.

In terms of local vernacular, there is little traditional development. The supermarket is set down from the road and has a curved roof, with a highly glazed frontage. The elevation to the road is has large timber beams supporting the roof which have been emphasised as an architectural feature, with render and glazing. There is an element of timber cladding at one end of the building.

The leisure centre similarly has a curved roof, with render, glazed and panelled elevations. The other supermarket further to the east has a monopitched roof with metal cladding and render. The petrol filling station next to the supermarket has a pitched roof with a grey tile roof and rendered walls. The supermarkets and leisure centre are all set apart from each other with car parking and some landscaped areas.

Residential development in the upper part of Townstal comprises render and concrete tile roofs, tile hanging, brick quoins and detailing.

The context is thus very mixed and the only common feature of the larger buildings is the fact that they all have an element of cladding and have less traditional roof forms.

In light of the mixed context, the proposal for timber cladding at first floor relates to the larger buildings in the area. The heavily treed setting also requires a more natural finish, which timber provides. The flat roof is not considered to be offensive and represents a simple and uncluttered roof form, which is not trying to be anything other than what it is. It is considered that the proposal has to some degree acknowledged the built context of the site, whilst balancing this against the functional needs of the building.

Views of the site from the A3122 are important and the tree line along the top of the application site with the road is an important local feature. The fact that most of this tree line is to be retained ensures that the building will only be briefly glimpsed as one drives along west to east. The building will be more visible from the east when driving along the A3122 out of Dartmouth. However the existing hedge along the roadside and the hedge along the

eastern boundary provide some screening of the ground floor and parking areas. The timber cladding will be seen against the treed setting north and west. Officers consider this will be a positive addition and will not jar with the setting.

It is considered that the proposal meets policy DEV20 in the JLP.

Landscape: The application site is on the edge of the built up area of Dartmouth, albeit once the cotton development site to the west is built out it will be far less on the edge. However currently the impact of development on the countryside to the north, south and west must be a consideration for the development. Policy DEV23 seeks to ensure that development conserve and enhances both landscape and townscape character. The proposal retains many of the trees along the north and west boundaries and is keen to fill gaps in the vegetative setting (which will be secured through a suitable condition). The building is set at the northern part of the site so as to be closer to the existing development on the northern side of the main road.

Trees: The tree officer originally had a holding objection, expressing concerns about the car parking scheme and concerns about the proposed cycleway/ footway in the north west corner of the site and the lack of Arboricultural Impact Assessment of that route. This information was requested and received.

The tree officer still has some concerns about the information received but considered that the additional information required can be dealt with via planning conditions.

Neighbour Amenity: There are no immediate residential neighbours currently to the development and the space immediately adjacent on the TTV4 allocated site is currently designated for employment space. There are currently no immediate residential neighbours to the development whose residential amenity would be impacted by the development proposed.

Highways/Access: The Highway Authority noted that the facility and park and ride will be accessed off a private road and made comments in relation to:

Two way flow at the vehicle access and details of pedestrian footway; a give way line to give way to cars entering the car park; No entry signs for the one way system; tactile paving and dropped kerbs for partially sighted and blind patients; cycle parking to be provided and clearly shown on the plans; the proposed cycle link to the north west of the building is welcomed and recommend its provision should be tied down as a planning condition or legal agreement. The changes have been made to the plans in accordance with the Highway Authority requirements. It is proposed that the cycleway shall be the subject of a condition to seek further detailed drawings (to satisfy the Tree officer) and to ensure it links to the cycleway on the A3122.

The Highway authority also require a contribution to the provision of residents parking schemes in surrounding streets.

Drainage: As this is a major application the drainage details have been reviewed by the Lead Local Flood Authority at Devon County Council. They have recommended a number of pre commencement conditions be applied to any consent. These pre commencement conditions have been imposed.

The drainage proposal comprise 4 soakaway's to act as infiltration mechanisms for surface water runoff generated from the building and parking areas. The soak-away's have been designed for a 1:100 year flood event + 40% for climate change. The soakaways have been

designed for the worst possible scenario. It is proposed that private sewers on the site will take the run off to the 4 proposed soakaways. Any events above the 1:100 year event will use the car park for exceedance volumes.

The foul drainage will go to an existing public sewer which South West Water have confirmed has capacity.

Ecology: A preliminary ecology appraisal was submitted in support of the application. The report concluded that the trees around the site were not likely to support bat roosts, and judged therefore to be of negligible or low bat roosting potential. The main body of the site being open grassland was unlikely to be suitable for foraging or commuting bats. However the trees and hedgerows to the north and west (and possibly the others) are likely to be used by various bat species for foraging and commuting. The hedgerows are connected to a network of field boundaries to the south and woodland and hedgerow to the north of the site.

The recommendations in the report include that if bats are found in standing timber or felled timbers a licensed bat worker should be consulted to discuss the best way to proceed. It was noted in the report that the site does not fall within the South Hams SAC Greater Horseshoe Bat Sustenance Consultation Zone or within any of the associated interconnecting 'Strategic Flyways'. The report also recommends that:

"i. unless further survey (eg in the form of evening bat activity surveys spread out across the extended summer months) demonstrates a lack of material use of them by foraging/commuting bats, it be assumed that the north and west boundary hedgerows (together with associated trees and scrub) be of material importance to foraging/commuting bats and steps be taken to ensure that the proposed development does no impact on any such use. As well as the retention and supplementation of boundary hedgerows as per paragraph 4.6 above, we suggest that such steps would include:

- a) maintaining boundary hedgerows tall (2-3+ m in height);*
- b) retaining associated trees (wherever possible) and/or replacing any lost trees with new planting of appropriate native species;*
- c) control of external lighting such as to prevent material spill onto boundary features (namely hedgerows/trees) and ensure the maintenance of dark flight corridors along such features."*

It was noted in the report that the site does not fall within the South Hams SAC Greater Horseshoe Bat Sustenance Consultation Zone or within any of the associated interconnecting 'Strategic Flyways'.

Badgers may have used the site, although no evidence of sets was found.

Hazel dormouse had been previously identified in field boundaries to the 600-700m to the west (2010) and 400 metres to the south west (2013).

Nesting birds would use the trees, and reptiles are unlikely to use the site in its current state of management.

Other recommendations covered: Suitably qualified ecologist should be brought in to advise on removal of shrub /hedgerow in case there are any dormouse present; new boundaries should take account of the need for badgers to cross the site; and removal of trees should be restricted to outside of the bird nesting season.

The report also acknowledges that native hedgerow is a Biodiversity Action Plan priority habitat and so the report recommends that:

- "i. all existing boundary hedgerows (including hedge-banks) are retained;*
- ii. serious consideration be given to reinforcing any gappy/weak sections of existing boundary hedgerow with supplementary planting of appropriate native shrubs."*

The Council's ecologist reviewed the report and stated:

It is evident that the recommendations from the consultant ecologist which were intended to avoid impact on an assumed light-sensitive bat commuting/foraging feature have not been heeded. The following points are noted:

- *The building abuts the hedgerow/tree line – with windows on the western elevation. This layout/design would illuminate the hedgerow. It also does not leave room for any meaningful corridor alongside the hedgerow/tree line feature. It is also noted that car parking spaces would be directly adjacent to the hedgerow/tree line.*
- *The scheme includes reference to removal of 13 trees. Notwithstanding the Pre Development Tree Survey was written by the same consultants as the PEA (Reports 4 Planning), the PEA makes no reference to the proposal for loss of 13 trees, nor makes no assessment of the implications. In addition to any loss of biodiversity value associated with the trees themselves, there may be impact on the coherence of the hedge/tree line forming the western boundary of the site (and its contribution to the bat commuting/foraging feature) – this requires assessment.*
- *The Design and Access Statement includes reference to the proposed approach to site lighting in section 4.7. Whilst neither detailed (in terms of locations of lights) nor modelled (in terms of lux), reference is made to aiming to achieve an average of 20 lux for the security perimeter, and 20 lux for the carpark. This is significantly in excess of 0.5 lux as is typical for any dark corridor intended for continued bat passage.*
- *The proposal has to be seen in the context of its surrounds, and 'in-combination' with other developments with respect to the South Hams SAC and the requirement to ensure continued Landscape Connectivity for greater horseshoe bats. I have referenced the approach taken on the site to the southwest, which effectively borders the continuation of the same tree/hedgeline to the south. The approach taken on the adjacent site was intended to enable the continued ability of light sensitive bats to use the tree/hedgeline feature. The same should follow for the proposal."*

The additional information is awaited, but is expected to be received and agreed prior to the committee meeting.

Other issues:

Climate Change: Policy DEV32 in the Joint Local Plan, requires that the carbon footprint of development should be reduced. In response to this the Design and Access statement indicates that:

- The concept design makes use of enhanced building fabric and high-spec glazing to reduce the effects of solar gain and reduce heat losses.
- Natural ventilation is provided via occupant-controlled openable windows, and high-percentage heat recovery ventilation is provided to ensure comfortable temperatures in areas of high internal heat gain.
- high efficiency luminaires and daylight dimming in perimeter rooms, with absence detection where appropriate.
- Heating is provided by electric air source heat pumps, with gas and other fossil fuels being avoided entirely in the building; this measure optimises energy efficiency and negates local air quality impacts, whilst offering the building a clear potential to become Net Zero Carbon as the grid decarbonises.
- the roof of the building has been designed to accommodate up to 150 square metres of photovoltaic panels to harness the power of sunlight to self-generate a high proportion of the building's annual energy needs.

Whilst these proposals are very helpful in reducing the carbon footprint of the development and would meet the requirements of Policy DEV32, details of these measures are not

included on the plans and relevant details have not been provided. It is therefore proposed to place a condition on the consent to ensure these measures are fully incorporated.

Objections to the development: The objections to the development focus around the principle of the development in this location; questions as to why the hospital within Dartmouth is not refurbished and used instead; the risk to the pharmacies in the town; lack of public consultation about the health care cuts; questions over the benefits to South Hams District Council and the use of public money; the building is ugly; loss of park and ride spaces and that the proposal is not in the interest of the residents of Dartmouth.

Some of the objections do not relate to the planning merits of the case and therefore are not relevant to the planning decision. However the views about the design of the building are relevant and have been discussed and explained earlier in this report. The issue of the location of this facility have also been addressed in the report and conclude that whilst the hospital is right in the centre of Dartmouth and thus in a sustainable location, the restrictions on that site, in terms of density of development; lack of space for expansion; impact on the conservation area versus the location in the community hub of the TTV4 allocation, with a good range of facilities and excellent public transport links to Dartmouth do benefit the residents and the benefits of providing a larger area of formal park and ride provide wider benefits to the residents of Dartmouth, for tourism.

The concerns raised by Stoke Fleming Parish Council have been addressed, such that far fewer trees are now being removed from the site.

Police Architectural Liaison: It is clear from the response received from the PLA that the pre application discussion with them has resulted in a scheme which receives their approval.

Conclusion:

The proposal meets the relevant Development Plan policies as discussed. It is in a main town where such services should be focussed, it is part of the TTV4 allocation contributing towards the creation of a community hub; in design and landscape terms it is acceptable and so is recommended for approval.

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

Planning Policy

Relevant policy framework

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 Plymouth & South West Devon Joint Local Plan 2014 - 2034 is now part of 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).

On 26 March 2019 of the Plymouth & South West Devon Joint Local Plan was adopted by all three of the component authorities. Following adoption, the three authorities jointly notified the Ministry of Housing, Communities and Local Government (MHCLG) of their choice to monitor at the whole plan level. This is for the purposes of the Housing Delivery Test (HDT) and the 5 Year Housing Land Supply assessment. A letter from MHCLG to the Authorities

was received on 13 May 2019. This confirmed the Plymouth, South Hams and West Devon's revised joint Housing Delivery Test Measurement as 163% and that the consequences are "None". It confirmed that the revised HDT measurement will take effect upon receipt of the letter, as will any consequences that will apply as a result of the measurement. It also confirmed that that the letter supersedes the HDT measurements for each of the 3 local authority areas (Plymouth City, South Hams District and West Devon Borough) which Government published on 19 February 2019. On 13th February 2020 MHCLG published the HDT 2019 measurement. This confirmed the Plymouth, South Hams and West Devon's joint HDT measurement as 139% and the consequences are "None".

As a result of Government policies and guidance regarding lockdown due to Covid 19, the 2020 Housing Survey was delayed by approx. 2 months as site visits could not take place. The 2020 5YLS update is therefore delayed by four months and will now be published in November 2020. The impact from Covid 19 is likely to slightly reduce the supply identified for 2020/21 due to 2-3 months of limited/nil construction activity during lockdown. There is no evidence to suggest that this would have a material change to the JLP Authorities 5YLS position, given the substantial 5YLS position at the 2019 monitoring point i.e. 6.4YLS which represents a surplus of 1,977 deliverable dwellings above what is required over the period 2019-2024 to demonstrate a 5YLS.

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
SPT6 Spatial provision of retail and main town centre uses
SPT8 Strategic connectivity
SPT9 Strategic principles for transport planning and strategy
SPT10 Balanced transport strategy for growth and healthy and sustainable communities
SPT11 Strategic approach to the Historic environment
SPT12 Strategic approach to the natural environment
SPT13 Strategic infrastructure measures to deliver the spatial strategy
TTV1 Prioritising growth through a hierarchy of sustainable settlements
TTV2 Delivering sustainable development in the Thriving Towns and Villages Policy Area
TTV3 Strategic infrastructure measures for the Main Towns
DEV1 Protecting health and amenity
DEV2 Air, water, soil, noise, land and light
DEV14 Maintaining a flexible mix of employment sites
DEV16 Providing retail and town centre uses in appropriate locations
DEV19 Provisions for local employment and skills
DEV20 Place shaping and the quality of the built environment
DEV26 Protecting and enhancing biodiversity and geological conservation
DEV28 Trees, woodlands and hedgerows
DEV29 Specific provisions relating to transport
DEV30 Meeting the community infrastructure needs of new homes
DEV31 Waste management
DEV32 Delivering low carbon development
DEV35 Managing flood risk and Water Quality Impacts

DEL1 Approach to development delivery and viability, planning obligations and the Community Infrastructure Levy

Neighbourhood Plan: Dartmouth Neighbourhood Plan is at Regulation 7 stage having had an area for the plan designated.

Other material considerations include the policies of the National Planning Policy Framework (NPPF) including but not limited to paragraphs 2, 11, 127, 153, 163, 170, 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.

Proposed 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).

2. The development hereby approved shall in all respects accord strictly with drawing number(s) DH-KT-XX-XX-DR-A-1922-01.00-1 Site Location Plan; 1922-02.00 -9 proposed ground floor plan, received by the Local Planning Authority on 8/06/2020.

1922-04.02-P2 Proposed courtyard elevations; 1922-04.00-3 Proposed north and south elevations; 1922-03-01-P3 Sections C-C and B-B; 1922-02.02-P3 Proposed roof plan; received by the Local Planning Authority on 25/8/2020.

1922-04.01-P4 Proposed east and west elevations; 1922-01.20-P13 Proposed site plan; 1922-02.01-P11 Proposed first floor plan, received by the Local Planning Authority on 20/11/2020.

Further plans to be submitted – update at Committee.

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 building and car park shall not be used until a scheme for external lighting has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the position, type, luminance and cowling of all external lights to the building and car parking areas. Upon the commencement of the use the external lighting shall accord strictly with the approved details and shall only be used during the opening hours of the building and car park.

Reason: To safeguard the appearance of the locality and the amenities of adjoining residents.

4. Notwithstanding the details set out on the submitted drawings, the development hereby permitted shall be carried out in accordance with the comments and recommendation set out in the Ecological Appraisal dated November 2020 from

'Reports for Planning', including the provision of new access for bats, guidance on timber treatment, precautions during building works and timing of operations. The approved accesses shall remain in place and the openings kept unobstructed thereafter.

Reason: To safeguard the welfare of a protected species of wildlife, in the interests of the amenity of the area and the Conservation (Natural Habitats) Regulations 1994 and the 1981 Wildlife and Country Act (as amended).

5. 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.

6. No development shall take place, or any equipment, machinery or materials be brought onto the site for the purpose of development until:
- (i) The erection of fencing to delineate a Protection Zone to protect retained hedges and trees has been constructed in accordance with location and construction details shown on plans and particulars to be submitted and approved by the Local Planning Authority
 - (ii) Within the Protection Zone nothing shall be stored or placed, nor any works take place, nor shall any changes in ground levels or excavations take place unless they are agreed in writing by the Local Planning Authority.
 - (iii) All hedge restoration or management works as detailed on plans and details to be submitted or as otherwise agreed in writing by the Local Planning Authority have been completed.

Reason: In order to protect hedgerows of amenity, wildlife or historical importance.

7. No hedgerow shown for retention shall be removed, damaged or worked on except as detailed in [the approved plans. If any retained hedge is removed, or damaged, during construction it shall be replaced with planting (and hedgebank) at the same place and species of such size, species and density as may be specified in writing by the Local Planning Authority.

Reason: In order to protect hedgerows of amenity, and wildlife importance.

8. The building hereby approved shall not be occupied until space/ buildings have been laid out within the site for the parking of bicycles in accordance with the approved plan. Thereafter these spaces/buildings shall be kept permanently available for bicycle parking.

Reason To encourage more sustainable transport modes.

9. The building shall not be occupied until the land for vehicle parking shown on the approved drawings has been laid out, surfaced and drained, and that land shall not thereafter be used for any purpose other than the parking of vehicles used by persons working, visiting or attending at the site.

Reason: To ensure there is adequate parking provided for the use of the building as a Health and wellbeing Hub.

10. The park and ride area shall be laid out, surfaced and drained prior to it being brought into use. It shall not be used for any purpose other than the parking of vehicles by persons using the park and ride facility or as overflow for people attending the Health and Well-being Hub.

Reason: To ensure the park and ride facility has adequate parking spaces to accommodate visitors to the town.

11. No development shall take place, or any equipment, machinery or materials be brought onto the site for the purpose of development until:
- (i) The erection of fencing to delineate a Protection Zone to protect retained trees has been constructed in accordance with location and construction details shown on [the approved plans Tree protection scheme. Within the Protection Zone nothing shall be stored or placed, nor bonfires lit, nor any works take place, nor shall any change in ground levels or excavations take place unless they are agreed in writing in advance by the Local Planning Authority.
 - (ii) Protection Zone signs, as attached to this notice, are fixed to the protective fence at no more than 20 metre intervals. The fence and signs shall be retained and maintained until all equipment, machinery and surplus materials have been removed from the site.
 - (iii) All tree felling or tree surgery works as detailed on the approved plans and or as otherwise agreed in writing by the Local Planning Authority have been completed. All tree works shall be undertaken in accordance with British Standard 3998 (Tree Work).

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

12. Prior to ground works being undertaken on the site, a hard and soft landscaping scheme shall be submitted, including the location of new trees; the species proposed; trees and planting to take place on the southern boundary of the site, to be agreed by the Local Planning
13. No occupation shall take place until a schedule of landscape maintenance for a minimum period of 10 years has been submitted to and approved in writing by the Local Planning Authority. The schedule shall include details of the arrangements for its implementation. Development shall be carried out in accordance with the approved schedule.

Reason: In the interests of public amenity and local landscape character.

14. No development shall take place until the developer has secured the implementation of a programme of archaeological work in accordance with a written scheme of

investigation (WSI) which has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out at all times in accordance with the approved scheme, or such other details as may be subsequently agreed in writing by the Local Planning Authority.

Reason: To ensure, in accordance with Policy DEV21 in the Plymouth and South West Devon Joint Local Plan 2014 - 2034 and paragraph 199 of the National Planning Policy Framework (2019), that an appropriate record is made of archaeological evidence that may be affected by the development

15. Development shall not proceed beyond slab level/dpc until a schedule of materials and finishes, and samples of the materials to be used in the construction of the external surfaces, including roofs, and floor scape have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out only in accordance with the details so approved.

Reason: To enable the Local Planning Authority to consider the details of the materials.

16. Adequate provision shall be made for the storage of and disposal of domestic and medical refuse, the details of which shall be agreed in writing with the Local Planning Authority and the provision shall be implemented in accordance with the approved scheme before any part of the development is first occupied and thereafter the provision shall be retained in accordance with the approved scheme.

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

17. Prior to the occupation of the building hereby approved, details of the fencing locations and materials shall be submitted to and approved by the Local Planning Authority.

Reason: To ensure appropriate materials, are agreed and the height is appropriate and that badgers are accommodated

18. Prior to commencement of any part of the site the Local Planning Authority shall have received and approved a Construction Management Plan (CMP) including
- (a) the timetable of the works
 - (b) daily hours of construction
 - (c) any road closure
 - (d) hours during which delivery and construction traffic will travel to and from the site, with such vehicular movements being restricted to between 8.00 a.m. and 6.00 p.m. Mondays to Fridays inc. 9.00a.m. to 1.00 p.m. Saturdays and no such movements taking place on Sundays or Bank holidays unless agrees by The local Planning Authority in advance.
 - (e) the number and sizes of vehicles visiting the site in connection with the development and the frequency of their visits
 - (f) the compound/location where all building materials, finished or unfinished products, parts, crates, packing materials and waste will be stored during the demolition and construction phases
 - (g) areas on site where delivery vehicles and construction traffic will load or unload building materials, finished or unfinished products, parts, crates, packing materials and waste with confirmation that no construction traffic or delivery vehicles will park on the

County Highway for loading or unloading purposes unless prior written agreement has been given by the Local Planning Authority;

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

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

(j) the details to promote car sharing amongst construction staff in order to limit construction staff vehicles parking off site;

(k) details of wheel washing facilities and obligations;

(l) the proposed route of all construction traffic exceeding 7.5 tonnes;

(m) details of the amount and location of construction worker parking; (n) photographic evidence of the condition of adjacent public highway prior to commencement of any work.

Reason: In the interests of Highway Safety and amenity

19. No part of the development hereby permitted shall be commenced until a programme of percolation tests has been carried out in accordance with BRE Digest 365 Soakaway Design (2016), and the results approved in writing by the Local Planning Authority. A representative number of tests should be conducted to provide adequate coverage of the site, with particular focus placed on the locations of the proposed infiltration devices/permeable surfaces.

Reason: To ensure that surface water from the development is discharged as high up the drainage hierarchy as is feasible.

Reason for being a pre-commencement condition: This data is required prior to the commencement of any works as it will affect the permanent surface water drainage management plan, which needs to be confirmed before development takes place.

20. No part of the development hereby permitted shall be commenced until the full results of a groundwater monitoring programme, (undertaken over a period of 4 months if taking place between December and April or over 12 months, if being undertaken at another time of year) has been submitted to, and approved in writing by, the Local Planning Authority. This monitoring should be conducted to provide adequate coverage of the site, with particular focus placed on the locations and depths of the proposed infiltration devices.

Reason: To ensure that the use of infiltration devices on the site is an appropriate means of surface water drainage management.

21. No part of the development hereby permitted shall be commenced beyond slab level until the detailed design of the proposed permanent surface water drainage management system has been submitted to, and approved in writing by, the Local Planning Authority. The design of this permanent surface water drainage management system will be in accordance with the principles of sustainable drainage systems, and those set out in the Proposed Greenfield Development Health and Wellbeing Centre Dartmouth Flood Risk Assessment Report (Report Ref. ES19.135, Rev. A, dated 1 May 2020). No part of the development shall be occupied until the surface water management scheme serving that part of the development has been provided in accordance with the approved details and the drainage infrastructure shall be retained and maintained for the lifetime of the development.

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

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

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

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

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

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

23. No part of the development hereby permitted shall be commenced beyond slab level until the full details of the adoption and maintenance arrangements for the proposed permanent surface water drainage management system have been submitted to, and approved in writing by, the Local Planning Authority.

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

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

24. Prior to development beyond slab level, the details of the location of the photovoltaics; the ventilation system; the ground source heat pump; the glazing and shall be submitted to and agreed by the Local Planning Authority. The measures shall be implemented in accordance with that agreement.

Reason: To ensure that the development reduces its carbon footprint and complies with policy DEV32 of the Plymouth and South West Devon Joint Local Plan.

25. Prior to the construction of the cycle route in the north west corner of the site, detailed plans will be submitted to and approved by the Local Planning Authority. The cycle route will be constructed in accordance with the agreed details.

Reason: To ensure that a detailed proposal has been approved and to ensure any proposal does not impact on the trees in this area of the site.

26. No development shall be commenced until the proposed ground floor levels of the development hereby permitted have been submitted to and approved in writing by the

Local Planning Authority and the development shall be constructed in accordance with the approved floor levels.

Reason: To enable the Local Planning Authority to consider these details in the interests of the appearance of the locality.

27. Prior to the commencement of any work in the locality of tree T14, as shown in the Arboricultural statement, proposals for the specialist scaffold (in accordance with BS5837); the proposed constructional solution to the RPA incursion around T14, shall be submitted to and approved by the Local Planning Authority. The works around the tree shall be carried out in strict accordance with the agreed details.

Reason: To protect the health of the tree into the future.

Additional informative:

The proposed depth of the soakaways is different from the depth of the infiltration testing. Further testing would need to be carried out to assess the soil infiltration rate of the proposed zone of infiltration for the soakaways should the applicant decided to maintain the proposed depth of soakaways.

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PLANNING APPLICATION REPORT

Case Officer: Lucy Hall

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

Application No: 4063/19/FUL

Agent/Applicant:

Mr Philip Andrews - WvH Planning Ltd
Elmwood
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East Horsley, Surrey
KT24 5DD

Applicant:

Mr & Mrs R & L Dafforn
31 Elystan Place
London
SW3 3JY

Site Address: Sandnes, Beadon Road, Salcombe, TQ8 8LU

Development: Replacement dwelling with associated landscape works (amendment to design previously approved 1125/17/FUL)

Reasons for item going to committee – At the request of the local ward members, Cllr Pearce & Cllr Long on the basis of the huge amount of public concern regarding the application.



Recommendation: Conditional Approval

Conditions:

1. Standard three year time limit for commencement of development
2. Development to be carried out in accordance with approved drawings
3. Implementation of landscape proposals
4. Ecology (light spill)
5. Restriction of works until confirmation a licence has been provided
6. Removal of PD rights
7. Unsuspected contamination
8. Restriction on external lighting
9. Surface water drainage
10. Foul drainage
11. Low carbon
12. Trees

Key issues for consideration:

Impact on landscape including AONB and undeveloped coast, Design, residential amenity, impact on TPOs, CMP & ecology

Site Description:

The existing building is a detached two storey dwelling (with storage underneath) built into a steeply sloping, wooded hillside located within an extensive plot. It is situated on the north eastern side of Beadon Road, on the western edge of Salcombe. The main dwelling is located to the north of the plot with an extensive wooded garden to the south. The site lies within the development boundary, South Devon AONB and is subject to a blanket TPO. The site is close to the undeveloped coast boundary.

The Proposal:

The application seeks full planning permission for the demolition of the existing dwelling and its replacement with a new detached dwelling.

The new building would be set into the hillside, over three stories, occupying a similar part of the plot to the existing dwelling. The external palette is detailed within the Materials Schedule and includes 'braas tegelit' slate grey over the mono pitched roof section, a base black ECOlastic membrane layer covered in natural rolled pebbles over the flat roof section, dark grey stained timber and white render to the walls, with local Devon stone within the basement area. The proposed dwelling has large areas of glazing within the two main living floors, broken up with elements of brise-soleil.

The proposed floor plans show storage, gym, sauna as well as a swimming pool and shower within the basement; 4 bedrooms, bathroom, 2 studies and utility/plant as well as car port at ground floor & master bedroom and main living space at first floor. The two floors with habitable accommodation include the provision of balconies accessed via several of the rooms.

The existing highway access and parking arrangements are proposed to be retained. Comprehensive landscaping works are also proposed including new planting. The application also seeks approval for a construction management plan.

Following the submission of revised documents including revised elevation plans, revised construction management plan, light spillage assessment and ecological assessment on the lighting impacts to bats, the application has been re-advertised. The consultation runs until 26 November and any representations which are not covered within this report will be updated at committee.

Consultations:

- County Highways Authority: No highways implications
- Environmental Health Section: No comments received
- Tree Specialist (SHDC) – no objections
- Landscape Specialist (SHDC) (verbal discussion with case officer) – no objections
- Ecologist (SHDC) - no objection subject to conditions
- Drainage (SHDC) – refer to standing advice
- Salcombe Town Council:

Comments received November 2020

‘Objection as although the design of the building had been amended, there was still too much glass meaning that the proposed property would not merge into the woodland as with the approved application 1125/17/FUL. This would have a detrimental impact on the AONB and was therefore contrary to Salcombe NDP policy ENV1. It was also contrary to NDP policy ENV7 as the proposal did not maintain the character of the key area A as defined within the NDP. The design of the property was contrary to NDP policy B1 in that it did not respect the context and setting. As the new proposal was a third larger than the approved application it was also felt to be overdevelopment of the site. Despite the report on access town council still considered that the size and weight of vehicles to be used in accessing the site were too large for the designated route and would cause irreparable damage to Beadon Road (or Beadon Lane as it was known locally). There was also no provision for the protection of pedestrians on what was virtually a footpath. There was also concern about the transfer of trailers from the lorry unit to a tractor, where would this take place as it was not mentioned in the CMP. The surfaced part of Beadon Road from its junction with the A381 had parking on it all year round and was a residential area. There was not felt to be sufficient parking on site and therefore parking should be provided offsite and contractors transported to the site as development parking must not put additional pressure on street parking within the town which would be contrary to NDP policies B1 and T1. There was a concern over the timetable shown in the CMP as this had planning approval for 6 November as a start point; as this date had already passed then it could be assumed that the whole programme would slip back, if approved, meaning that the house assembly could be in the busiest time of the year.’

Comments received January 2020

‘Objection - Although the design of the building has been amended, there was too much glass meaning that the proposed property would not merge into the woodland as with the approved application 1125/17/FUL. This would have a detrimental impact on the AONB and was therefore contrary to Salcombe NDP policy ENV1. It was also contrary to NDP policy ENV7 as the proposal did not maintain the character of the key area A as defined within the NDP. The design of the property was contrary to NDP policy B1 in that it did not respect the context and setting. As the new proposal was a third larger than the approved application it was also felt to be overdevelopment of the site. The size and weight of vehicles to be used in accessing the site were too large for the designated route and would

cause irreparable damage to Beadon Road (or Beadon Lane as it is known locally). The entrance to Beadon Road from the A381 indicated that this was a no through road so Devon Highways did not consider Beadon Lane to be a usable road. There was also no provision for the protection of pedestrians on what was virtually a footpath. There was also concern about the transfer of trailers from the lorry unit to tractor, where would this take place as it was not mentioned in the CMP. The surfaced part of Beadon Road from its junction with the A381 had parking on it all year round and was a residential area. There was not felt to be sufficient parking on site and therefore parking should be provided offsite and contractors transported to the site as this parking must not put additional pressure on street parking within the town which would be contrary to NDP policies B1 and T1. The CMP stated that the bulk of deliveries of the pre constructed building would be made for 3 weeks from 19th July 2021, this was the busiest time of the year in Salcombe and therefore this phase should be deferred until mid-September at the earliest.'

Representations:

The application was re-advertised on 2 November and the consultation period runs until 26 November. At the time of writing the report the Council has received 39 letters of representation from third parties all raising objections. The comments received can be summarised as follows: -

- Revised CMP takes very little notice of 300 plus previous objections.
- Revised CMP is woefully inadequate and does not consider issues such as how verges/Devon banks/flora and fauna will be protected; how pedestrians using Beadon Lane will be protected including from fallen demolition materials; how 11m trailers will be turned around & where the wash down facility will go.
- CMP does not satisfy the need to keep Beadon Lane in its current state.
- CMP says traditional build would take longer than a kit build, however, inconvenience of a longer build is insignificant compared to the permanent damage to the environment from the current proposal.
- Strongly disagree with proposal to surface Beadon lane
- Access to Beadon Lane via Beadon Estate will benefit the contractors and will pose a risk to the safety of a quiet residential estate. Question whether vehicles will be able to get through as cars are often parked on both sides of the road.
- Development will adversely change and spoil Beadon Lane.
- Contrary to the NP
- Scale of proposal is unacceptable and unsuitable for the AONB and will ruin a well-loved beauty spot.
- Inadequate parking to sustain level of building works required
- Light pollution from large glass windows will cause issues in an area that is very dark and full of wildlife.
- Landscaped gardens are not in keeping with surrounding areas.
- Mass culling of trees is unacceptable and no assurance tree roots will be damaged from 32 tonne trucks.
- Agree with Town Council's comments.
- Existing building is an eyesore and needs replacing but a smaller scale traditional build that was sympathetic to the location and CMP that took into account challenging access would be more acceptable.
- Proposal will lead to increased traffic
- Beadon Lane should be retained for pedestrians

The previous resubmissions attracted over 330 letters of objection, 3 letters of support and 11 undecided comments. All of the comments received can be summarised as follows:

- CMP proposing use of/alterations to Beadon Lane unacceptable, adverse impacts on and issues relating to;
 - o Character
 - o Local residents
 - o Sewer and water mains within the vicinity, could be damaged by large vehicles
 - o Biodiversity and wildlife
 - o Loss of trees and hedge
 - o Potential for it to become a rat run
 - o Use as a car park to serve North Sands beach and cause traffic problems
 - o Beadon Lane must remain as it currently is
 - o Widening of Beadon Lane would impinge on land owned by neighbouring owners
 - o No legal right to cross land not owned by applicants
 - o Re surfacing not in keeping
 - o Danger to pedestrians
 - o Decrease house prices
 - o School children and parents using the tops of Beadon Road for drop off/collection
 - o Alternative arrangements should be considered, e.g. via Sandhills
 - o Existing house constructed without paving the lane, no justification for this one
 - o Prevent access for emergency services
 - o Highway drainage/storm water issues
- Proposed development too large, obtrusive impact on the area and out of keeping with local area, proposed dwelling significantly bigger than the previously approved replacement dwelling
- Too many areas of glazing within proposed dwelling, could result in light pollution and harm dark skies
- Questions over motivation of SHDC to continue with current considerations
- Development is contrary to Salcombe NP
- Design of house not suited to the local area, does not fit with the local vernacular
- House unlikely to be used permanently, Salcombe residents have been squeezed out of Salcombe
- Harmful impact on the South Devon AONB
- Alternatives ways of getting materials onto site should be explored
- Traditional build would not require pre-fabricated panels to be delivered
- Allowing application would set a dangerous precedent
- CMP lacks details
- Construction parking has not been addressed
- Existing building does need to be improved
- Ecologically friendly dwelling should be constructed
- Development does not provide family housing
- Impact on conservation area
- Existing house is an eyesore and new design is an improvement

The Council also received a letter of representation from the South Hams Society who objected on grounds of scale, design, impact on AONB, trees, ecology and use of Beadon Lane for construction purposes.

Relevant Planning History

- 2344/20/HHO, Householder application for erection of a timber outbuilding to provide appropriate bat mitigation, Sandness – conditional approval
- 1125/17/FUL, Replacement dwelling with associated landscape works, Sandness, Conditional Approval, October 2017.

Under the Business and Planning Act (which temporarily modifies The Town and Country Planning Act 1990) the expiry date for this application has automatically been extended until 1 May 2020.

- 41/0241/08/F, Demolish of existing and erection of replacement dwelling, Sandnes Beadon Road Salcombe Devon TQ8 8LU - Refusal

ANALYSIS

Principle of Development/Sustainability:

There is no objection with the principle of demolishing the existing dwelling and replacing it. The existing dwelling, which dates back to the 1960s/70s does not display any particular architectural merit and it is felt that there is a real opportunity to improve the site. There is an extant consent on the site for a replacement dwelling but the applicants are proposing an alternative approach for the redevelopment of the site.

Although the site lies within the town and the development boundary, defined within the Neighbourhood Plan, it is on the edge of the built form within a highly sensitive location. In considering the proposal careful regard needs to be afforded to a range of material considerations including the appropriateness of the design, impact on the AONB, impact on TPOs and residential amenity.

The site falls within a low density policy area, where in accordance with NP Policy SALC Env 7 only development which would not detrimentally impact on the character of the low density development, mature gardens and trees will be permitted. This proposal is for the replacement of a single dwelling and the proposed dwelling is similar in scale to the extant 2017 approval, therefore it is considered to accord with this policy.

Design/Landscape:

The site lies within the South Devon AONB. The NPPF requires great weight to be given to conserving and enhancing landscape and scenic beauty within AONBs which are considered to have the highest status of protection in relation to these issues. The need to conserve and enhance the AONB is reinforced within JLP policies DEV23 and DEV25 and NP policy SALC Env1. The need for high quality design which is appropriate to its context and contributes positively to it is discussed within JLP policies DEV10, DEV20, DEV23 and DEV25 and NP policy SALC B1.

This part of Beadon Lane is characterised by a range of styles of dwellings ranging from non-descript modern buildings to designated and non-designated heritage assets. There is a clear mix in terms of styles and age of properties and as such there is clearly an opportunity for modern design to be satisfactorily integrated.

Officers have no objections with the contemporary approach to the design of the replacement building. Whilst the previously approved scheme included split levels, the proposed dwelling in this application is similar in scale and form and therefore whilst overall, the perceived appearance of the dwelling will have a different massing from the extant approval, due to the height and footprint being broadly similar, it is considered that it will not result in harm on the character of both the locality and the South Devon AONB. The Landscape Officer has carefully considered the proposal in relation to the extant approval and offered no objections. Due to the site's position within the wooded valley, it will be largely well screened in wider views.

The proposed landscaping scheme has taken account of the site's topography, relationship with wider views, particularly from North Sands, and the relationship with the adjacent public right of way. The submitted landscaping scheme and visualisations contained within the LVIA represent a fair depiction of the visual impact of the replacement dwelling once completed, and that this would not be overly prominent when viewed from the surrounding landscape. With regards to the landscaping scheme, whilst there will be a notable change in the character of the immediate site in the short term, in the longer term the landscape scheme will establish to form a more naturalistic bank adjacent to the right of way, with effective screening of the dwelling. This would be sensitive to the local character of the area.

The amount of glazing within the proposed dwelling has been raised as concern in multiple objections. Particular regard must be paid to glazing in order to protect both the character and appearance of the area as well as the natural beauty of the South Devon AONB. The extant scheme also contained large areas of glazing, and locally, many examples of dwellings with significant glazed areas can be found. The Council's Landscape Officer has offered no objections based on the level of glazing compared to the extant scheme for the site which was considered acceptable due to the site's position within a wooded valley and therefore offering significant natural screening through the topography and established trees.

The applicants have commissioned a light spillage assessment which demonstrates that compared with the extant approval, there will be a reduction in the amount of light spillage. Compared with the extant approval there is a reduction in the amount of glazing within the building, particularly on the southern elevation where the current proposal provides 43 square metres of triple glazing compared with 48 square metres of double glazing on the extant scheme. With the triple glazing, the report suggests that there will be a 21% reduction of light spillage from the current scheme compared with the extant scheme.

The proposal is therefore considered to be in accordance with policies including SPT12, DEV10, DEV20, DEV23 and DEV25 of the Plymouth and South West Devon Joint Local Plan and policies SALC Env1, SALC Env2 and SALC B1 of the Salcombe Neighbourhood Plan.

Trees:

The site is subject to a blanket Tree Preservation Order. The application includes an Arboricultural Impact Assessment (05368 AIA Report Rev B; dated 27th February 2020) which has been considered with reference to the site, the proposed development and the landscape/arboricultural mitigation.

The Council's tree officer has reviewed the submitted details and confirms 'Upon review of the noted documents I consider the arboricultural implications of the build itself, impact on the woodland setting of the TPO and impacts that may arise due to access have now been suitably considered and measures to achieve a net increase in tree cover and associated enrichment have been achieved.' The Tree Officer has offered no objections on arboricultural merits. A condition ensuring that the tree protection measures and other recommendations contained within the arboricultural report are carried out is recommended. With the proposed condition officers are satisfied the proposal accords with the relevant policies including JLP policy DEV28 and NP policy SALC Env2.

Neighbour Amenity:

There is a good separation distance between the application site and the neighbouring sites and officers are satisfied that the proposal will not cause any harm to the amenity of neighbouring residents. No objections in this respect have been received.

Highways/Access:

The Highway Authority has offered no objections to the proposed development on highway safety grounds. It is proposed to utilise the existing vehicular access and parking within the site is proposed.

The extant consent includes a pre-commencement condition requiring the submission of a construction management plan (CMP). However, rather than deal with this via condition the applicants are seeking to agree this upfront as part of this application. This element of the proposal has attracted significant local objection with over 300 letters of representation and there have been various revisions put forward to try and address the concerns raised by third parties and officers.

The CMP includes a construction timetable with works within phase 1 commencing in September 2021 and works within phase 3, the house assembly scheduled to take place in May 2022. It is noted within the report that the programme has been carefully planned to start after the 2021 summer holidays and finish before half term 2022. The proposal is for a Huf Haus which is an offsite manufactured house which is built in a factory and assembled on site. The report estimates that 70%

of the total deliveries are associated with these pre-built components, and will be delivered to site over a maximum period of 3 weeks.

There are two possible access routes, option 1 involves going through Beadon Estate and onto Beadon Lane and option 2 involves going down Sandhills Road and onto Beadon Lane. The report recommends option 1 as the preferred route on the basis that the distance is shorter, there are less turns to navigate and the surface degradation on the final stretch along Beadon Lane is more management from the north and there are less substantial tree routes across the road. The applicants are aware of the strength of local opposition from Beadon Estate but maintain for the reasons set out that this is the most appropriate route which will ensure the least possible impact on the environment and residents. Option 2 has been identified as the preferred route for all vehicles under 3.5 tonnes.

The original CMP involved proposals to widen, improve and upgrade the private part of Beadon Road which in itself attracted significant objection from locals as well as Council planning officers and the tree specialist. This element has now been withdrawn although the report now recommends temporary ground boarding to the sections of road where required. The report also recommends a pre and post construction road condition survey and all of the trees along the access road have been assessed by an arboriculturist. The Council's tree specialist has confirmed they have no objections with the revised approach.

A lot of concerns have been raised about pedestrian safety with Beadon Lane being a popular route for walkers. To try and address this the CMP recommends that a banksman is on site at all times, ensuring any pedestrian traffic is temporarily stopped when delivery vehicles utilise the single track road.

Concerns have also been raised about the width of the lane and possible damage to trees from construction vehicles. A lot of work has been undertaken by the applicants to ensure that the proposed construction vehicles can use the lane. During phase 3 the report recommends materials will be transported along Beadon Lane using a modified agricultural tractor.

It is inevitable that there will be disruption to local residents from the redevelopment of the site, however, on balance, officers consider that the measures set out within the CMP will ensure that this is kept to a minimum.

Drainage:

It is stated within the application form that surface water would be discharged via a soakaway and foul via a package treatment plant. The Council's drainage specialist was consulted but they have not provided any substantive comments, referring to standing advice. The site is considered to be within a low risk area, being outside Flood Zones 2&3 and not within a Critical Drainage Area and therefore a drainage assessment is not required. On the basis the site has adequate land in which to accommodate drainage officers are satisfied there is a workable solution but the final design will need to be agreed with the Council's drainage specialists at condition stage.

Ecology:

Development plan policies require development to support the protection, conservation, enhancement and restoration of biodiversity and geodiversity.

The site has been subject to a number of recent bat surveys which have identified that the existing dwelling, which has been vacant for a number of years, is used as a roost by small numbers of bat species. Accordingly demolition of the dwelling would trigger a Habitats Regulations offence (demolition of a roost) and therefore require an EPS Licence to proceed.

When a Habs Regs offence is likely to result from a proposed development, the LPA is required to consider whether the proposal meets the 3 derogation tests and would be likely to be subsequently granted an EPS Licence by Natural England.

1 – Imperative Reason of Overriding Public Interest – The existing building has not been occupied for around 7 years and has fallen into a state of disrepair. The proposed development will enhance the site, bring it back into residential use, providing a dwelling of improved design and sustainability merits, meeting the IROPI test.

2 – No Satisfactory Alternative – Whilst the existing building could be retained, significant works would be needed to bring it up to modern living standards. To leave as is would possibly mean it would fall into a further state of disrepair which would result in the loss of the bat roost. This test is considered to be met.

3 – Maintenance of Favourable Conservation Status – the ecologist has advised that fly-in access to the roof void of a garage or into an open-fronted store should be provided within the plans for the site – this would maintain the interest of the site for the bat species and type of use concerned. The proposal also includes significant replacement planting which in the longer term will enhance the site safeguarding its ecological value. This requirement has been reflected on the submitted plans, a separate bat roost building has recently been granted planning permission, and accordingly consider this test met.

Concerns have also been raised about the amount of potential light spill from within the building and the impact this would have on bats. The Council's ecologist's advice was that while there was potential for light spill on the surrounding woodland, on the basis the bat roost is far enough away and sheltered enough so that it wouldn't be impacted in combination with the fact that there is sufficient tree cover locally to ensure dark flight lights to the roost despite the glazing, the level of harm was not considered to justify a policy objection. Notwithstanding these comments, the applicants subsequently commissioned a light spillage assessment and appointed an ecologist to assess the impact, the findings of which are presented in a letter from Ecology & Habitat Management Ltd, 30/10/20. The report confirms that studies have shown artificial lighting can negatively impact bat roosting, commuting and foraging habitat and horseshoe bats are known to be very light sensitive species. It includes a table of proposed mitigation measures which include the use of soft white LED lights, limiting the use of external lighting and avoiding illuminating habitats likely to be used by bats including triple glazing which reduces UV light spillage. The report concludes that with the measures proposed, the new dwelling will not cause a significant negative impact to bats from effects of lighting. The implementation of these measures can be secured via a planning condition. Officers consider that compared with the extant approval this offers a significant improvement. The extant scheme includes a lot of glass and no restrictions on external lighting.

Therefore with the proposed conditions the proposal is considered to accord with the relevant policies including JLP policies SPT12 and DEV26 and NP policy SALC Env2.

Low Carbon:

JLP policy DEV32 requires all development to minimise its use of natural resources over its lifetime, such as water, minerals and consumable products, by reuse or recycling of materials in construction. The design and access statement includes a section on sustainability and within it confirms that the new dwelling will *'provide a high-quality form of development that will incorporate a number of energy efficient features in order to achieve a sustainable form of development. The house will be able to generate a high proportion of its energy requirements from renewable sources with the use of an air source heat pump. Together with other advanced technologies it will provide significant benefits to energy efficiency, heat retention including triple glazed windows and principles of solar gain and cross ventilation.'* Officers are satisfied that the information provided demonstrates compliance with DEV32.

While the principle of an ASHP is acceptable, in the interests of safeguarding residential amenity and prevent harm to the intrinsic qualities of the AONB a condition is recommended to ensure the installation complies with the guidance set out within the GPDO.

Other matters:

Issues have been raised regarding the use of the dwelling; as a replacement dwelling, it is not subject to the controls of a primary residence condition. Additional comments have been made in respect of the dwelling not being a family home; the proposal is for a 4 bedroom property, which is capable of providing family accommodation.

Due to the pre-fabricated nature of the proposed dwelling, comments have been made regarding both the construction type and ecological impacts of such construction methods. There are no planning policies which restrict the use of pre-fabricated/sectional buildings provided they accord with other material considerations. The submitted information states that the dwelling once constructed will be both thermally and energy efficient to run.

The site is not close to the Salcombe Conservation Area and therefore it is considered that this proposal will have no impact on the conservation area or other heritage assets.

Each application is dealt with on its own merits and therefore it is considered that no precedent would be set by the granting of this application subject to conditions.

Planning Balance:

The principle of demolishing the existing dwelling and replacing it has already been accepted by the Local Planning Authority. Officers are satisfied that when compared with the previous, extant approval, this scheme offers improvement in a number of areas including landscape and ecology. A lot of concern has been expressed about the construction management plan. On balance, officers are satisfied that the revisions to the CMP have gone far enough to address previous concerns.

The application is recommended for approval.

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

Planning Policy

Relevant policy framework

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 Plymouth & South West Devon Joint Local Plan 2014 - 2034 is now part of 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).

On 26 March 2019 of the Plymouth & South West Devon Joint Local Plan was adopted by all three of the component authorities. Following adoption, the three authorities jointly notified the Ministry of Housing, Communities and Local Government (MHCLG) of their choice to monitor at the whole plan level. This is for the purposes of the Housing Delivery Test (HDT) and the 5 Year Housing Land Supply assessment. A letter from MHCLG to the Authorities was received on 13 May 2019. This confirmed the Plymouth, South Hams and West Devon's revised joint Housing Delivery Test Measurement as 163% and that the consequences are "None". It confirmed that the revised HDT measurement will take effect upon receipt of the letter, as will any consequences that will apply as a result of the measurement. It also confirmed that that the letter supersedes the HDT measurements for each of the 3 local authority areas (Plymouth City, South Hams District and West Devon Borough) which Government published on 19 February 2019. On 13th February 2020 MHCLG published the HDT 2019 measurement. This confirmed the Plymouth, South Hams and West Devon's joint HDT measurement as 139% and the consequences are "None".

Therefore a 5% buffer is 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 6.4 years at end March 2019 (the 2019 Monitoring Point). This is set out in the Plymouth, South Hams & West Devon Local Planning Authorities' Housing Position Statement 2019 (published 26 July 2019). The methodology and five year land supply calculations in the Housing Position Statement are based on the relevant changes in the revised National Planning Policy Framework published 19 February 2019 and updates to National Planning Practice Guidance published by the Government in September 2018, subsequently amended by NPPG Housing Supply and Delivery published 22 July 2019.

As a result of Government policies and guidance regarding lockdown due to Covid 19, the 2020 Housing Survey was delayed by approx. 2 months as site visits could not take place. The 2020 5YLS update is therefore delayed by four months and will now be published in November 2020. The impact from Covid 19 is likely to slightly reduce the supply identified for 2020/21 due to 2-3 months of limited/nil construction activity during lockdown. There is no evidence to suggest that this would have a material change to the JLP Authorities 5YLS position, given the substantial 5YLS position at the 2019 monitoring point i.e. 6.4YLS which represents a surplus of 1,977 deliverable dwellings above what is required over the period 2019-2024 to demonstrate a 5YLS.

The relevant development plan policies are set out below:

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

SPT1 Delivering sustainable development
SPT2 Sustainable linked neighbourhoods and sustainable rural communities
SPT3 Provision for new homes
SPT9 Strategic principles for transport planning and strategy
SPT10 Balanced transport strategy for growth and healthy and sustainable communities
SPT11 Strategic approach to the Historic environment
SPT12 Strategic approach to the natural environment
TTV1 Prioritising growth through a hierarchy of sustainable settlements
TTV2 Delivering sustainable development in the Thriving Towns and Villages Policy Area
TTV26 Development in the Countryside
DEV1 Protecting health and amenity
DEV2 Air, water, soil, noise, land and light
DEV8 Meeting local housing need in the Thriving Towns and Villages Policy Area
DEV9 Meeting local housing need in the Plan Area
DEV10 Delivering high quality housing
DEV20 Place shaping and the quality of the built environment
DEV23 Landscape character
DEV24 Undeveloped coast and Heritage Coast
DEV25 Nationally protected landscapes
DEV26 Protecting and enhancing biodiversity and geological conservation
DEV27 Green and play spaces
DEV28 Trees, woodlands and hedgerows
DEV29 Specific provisions relating to transport
DEV31 Waste management
DEV32 Delivering low carbon development
DEV33 Renewable and low carbon energy (including heat)
DEV35 Managing flood risk and Water Quality Impacts
DEL1 Approach to development delivery and viability, planning obligations and the Community Infrastructure Levy

Salcombe Neighbourhood Plan, 2018 – 2034 (made)

SALC ENV1 Impact on the South Devon AONB
SALC ENV2 Green infrastructure throughout the parish
SALC ENV6 Locally important views
SALC ENV7 Maintaining the character, density and green infrastructure in key areas
SALC B1 Design quality and safeguarding heritage assets

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:

Plymouth and South West Devon Supplementary Planning Document
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 to which this permission relates must be begun not later than the expiration of three years beginning with the date on which this permission is granted.

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

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

Construction Management Plan (Eclipse Construction) Rev I, 3/11/20

B100g (proposed floor plans & elevations), b160a (brise soleil detail) & light spillage assessment – rev A (Huf Haus) (dated 29/10/20), 2/11/20

Materials schedule, 16/07/20

Arboricultural Impacts Assessment Report, Aspect Tree Consultancy; Tree Protection Plan & Layout Plan (27/02/20)

B125g (proposed landscape plan), b120g (proposed site plan), b121a (OS Map), b122e (block plan), b123k (bat mitigation and bat house) & LD/S01 revision D (landscape proposals), 11/06/20

Mitigation Method Statement (David F Wills), December 2019

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

3. All elements of the Landscape Scheme, as shown on drawing number LD/S01 revision D 'landscape proposals' shall be implemented and maintained in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

Any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species unless the Local Planning Authority gives written consent to any variation. The landscaping scheme shall be strictly adhered to during the course of the development and thereafter.

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

4. The recommendations and mitigation measures set out in the report from Ecology & Habitat Management Ltd, dated 30/10/20 shall be fully implemented and therefore retained in perpetuity.

Reason: To safeguard the interests of protected species from light spill.

5. No works should commence until the LPA has been provided with a copy of the licence issued by Natural England pursuant to Regulation 53 of The Conservation of Habitats and Species Regulations 2010 authorising the works to go ahead.

Reason: In the interests of ecology.

6. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, as amended (or any order revoking and re-enacting that Order with or without modification), no development of the types described in Part 1 and Part 2, Class A of Schedule 2 to the Order shall be undertaken without the express consent in writing of the Local Planning Authority other than those expressly authorised by this permission.

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

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. There shall be no floodlighting or other external lighting at the site unless otherwise agreed in writing by the Local Planning Authority. The scheme shall include details of the position, type, luminance and cowl of all external lights to the building and external areas. The development shall be carried out in strict accordance with the agreed details.

Reason: To safeguard the appearance of the locality and the amenities of adjoining residents and in the interests of ecology.

9. Notwithstanding the submitted information, no development shall be commenced until full details to confirm the condition and capacity of the existing surface water drainage scheme have been submitted to and approved in writing by the LPA. Design steps are:

- Percolation testing in accordance with DG 365 will be required to support the re-use of the existing soakaway. The report should include the trial logs and calculate the infiltration rate.
- Soakaway design to demonstrate it can accommodate additional surface water for a 1:100 year event plus an allowance for climate change. (Currently 40%)
- If the ground conditions are not suitable for soakaway then a controlled discharge to a watercourse or Sewer can be considered. The surface water should be attenuated for a 1:100 year event plus 40% for climate change. The offsite discharge should be limited to greenfield runoff rate. Full details of the flow control device including head/discharge relationship will be required.

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

- If discharging to the sewer written permission from SWW will be required.
1. If the Local Planning Authority concludes that the method of drainage approved as part of this permission is undermined by the results of the percolation tests, a mitigating drainage alternative shall be agreed with the Local Planning Authority.
 2. Shared maintenance and management plan for any shared scheme will be required.
 3. The drainage scheme shall be installed in strict accordance with the approved plans, maintained and retained in accordance with the agreed details for the life of the development.

Reason: To ensure surface water drainage scheme is in line with the current standards and that surface water runoff does not increase to the detriment of the public highway or other local properties as a result of the development.

10. Details of the works for the disposal of sewage shall have been submitted to and approved in writing by the Local Planning Authority, and the dwelling shall not be occupied until the approved works have been completed to the satisfaction of the Local Planning Authority. Details to include a completed FDA1 form and justification for private foul system.

If the proposed development results in any changes/replacement to the existing system or the creation of a new system, scale plans of the new foul drainage arrangements will also need to be provided. This will include a location plan, cross sections/elevations, specification and its capacity to hold additional load.

Written permission from South West Water will be required if discharge to mains sewer is proposed.

Reason: In the interests of the prevention of pollution.

11. The development hereby approved shall proceed in strict accordance with the information set out on sustainability within paragraphs 4.17 – 4.20 of the Design and Access Statement (WVH Planning). Notwithstanding the information submitted the air source heat pump must comply with MCS Planning Standards or equivalent and it must be no more than 0.6 cubic meters (including any housing) in volume. The air source heat pump must be used solely for heating purposes and be installed and fully operational prior to the first occupation of the dwelling.

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

12. The recommendations and mitigation measures set out within the Arboricultural Impact Assessment Report (05368 AIA REPORT REV B 22.4.20 , Aspect Tree Consultancy, February 2020), Layout Impact Plan Rev B (05368 LIP Rev A) & Tree Protection Plan (05368 TPP Rev B) shall be fully implemented, and the following should be adhered to: -

- (a) No development or other operations shall take place except in complete accordance with the approved scheme.
- (b) No operations shall be undertaken on site in connection with the development hereby approved (including any tree felling, tree pruning, demolition works, soil moving, temporary access construction and / or widening or any operations involving the use of motorised vehicles or construction machinery) until the protection works required by the approved protection scheme are in place.
- (c) No excavations for services, storage of materials or machinery, parking of vehicles, deposit or excavation of soil or rubble, lighting of fires or disposal of liquids shall take place within any area designated as being fenced off or otherwise protected in the approved protection scheme.
- (d) Protective fencing shall be erection in accordance with the details set out and retained intact for the full duration of the development hereby approved and shall not be removed or repositioned without the prior written approval of the Local Planning Authority.

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

PLANNING APPLICATION REPORT

Case Officer: Bryony Hanlon

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

Application No: 1770/20/FUL

Agent:

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

Applicant:

Mr D Watkins
C/O Agent
Luscombe Maye
59 Fore Street, Totnes
TQ9 5NJ

Site Address: Land at SX 726 406, Malborough, associated with Land at Lower Mill Park, West Alvington.

Development: READVERTISEMENT (Revised site description) Provision for general purpose agricultural building.



Reasons for call-in:

Cllr Long has requested that the application is referred to the DM Committee in light of the Parish Council representations, so that Members can fully consider and balance the material planning considerations, including agricultural need and impact on farmland, the AONB, amenity value and biodiversity of neighbouring Woodland TPO copse set out in the report.

Recommendation: Conditional approval

Conditions:

Time limit

Accord with plans

Surface water drainage

Agricultural use only

Landscaping scheme

No external lighting or rooflights

Remove when no longer required, with CMP and landscaping scheme submitted to LPA prior to any demolition

Informative: SAM located within close proximity to the site; contact Historic England prior to any groundworks being undertaken outside the red line site boundary

Key issues for consideration:

Design, scale and massing, agricultural need, impact on the Undeveloped Coast, impact on the South Devon Area of Outstanding Natural Beauty.

Site Description:

The site is located c. 2.1 km north west of Salcombe and c. 0.375 km south west of the Salcombe to Kingsbridge Estuary (a Site of Special Scientific Interest). The site comprises c 0.54 hectares of open field which is part of a total land holding of c. 6 hectares arranged over two adjacent fields. The land rises north east to south west and the site enjoys panoramic views of the estuary and surrounding countryside. The applicant also owns the adjacent Ilton Copse; an area of mature woodland which is subject to a Tree Protection Order. An existing field access connects the site to the public highway c. 300m to the west, along an unmetalled field track.

The site is located within the open countryside, South Devon Area of Outstanding Natural Beauty and the Undeveloped Coast. A Scheduled Ancient Monument is located c. 80m south at Ilton Castle Farm. A Public Right of Way (Malborough Footpath 20) runs along the eastern boundary of the site.

The Proposal:

The applicant wishes to construct a general purpose agricultural building, from timber close board cladding and anthracite grey box profile roof sheeting. The floor area of the building is 216 m²; the building measures 12 m wide x 18 m long and 6.1 m to the ridgeline. The building has two open bays and a sliding door to access the enclosed portion of the building. The applicant has confirmed that the building will be used to store agricultural machinery and crops/fodder that will be produced on the surrounding land. The building will be accessed by an existing field gate to the south west of the site, along a track that follows the existing field boundary. The applicant has proposed the construction of a rolled stone yard outside the building, with the yard and building to be enclosed with a Devon hedgebank and woodland planting.

Consultations:

- | | |
|------------------------------|---|
| • County Highways Authority | No highways implication |
| • Natural England | No objection |
| • Historic England | No comments offered |
| • Forestry Commission scheme | No opinion offered either in support of or objection to the |

• Malborough Parish Council Objection

As per the previous application, Malborough Parish Council unanimously OBJECT to the proposals submitted reference 1770/20/FUL.

With immediate effect they require that no further consideration is given to this application without sight of a full and proper business plan provided by the applicant AND a full report from the Agricultural Consultant to include an on site visit.

The reasons for the objection include, but are not limited to the following:

- The building is far too large for the overall size of the site, a 216m barn for land of approximately 15 acres is simply not warranted.
 - The applicant has not farmed this site for some time. It has been leased/rented for some years by a local farmer with equipment of his own. Why then is a barn required for the applicant's machinery and why is the applicant stating that he has been moving machinery between sites? There can not be less vehicular movement by the applicant if he's not in recent years farmed the site.
 - Why does the design and access statement claim the applicant is farming the land?
 - A 15 acre site is not sufficient enough to warrant valuable machinery being on site full time, this is not a viable prospect, something the applicant would be well aware of as we understand he farms a significantly larger site in another county.
 - Councillors query the suitability for the use of the second field as arable due to the incline.
 - If the land is to be a mix of livestock/arable, what type of livestock will be on site and what provision will be made for the animals?
 - Livestock would not be able to be housed in the proposed barn due to the proximity of other property in the area. With no other buildings on site how is this to be managed?
 - The barn is proposed to be sited in the middle of an AONB and is immediately adjacent to a SSSI, the impact on the landscape, viewpoints and wildlife is extremely detrimental and would be damaging to the area.
 - The applicant states there are no trees in the vicinity that could be affected, this is not accurate and it should be noted that TPOs have been requested for all trees in the area to ensure that they are preserved for future generations.
 - The consideration is that this building is a precursor to a change of use to a dwelling.
 - This area is extremely special as it is both AONB and SSSI. Development of any kind is not necessary, not justified and certainly not in the best interests of anyone other than the applicant.
- In short this application equates to an oversized development in an extremely sensitive and special area. The visual impact is not acceptable and there is seemingly no justification for approval. Malborough Parish Council reserve the right to submit further objections in due course.

• West Alvington Parish Council Objection

West Alvington Parish Council have voted unanimously to object to this application and to support the views of Malborough Parish Council as per the following:

With immediate effect they require that no further consideration is given to this application without sight of a full and proper business plan provided by the applicant AND a full report from the Agricultural Consultant to include an on site visit.

The reasons for the objection include, but are not limited to the following:

1. The building is far too large for the overall size of the site, a 216m barn for land of approximately 15 acres is simply not warranted.
2. The applicant has not farmed this site for some time. It has been leased/rented for some years by a local farmer with equipment of his own. Why then is a barn required for the applicants machinery and why is the applicant stating that he has been moving machinery between sites? There can not be less vehicular movement by the applicant if hes not in recent years farmed the site.
- 3 Why does the design and access statement claim the applicant is farming the land?
- 4 A 15 acre site is not sufficient enough to warrant valuable machinery being on site full time, this is not a viable prospect, something the applicant would be well aware of as we understand he farms a significantly larger site in another county.
- 5.Councillors query the suitability for the use of the second field as arable due to the incline.
- 6.If the land is to be a mix of livestock/arable, what type of livestock will be on site and what provision will be made for the animals?

7. Livestock would not be able to be housed in the proposed barn due to the proximity of other property in the area. With no other buildings on site how is this to be managed?

8. The barn is proposed to be sited in the middle of an AONB and is immediately adjacent to a SSSI, the impact on the landscape, viewpoints and wildlife is extremely detrimental and would be damaging to the area.

9. The applicant states there are no trees in the vicinity that could be affected, this is not accurate and it should be noted that TPOs have been requested for all trees in the area to ensure that they are preserved for future generations.

10. The consideration is that this building is a precursor to a change of use to a dwelling. This area is extremely special as it is both AONB and SSSI. Development of any kind is not necessary, not justified and certainly not in the best interests of anyone other than the applicant.

In short this application equates to an oversized development in an extremely sensitive and special area. The visual impact is not acceptable and there is seemingly no justification for approval.

West Alvington Parish Council reserve the right to submit further objections in due course.

- SHDC Tree Officer No objection on arboricultural merit
- SHDC Agricultural Consultant Support

I previously gave advice on this site with regard to planning reference 3911/19/FUL and my letter to Bryony Hanlon dated 11 March 2020 refers.

As you will note in that letter, I was supportive of the application apart from the design of the building. I assume from the design and access statement submitted with the present application that the previous application was withdrawn and not only have they tried to address my comments with regard to the design of the building but I also assume there may have been issues with regard to its siting and the associated landscape and visual impact.

To avoid repeating myself from my previous consultation response, the agricultural circumstances of the application appear to look identical (apart from site and design) and therefore I am satisfied there is a need for a building and similarly I am satisfied that the revised siting also meets that need. With regard to design, clearly the applicant has changed the style of the building so as to have two open-fronted bays, a third bay which has a sliding door and a fourth bay which is totally enclosed. In terms of design, this is now acceptable.

Therefore, I am supportive of the existing application without any reservation or caveats.

Further comment 05 October 2020;

I have revisited the case and looked at the supporting information as well as the notes taken at my original site visit and my first consultation response dated 11th March 2020 in relation to application reference 3911/19/FUL.

I subsequently responded to Jeff Penfold on 15 July 2020 with regard to the present application. I don't think the use of the land (arable or grazing) has any material effect on the size or design of the building in this case. It is a relatively small building which is commensurate with the size of the holding. Arable crops and associated machinery are pretty similar to grass management machinery and crops. Both corn and hay/haylage still have undercover storage requirements. I note that in my initial response to you I commented that the land had been reseeded and I expected more grass to be conserved than arable crops grown. Therefore I am still satisfied there is a need for this size of building on the holding.

Representations:

Representations from Residents

Thirteen letters of objection have been received and include the following points:

- It is in an AONB; the large and ugly building should be refused in this undeveloped area as it conflicts with policies DEV23, DEV24 and DEV25.
- The site is adjacent to an SSSI with the potential for run off to pollute the estuary.

- The site is adjacent to a Scheduled Ancient Monument.
- The site is adjacent to a public footpath and the LVIA fails to take into account some of the viewpoints from this footpath or from other areas of public access within the surrounding area, such as the estuary itself.
- The LVIA has not been updated with the impacts of the work being undertaken on the site.
- The LVIA states that Site A is the least visually harmful of the three considered; Site B has now been selected with no clear justification.
- The LVIA states that the development provides opportunity to enhance the landscape but the applicant could do this without constructing a building and causing harm to the landscape.
- It would be a solid structure in a rural landscape that would be seen from the estuary, Old Coach Road and footpath linking Collapit and Woolston.
- It could pollute dark skies.
- It will result in increased traffic on the narrow country lanes.
- The proposal is contrary to policies SPT1, SPT2, TTV1, TTV2, TTV26 and DEV15 as the agricultural need in this countryside location has not been suitably justified.
- The position of the barn on this small acreage necessitates a soil compacting track along the entire length of the field from Blanksmill Cross. The track, the building and the sizeable area around it cordoned off from grazing would reduce the viable land that is purported to need for his agricultural enterprise.
- The soil fertility of this field is recorded as low and its gradient steep so its suitability for arable and livestock farming must be questionable.
- The agricultural assessment falls short of the standard required and does not cover many of the issues raised on the previous application.
- This is an embryonic residence in my opinion. We must be wary of planning manipulations and quash this application at the outset. If this application is approved it will act as a precedent for landowners to do as they like inside or outside the AONB.
- During lockdown in March/April and prior to the planning submission much felling of trees in Ilton Copse took place and heavy machinery came on site. A large area of the wood was cleared and levelled but the application shows the copse intact and give no indication what is intended for this area. The site for the agricultural building and roads were similarly prepared. TPOs have been placed on the remaining copse but the applicant's tree survey of 1/07/2020 stated they were of no arboreal value. This copse has much amenity value standing high on the skyline. The Council should force the applicant to replace the trees he chopped down.
- As the landowner has already proved destructive with existing trees, then Rathbone Partnerships suggestions for more landscape mitigation measures would be in the balance. They have suggested (Document 7382452) in their planting design that new native broadleaf woodland to be planted is seen as an extension of the existing woodland copse. The copse they refer to, again, is Ilton Copse now tree depleted.
- Marlborough and some of the surrounding parishes have been targeted as priority areas for Saving Devons Treescapes project that is being coordinated by the Devon Wildlife Trust with money from the National Lottery Heritage Fund amongst others. This project aims to increase the number of small woodlands/ coves and improve hedgerows and will be enacted over the next 5 years. This proposed development, and the destructive work that has already happened, seem to point to a diametrically opposed future for the South Hams landscape and undermine its AONB status.
- This application should therefore be given maximum scrutiny and, if permission is given, then planning conditions should be placed. These should include a suitable management plan (including replanting) for Ilton copse plus the planting of new broadleaf woodland as detailed within the Landscape Assessment documents. A 10-15 year woodland maintenance & management plan should also be demanded.
- The applicant is lucky to have an ancient copse on the site; it was severely damaged by the applicant's contractors during lockdown this spring. No Forestry Commission license was sought or granted. The extent of the clearance went well beyond what is legal for routine tree husbandry. Enforcement investigation was opened: case number 022285. A TPO is now in place but the damage to the AONB continues. Throughout April and May, work continued on the site. A large flat area right next to the copse was cleared and levelled; a new entrance was cut through the ancient

Devon hedge: water and power trunking services were also laid. A large pile of hard core material is stacked ready to lay the hard track needed to provide access across the field to the main road. So confident is the applicant and his agent of getting approval - they have already started work!

- To be clear, no permission was in place for any of these works. The view of Blanksmill Creek is wide and expansive from these fields and the PROW which runs through the site is a joy to walk. This third application must be seen for what it is. The AONB must be protected at all costs.
- Now the same landowner is seeking planning permission for an agricultural building. It would beggar belief if consent were given and surely questions must be asked at a higher level if it were to go ahead. I object to planning permission being granted as the landowner has clearly demonstrated a disrespect for nature conservancy and the rule of law.
- Previous planning applications on the site were not accompanied by the correct information.
- I previously objected to the last application as did many others. This constant withdrawal of applications followed by new applications finally dilutes the public outcry and people are worn out by the relentlessness of it all. This should not sway on the general perception that the general public opinion that this application is unacceptable and should be refused.

Relevant Planning History

Planning Application Reference	Proposal	Site Address	Decision
33/1215/09/AG : AGR	Agricultural Determination for erection of agricultural building	Ilton Castle Farm Malborough Kingsbridge TQ7 3DA	Ag Detmntn - Details required: 06 Aug 09

ANALYSIS

Principle of Development/Sustainability

It should be noted that the applicant holds c. 6.0 hectares of land. All of the land falls within South Devon AONB and the Undeveloped Coast. Under Permitted Development rights (Part 6, Class A of The General Permitted Development Order 2015 (as amended)), the applicant is entitled to construct a building of up to 1000 m², provided that that building is reasonably necessary for the purposes of agriculture within that unit, subject to certain conditions. As such, the current application is considered in the context that the applicant benefits from a fallback position under Permitted Development rights whereby the principle of development in this location is established, where it would normally be resisted.

Policy DEV24 controls all development located within the Undeveloped Coast and development is only permitted where proposals comply with the criteria below;

Development will only be permitted in the Undeveloped Coast where the development:

1. Can demonstrate that it requires a coastal location.
2. It cannot reasonably be located outside the Undeveloped Coast.
3. Protects, maintains and enhances the unique landscape and seascape character and special qualities of the area.
4. Is consistent with policy statements for the local policy unit in the current Shoreline Management Plan.
5. Is consistent with the relevant Heritage Coast objectives, as contained within the relevant AONB Management Plan.

The whole of the land holding falls within the Undeveloped Coast and the applicant has not identified any other land within their ownership that could reasonably accommodate the development. As such, having regard to Permitted Development rights, the principle of development in this location is considered to accord with clauses 1 and 2 of the policy (the landscape aspect is considered in more detail later in this report).

Development in the countryside must be considered in the context of policy TTV26; due to the proximity of Ilton Castle Farm and Campsite, the proposal is not considered to be isolated and therefore, the second part of the policy only applies.

2. Development proposals should, where appropriate:
- i. Protect and improve public rights of way and bridleways.
 - ii. Re-use traditional buildings that are structurally sound enough for renovation without significant enhancement or alteration.
 - iii. Be complementary to and not prejudice any viable agricultural operations on a farm and other existing viable uses.
 - iv. Respond to a proven agricultural, forestry and other occupational need that requires a countryside location.
 - v. Avoid the use of Best and Most Versatile Agricultural Land.
 - vi. Help enhance the immediate setting of the site and include a management plan and exit strategy that demonstrates how long term degradation of the landscape and natural environment will be avoided.

The proposal recognises that a Public Right of Way (PROW) runs adjacent to the site along the eastern boundary. The proposal includes new stock proof fencing and tree planting to ensure that the PROW remains free of any obstruction and on this basis, the proposal is considered to accord with the provisions of TTV26 (2i).

Clause 2(iii) requires that any proposal is complementary to and not prejudice any viable agricultural operations on a farm and other existing viable uses.” Objectors have raised concerns that the land take required for the proposal will result in such a significant loss of land as to render the proposal oversized or unnecessary for its stated purpose. Approximate measurements indicate that when the application site is excluded from the total holding, c. 5.5 hectares of agricultural land remain. When considered in the context of Permitted Development rights, a holding of 5 hectares is required to justify the construction of a new agricultural building and in this context, the remaining holding is in principle, considered sufficient to justify the need for a new building yet leaves sufficient land to support a viable agricultural operation.

Clause 2(v) requires that proposals avoid the use of “Best and Most Versatile Agricultural Land.” According to Natural England Survey Data (2014), the entire holding falls within an area classified as Grade 2 and therefore, no other land of lesser agricultural quality is available as an alternative site. Again, when considered in the context of Permitted Development rights, the proposal is considered to accord with this element of the policy.

Policy TTV26 (2iv) requires that proposals “respond to a proven agricultural, forestry and other occupational need that requires a countryside location”. Objectors have raised concern that the proposal is not agriculturally justified and that the Council’s agricultural assessment of the proposal is not properly considered. The agricultural assessment references an earlier application for a similar proposal on the holding that was withdrawn in early 2020 (3911/19/FUL). This assessment concluded that while the principle of an agricultural building was agriculturally justified, the design as proposed was not suitable for the types of agricultural use specified, as the proposal was fully enclosed where it would normally be expected to offer both open and fully secure storage. The agricultural assessment referenced some comments made by the applicant relating to the proposed use of the holding; the applicant stated that arable crops would be grown on the holding but the agricultural consultant advised that the applicant has re-seeded the fields to support the grazing of cattle which would prevent the growth of arable crops. However, the consultant has advised that irrespective of this, the applicant may grow fodder on part of the holding which would require storage and that any cattle (or other livestock) may require additional fodder that would again, need to be stored. It should be noted that it would not be possible to keep any cattle within the building itself, due to the proximity to nearby residential dwellings. In addition, the consultant recognised the need for secure machinery storage and that a building designed to accommodate both storage requirements was considered justified. The consultant also advised that “the fact that the applicant lives away from the holding is not a

negative factor to the application.” The current proposal has been revised to better support the likely storage requirements for the holding and the consultant has confirmed that the revised design addresses the previous concerns. The consultant has also confirmed that the revised siting is considered acceptable with regards to its agricultural justification and function. As such, it is considered that the scale, design and siting of the proposed building are considered agriculturally justified and respond to a proven agricultural need that requires a countryside location, in accordance with TTV26 (2iv).

Policy TTV26 (2vi) requires that proposals “help enhance the immediate setting of the site and include a management plan and exit strategy that demonstrates how long term degradation of the landscape and natural environment will be avoided”. The first part of this clause is considered under “Design/Landscape” below but it is considered that the second part of the clause could be dealt with through a suitably worded condition. This condition requires that the building is removed when it is no longer required for the purposes of agricultural and that the land is returned to its former use. In addition, a Construction and Environmental Management Plan, to include a landscaping and management scheme, must be submitted to the LPA prior to the demolition of any building on the site, to demonstrate how long term degradation of the landscape and natural environment will be avoided. On this basis, the proposal is considered to accord with the provisions of TTV26 (2vi).

On balance, the proposal is considered agriculturally justified and appropriately designed and sited to meet the needs of the agricultural operation, with the use of this building restricted to agricultural purposes only as the development is considered acceptable for the use proposed in a countryside location, and is permitted on the basis of an agricultural need without which permission would not have been granted. Officers acknowledge that there are concerns within the community that the proposal represents a thinly-veiled attempt to site a dwelling on the land holding, with the current proposal the first step in that process, to be converted at a dwelling at a later date. However, Officers are satisfied that the current policy framework, together with the use of suitably worded conditions is sufficient to restrict the use of the building to that which the applicant has applied for and no other purpose.

As such, the proposal is considered to accord with the provisions of STP1, SPT2, SP11, SPT12, TTV1, TTV2, TTV26 and DEV15.

Design/Landscape

The application site itself is comparatively level but the surrounding fields fall away from south west to north east down to the estuary, which is a Site of Special Scientific Interest. The previous application on the holding was withdrawn, partly due to its design and partly due to the fact that the proposal was sited very close to the SSSI and Natural England had requested additional detailed information relating to landscape and drainage management to safeguard the SSSI. The application has been redesigned and resited within the holding as part of the current application. The resiting away from the SSSI has resulted in Natural England confirming that they have no objection to the scheme.

The applicant has supplied a Landscape and Visual Impact Assessment to accompany the proposal; it is acknowledged that this does not reflect the fact that some works have been undertaken on site, as noted by an objector and its validity and scope have been queried by a number of objectors. It should be noted that Officers have completed their own site visits before making their final assessment of the proposal. The LVIA recognises that the proposal will be visible within the landscape and proposes a number of associated measures in order to mitigate the visual impact of the scheme. These measures include the choice of recessive materials, the absence of rooflights or solar panels within the proposal and the use of the Ilton Copse as visual screening from the south, in addition to a landscaping scheme. These measures are considered to accord with the guidance set out in Section 8.6 Agricultural Buildings of the South Devon AONB Management Plan – Planning Guidance.

Policy TTV26 (2vi) requires that proposals “help enhance the immediate setting of the site.” In addition, policy DEV25 (8i) 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 whole of the land holding, including the application site, falls within the Landscape Character Type 3G area; River slopes and valley combs. The overall landscape strategy for this area is set out in the Council's Landscape Character Assessment (LUC, 2017) and describes what is distinctive and valued within this part of the South Devon AONB;

To protect and enhance the peaceful character of the valley slopes, fringed by well-managed woodlands and fields enclosed by an intact network of species-rich Devon banks. Opportunities are sought to restore conifer plantations to broadleaves and other semi-natural habitats, creating a climate-resilient green network. New recreational spaces and infrastructure links are provided to nearby settlements.

In this context, the proposal is accompanied by a landscaping scheme that includes the creation of Devon hedgebanks and woodland planting in order to screen the proposal. The LVIA sets out that when considered together with the screening effect of the adjacent Ilton Copse, the new landscaping will screen the proposal such that it will have a neutral impact on the landscape character of this area. Officers are mindful of the objections that question the comprehensiveness of the LVIA but Officers consider that in the context of Permitted Development rights, the size and location of the holding, the surrounding topography and the proposed screening measures, the proposal is considered to have a neutral impact on the landscape character of this part of the South Devon AONB and the Undeveloped Coast.

It is considered necessary to secure the details of the materials by condition, in the interests of visual amenity and to prevent the creation of new rooflights within the building or the installation of any external lighting to protect the countryside from intrusive development. It is also considered necessary that the landscaping scheme is secured by condition in the interests of the visual amenities of the locality and to assimilate the development into its surroundings. It is also considered appropriate to require that the building is removed when no longer necessary for the purposes of agriculture, with details of a Construction and Environmental Management Plan to be submitted to the LPA prior to removal of the building, as the development is considered acceptable for the use proposed in a countryside location, and is permitted on the basis of an agricultural need without which permission would not have been granted and to comply with the requirements of TTV26 (2vi) to demonstrate how long term degradation of the landscape and natural environment will be avoided.

Trees

It is acknowledged that there have been some works to Ilton Copse in recent months and that the Council has served a Tree Preservation Order on Ilton Copse (number 1012). It is considered that this TPO will serve to safeguard the copse and provide a mechanism for any further works to be considered, in addition to controls exerted by the Forestry Commission.

It should be noted that Ilton Copse is located outside the application site boundary; the Council's Tree Officer has reviewed the application and has confirmed that they have no objection to the proposal on arboricultural merit. The Forestry Commission have advised that in their capacity as a non-ministerial government department they are not in a position to object to or support an application. Instead they have advised that further to their assessment of the recent felling at Ilton Copse, they do not intend to take any further action at this time but that the applicant has been made aware of the need to apply for felling licences if the relevant thresholds are met. The Forestry Commission have some reservations regarding the digging and levelling element of the works within Ilton Copse but that they support the principle of additional planting, in addition to the restoration and replanting of hedgebanks. They have also advised that there is a national review of the Ancient Woodland Inventory currently underway and that Ilton Copse may be added to this inventory in the future.

The South Hams Tree Wardens Network have raised concerns relating to the recent felling (see above) and have requested long term controls over the maintenance and management of the site and the adjacent Ilton Copse. Officers consider that the TPO is sufficient to protect Ilton Copse and have

specified that the landscaping scheme requires the replacement of any plants that are removed, become damaged, diseased or die within ten years of the completion of the proposed development. In addition, Officers have also specified that should the building be removed at a future date, that a scheme of landscaping is submitted prior to this occurring to ensure that long term degradation of the landscape is avoided. On this basis, the proposal is considered to accord with the provisions of DEV26 and DEV28.

Surface Water Drainage

The applicant has proposed the use of a soakaway to dispose of surface water from the proposal. This is considered acceptable, with the details to be secured 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.

Heritage

The application has been advertised as affecting the setting of a Listed Building; namely the nearby Grade II Listed Alston Farmhouse and Grade I Listed Yarde Farmhouse with associated Grade II farm buildings. The assets are listed for their architectural and historic value. Historic England have advised that they do not wish to offer any comments on this application. Officers consider that due to the topography and relative siting of these heritage assets, the proposal will not have a detrimental impact on their setting.

The Devon County Council Historic Environment Viewer indicates that there is an historic record of a quarry, as indicated on the 1880s Ordnance Survey Map and as such, the quarry is considered a Non-Designated Heritage Asset. This area is now overgrown and it is sited to the north of the access track from the public highways to the site of the proposed building. There is no indication that any structural works would take place near to this feature and as such, it is not considered that the continued use of the unmetalled agricultural track associated with an agricultural holding of this scale would result in a significant harmful impact on the quarry.

An objector has noted that there is a Scheduled Ancient Monument to the south of Ilton Copse. While this is unlikely to be affected by the proposal, Officers consider that an informative should be added to remind the applicant that they should contact Historic England prior to undertaking any groundworks outside the red line site boundary, as further permissions may be required.

As such, the proposal is considered acceptable with regards to the provisions of DEV21.

Neighbour Amenity:

The proposed building is located c. 175m north of the campsite at Ilton Castle Farm. Due to the siting, separation distance and the type of use proposed for the building (agricultural storage), it is not considered that the proposal would have a detrimental impact on human health or amenity for anyone staying on or visiting the campsite. It is considered necessary to restrict the use of the building to agricultural storage purposes for two reasons; (1) the development is considered acceptable for the use proposed in a countryside location, and is permitted on the basis of an agricultural need without which permission would not have been granted and (2) the building is sited within 400m of a campsite at Ilton Farm and the impacts of any other use on the occupants of the campsite have not been considered as part of this application. On this basis, the proposal is considered to accord with the provisions of DEV1 and DEV2.

Highways/Access

The applicant has noted within their Design and Access Statement that the access will be taken from an existing field access along an existing agricultural track. However, it was noted during the site visit that hardcore had been introduced to the site entrance; some of it had been laid to form a parking and turning area and the rest was heaped into a large pile. The hardcore was a light colour and Officers consider that the introduction of a light material would appear incongruent and unduly visually prominent within the landscape. As such, Officers have confirmed with the applicant in writing that the

hardcore will be removed from the site and that no formalised access track is proposed as part of the application. As such, the proposal is considered to accord with the provisions of DEV29.

Other Matters

A number of objections have referenced the fact that works have been undertaken on the site and in the adjacent Ilton Copse without the benefit of planning permission. It is acknowledged that the Council's Planning Enforcement Team have been alerted to the situation but that any decision regarding potential enforcement action is considered beyond the scope of this report. However, Officers are mindful of the strength of public feeling on this matter.

Objectors have also made reference to previous applications, including the accuracy of information and the approach to the planning process. Objectors have advised that the general public feel fatigued by the process, as it is lengthy and involves multiple applications with no clear outcome. Officers are aware of the planning history of the land holding as a whole and are aware that the planning process can leave members of the public feeling disenfranchised and excluded from the decision making process. However, each application is considered on its own merits and applicants retain the right to withdraw an application prior to a decision being made and to submit any number of applications should they so wish.

Conclusion

It is acknowledged that due to its highly sensitive countryside location within the South Devon AONB and the Undeveloped Coast, an agricultural building would not normally be supported in this location. However, as the applicant's land holding is sited entirely within both the AONB and the Undeveloped Coast, with no alternative site available to the applicant and with the benefit of a fallback position to site a building, under Permitted Development rights, Officers consider that the principle of development is established. On balance, the proposal is considered agriculturally justified and appropriately designed and sited to meet the needs of the agricultural operation. Officers consider that subject to controls on the use of the building, along with a landscaping scheme and provision for the restoration of the site should the building no longer be required for the purposes of agriculture, the proposal is considered acceptable and is recommended for conditional approval.

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

Planning Policy

Section 70 of the 1990 Town and Country Planning Act requires that regard be had to the development plan, any local finance and any other material considerations. Section 38(6) of the 2004 Planning and Compensation Act requires that applications are to be determined in accordance with the development plan unless material considerations indicate otherwise. For the purposes of decision making, as of 26 March 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 21 March 2019 and West Devon Borough Council on 26 March 2019.

SPT1 Delivering sustainable development
SPT2 Sustainable linked neighbourhoods and sustainable rural communities
SPT9 Strategic principles for transport planning and strategy
SPT10 Balanced transport strategy for growth and healthy and sustainable communities
SPT11 Strategic approach to the Historic environment
SPT12 Strategic approach to the natural environment
TTV1 Prioritising growth through a hierarchy of sustainable settlements
TTV2 Delivering sustainable development in the Thriving Towns and Villages Policy Area
TTV26 Development in the Countryside
DEV1 Protecting health and amenity
DEV2 Air, water, soil, noise, land and light
DEV15 Supporting the rural economy
DEV20 Place shaping and the quality of the built environment
DEV21 Development affecting the historic environment
DEV23 Landscape character
DEV24 Undeveloped coast and Heritage Coast
DEV25 Nationally protected landscapes
DEV26 Protecting and enhancing biodiversity and geological conservation
DEV28 Trees, woodlands and hedgerows
DEV29 Specific provisions relating to transport
DEV31 Waste management
DEV32 Delivering low carbon development
DEV35 Managing flood risk and Water Quality Impacts

Neighbourhood Plan

Following a successful referendum, the Malborough Neighbourhood Plan was made at Special Council Committee on 21 March 2019. It now forms part of the Development Plan for South Hams District and is used when determining planning applications within the Malborough Neighbourhood Area.

The relevant policies are noted below;

Policy 5: High quality design
Policy 10: Adapting to climate change (non-domestic)
Policy 12: Dark skies
Policy 14: Siting of development
Policy 15: Heritage
Policy 16: Trees, woodland, hedgerows and Devon banks
Policy 17: Biodiversity

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

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 SHDC02

Land Ownership Plan

Landscape Mitigation Proposals DW/LMP/01C

Proposed Elevations DW01

Proposed Plans DW02

Received by the Local Planning Authority on 26 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. Notwithstanding the submitted details, prior to the installation of any part of the surface water management scheme or before development continues above slab level, whichever is the sooner, full details of the most sustainable drainage option shall be submitted to and approved in writing by the Local Planning Authority (LPA). Suds to be designed for a 1:100 year event plus 40% for climate change. If the Local Planning Authority concludes that the method of drainage approved as part of this permission is undermined by the results of the percolation tests, a mitigating drainage alternative shall be agreed with the Local Planning Authority and thereafter installed, maintained and retained in accordance with the agreed details for the life of the development.

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

4. The building hereby approved shall be used for storage of agricultural machinery, crops and fodder purposes only.

Reason: (1) The development is considered acceptable for the use proposed in a countryside location, and is permitted on the basis of an agricultural need without which permission would not have been granted.

(2) The building is sited within 400m of a campsite at Ilton Farm and the impacts of any other use on the occupants of the campsite have not been considered as part of this application.

5. The proposed landscaping shown on drawing number DW/LMP/01C shall be implemented in the first available planting season and any trees or plants which within a period of 10 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species unless the Local Planning Authority gives written consent to any variation. The landscaping scheme shall be strictly adhered to during the course of the development and thereafter.

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

6. *Notwithstanding the details provided, there shall be no external lighting or rooflights within the roof of the building unless otherwise agreed in writing by the Local Planning Authority.*

Reason: To protect the countryside from intrusive development.

7. *Where the development hereby permitted ceases to be used for the purposes of agriculture (as defined by Section 336 of the Town and Country Planning Act 1990 (as amended)), within three months of the permanent cessation of the agricultural use, the development must be removed and the land restored to its former condition. Prior to the removal of the development, a Construction and Environmental Management Plan, to include a scheme of landscaping and woodland management, shall be submitted to and approved in writing by the LPA. The removal of the development and the restoration of the land shall then be carried out in accordance with those details as approved.*

Reason: (1) The development is considered acceptable for the use proposed in a countryside location, and is permitted on the basis of an agricultural need without which permission would not have been granted.

(2) To demonstrate how long term degradation of the landscape and natural environment will be avoided, as required by policy TTV26 (2vi).

INFORMATIVES

1. *The applicant is advised that there is a designated Scheduled Ancient Monument located within close proximity to the site; contact Historic England prior to any groundworks being undertaken outside the red line site boundary, as further consents may be required.*

2. *This authority has a pro-active approach to the delivery of development. Early pre-application engagement is always encouraged. In accordance with Article 35(2) of the Town and Country Planning Development Management Procedure (England) Order 2015 (as amended) in determining this application, the Local Planning Authority has endeavoured to work proactively and positively with the applicant, in line with National Planning Policy Framework, to ensure that all relevant planning considerations have been appropriately addressed.*

3. *The responsibility for ensuring compliance with the terms of the approval rests with the person(s) responsible for carrying out the development. The Local Planning Authority uses various means to monitor implementation to ensure that the scheme is built or carried out in strict accordance with the terms of the permission. Failure to adhere to the approved details can render the development unauthorised and vulnerable to enforcement action.*

4. *If your decision requires the discharge of conditions then you must submit an application for each request to discharge these conditions. The current fee chargeable by the Local Planning Authority is £116 per request. Application forms are available on the Council's website.*

PLANNING APPLICATION REPORT

Case Officer: Oliver Gibbins

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

Application No: 2840/20/FUL

Agent/Applicant:

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

Applicant:

Mr Paul Bassett & Mr Rowland Bassett
C/O Agent
Luscombe Maye
59 Fore Street, Totnes
TQ9 5NJ

Development: Change of use of land for the provision of two pods for self-catering holiday purposes



Reason item is being put before Committee

Cllr Brown has requested that this application is reported to the committee so that Members can debate the policies relied on in the Officer report and in particular Policy Dev 15 – Supporting the rural economy.

Recommendation: Refusal

1. The proposed development would result in tourism accommodation in an unsustainable rural location with restricted access to services and amenities, with all movements reliant on the private car. The proposal is therefore contrary to Policies SPT1, SPT2, TTV1, TTV2, DEV15 and DEV29 of the Plymouth and South West Devon Joint Local Plan 2014-2034; and the National Planning Policy Framework (notably but not limited to paragraph 83) and Policy TPT1 of the Brixton Neighbourhood Plan.

2. The proposed development has failed to provide a mechanism to mitigate the impact of the development on the Tamar European Marine Site (comprising the Plymouth Sound and Estuaries SAC and Tamar Estuaries Complex SPA). The development is therefore contrary to Policy DEL 1 of the Plymouth and South West Joint Local Plan.

Key issues for consideration:

The principle of development, landscape, biodiversity and impact on the listed buildings.

Site Description:

The application site is located in the countryside approximately 3.2km north of Brixton.

The site is not in the South Hams Area of Outstanding Natural Beauty.

The site is located close to a grade I listed and grade II listed buildings. The grade I listed building is Higher Hareston and the grade II listed buildings is the Shippen and Barn Range. These are located approximately 350m to the east of the site

The area is characterised by open countryside, although is on the fringes of Plymouth with the power station at Language visible to the north.

The site is located within the Brixton Neighbourhood Plan area.

The Proposal:

This application is for planning permission for the change of use of the land and the provision of two self contained holiday units, known as pods.

The pods are self contained single storey buildings that provide 1 bed occupation. A parking area is provided next to each pod and access is through an existing entrance with a track across the land.

The pods will be positioned on a hardstanding with an area of car parking provided.

The pods measure 6.28m in length, 3.5 in width and 2.85m in height. They will be clad in green oak cladding with a shingle sheeting roof.

The pods will be served by a foul package treatment plant.

Electric vehicle charging points are proposed for each pod.

Consultations:

- County Highways Authority - Standing advice
- Town/Parish Council – Brixton Parish Council has no objection to this application provided that 1. No trees are removed from the field to site the 2 pods and their drainage systems 2. The existing mature hedge trees are protected and made safe 3. A full Fire Risk assessment is made as part of the planners assessment of the application... i.e. can fire appliances access the site, how will the fire pits be risk assessed/safe, will the fire equipment proposed for the site be adequate in the event of a fire. 4. No signage is displayed in the lanes and across the parish promoting this site
- Drainage – If the application meets the minimum requirements then please include a suitable informative or conditions
- Historic England - Historic England does not object to this application on heritage grounds, but asks you to note our reservations regarding the potential precedent it might establish for a future intensification of development that could cause heritage harm.
- DCC Archaeology - The Historic Environment Team recommends that this application should be supported by the submission of a Written Scheme of Investigation (WSI) setting out a programme of archaeological work to be undertaken in mitigation for the loss of heritage assets with archaeological interest. The WSI should be based on national standards and guidance and be approved by the Historic Environment Team
- Strategic Planning – There is no evidence based need provided by the applicant justify this proposal in this location, any supporting information is anecdotal and generic in nature that is substantiated by assumption and speculation. There are consistent appeal decisions (and specifically relate to ‘shepherds huts’) that support the JLP spatial strategy in seeking to refuse applications that do not accord with the spatial strategy of the plan. It is clear that any extremely limited economic gain that may be secured by the provision of this development would not outweigh the considerable harm incurred by disregarding the adopted development plan and a body of consistent appeal decisions.

Representations:

10 letters of support.

Support tourism;
Lack of suitable self catering accommodation;
The eco nature of the development;
Support local business;
Support the historic building

Relevant Planning History

Pre application advice given and offered with no officer support for the proposal given the unsustainable nature of the location.

ANALYSIS

Principle of Development/Sustainability:

Policy SPT1 of the Plymouth and South West Devon Joint Local Plan 2014-2034 (JLP) sets out the Council's overall approach to delivering sustainable development. Policy SPT2 identifies the principles that are to guide the delivery of sustainable development, amongst other things, sustainable rural communities, indicating that these should be well served by public transport, walking and cycling opportunities and have an appropriate level of services and facilities, and have reasonable access to a vibrant mixed use centre. Policy TTV1 sets out that growth will be delivered according to a hierarchy of settlements, with development in the countryside permitted only if it can be demonstrated to support the principles of sustainable development and sustainable communities. Policy TTV2 indicates that specific objectives of rural sustainability include the delivery of, amongst other things, sustainable rural tourism development.

JLP Policy DEV15 sets out, amongst other aspects, that: support will be given to proposals in rural areas which are in suitable locations; and that camping, caravan, chalet or similar facilities that respond to an identified local need will be supported provided the proposal has no adverse environmental impact. It requires development proposals to, amongst other aspects, 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. It also sets out that Sustainable Travel Plans will be required to demonstrate how the traffic impacts of the development have been considered and mitigated. Adding to this, JLP Policy DEV29 requires development to, amongst other things, promote sustainable transport choices and facilitate sustainable growth.

The applicants have sought to justify this development on the basis that the development will provide a sustainable holiday destination and provide an alternative choice which is a lower impact style of holiday.

The site is accessed via an unlit and narrow road which is located approximately 3.2km from Brixton, the closest settlement. Whilst Brixton an identified settlement within the Local Plan, the settlement does provide local services and access to public transport and would provide services to be considered to be a sustainable.

This distance from a vibrant mixed use centre and the nature of the access which is through unlit roads with no pavements results in the site have a poor level of access to services and facilities. Furthermore there are no public transport links to the site and as such visitors to the site would be dependent on the private car.

Given the sites poor access to facilities it fails to have reasonable access to a vibrant mixed use centre, has poor access to public transport, cycling or walking links and is therefore clearly contrary to Policies SPT1 and SPT2 of the Joint Local Plan. The development is therefore not a sustainable form of rural tourism and is also contrary to Policy DEV15 of the local plan.

The Council have also series of appeal decisions which have considered similar proposals against the policy as detailed below:

APP/Q1153/W/20/3244500: Land at Tuell Down PL19 0PS

The exert below was taken from appeal decision APP/Q1153/W/20/3244500: Land at Tuell Down, PL19 0PS and could be applied word for word to the proposal being considered:

12. However, the benefits from the siting of a single tourism accommodation unit and of the appeal proposal as a whole would, when taken together, be relatively limited. Accordingly, I find that its benefits would not outweigh the harm I have identified in relation to the unsustainable nature of the site and development with regards to accessibility. Although tourism may be important to the local economy, staycations are becoming more popular, and the shepherd hut may be viable and offer something different to other holiday accommodation, I also have little substantive evidence that the development would be responding to an identified local need, as required by JLP Policy DEV15.

APP/K1128/W/18/3217159: Lower Leigh Farm, TQ7 4AG

Similarly, taken from APP/K1128/W/18/3217159: Lower Leigh Farm, TQ7 4AG

14. But notwithstanding my favourable findings on these latter two points, for the reasons set out above my overall conclusion is that the appeal site does not represent

an appropriate location for new ancillary/holiday accommodation. It lies in an unsustainable location and has poor accessibility, such that the proposed accommodation would be reliant on the private car. As such, the proposed development would be at odds with the aforementioned JLP policies. Moreover, the unsustainable nature of the appeal proposal means that it would also be at odds with paragraph 83 of the Framework which explains that planning policies and decisions should enable sustainable rural tourism and leisure developments.

APP/Q1153/W/20/3244495: Land at SX 471 100 (Beaworthy), EX21 5AX

And again from APP/Q1153/W/20/3244495: Land at SX 471 100 (Beaworthy), EX21 5AX;

12. Taken together the benefits from a single unit of accommodation would be limited. The provision of a shepherd's hut on a fairly isolated and undeveloped site in the countryside where occupants would have a dependence on the private vehicle would not, to my mind, even after taking into account all the other elements of sustainability advanced by the appellant, be a sustainable rural tourist venture when considered as a whole. I have not been presented with convincing and detailed evidence that there is an identified local need for this accommodation on this site and therefore the proposal would not comply with Policy DEV15 of the JLP in this respect. 13. It is argued that if this proposal is not acceptable then all other farm based tourist accommodation would be equally unacceptable. However, all proposals will have their own circumstances, for instance, in relation to distance, convenience and accessibility to local services and facilities, links that may enable walking via rights of way or public transport options. The overall balance of considerations will be different in each case. The policies of the JLP do not exclude rural tourism and farm diversification, but they do seek to establish a pattern of development that is based on the principles of sustainability.

Overall there has been a consistent application of tourism policies in the plan which confirm the interpretation against the spatial strategy of the Joint Local Plan at planning appeal. This indicates that in order to be supported by the policies tourism must be sustainable.

In terms of the Neighbourhood Plan the Brixton Neighbourhood Plan has been adopted. Policy EMP4 identifies that existing tourism facilities shall be retained. The site is located outside of the settlement boundary of Brixton. Policy TPT1 seeks to ensure that development should enable sustainable modes of transport.

It can be concluded that the proposed development would not be in a suitable location, with particular regard to access to services and facilities and it therefore conflicts with JLP Policies SPT1, SPT2, TTV1, TTV2, DEV15 and DEV29 as well as Policy TPT1 of the Brixton Neighbourhood Plan. The proposal would also be inconsistent with the provisions in the NPPF in relation to supporting a prosperous rural economy and promoting sustainable transport, as the development would not be able to minimise the use of the private car and support sustainable rural tourism.

In addition to the above, the applicants have identified that the proposal will provide specialist accommodation for people with disabilities. Whilst this is noted, it is not considered that these considerations outweigh the sustainability objections to the site, the development would be in perpetuity and permanently impact on the site. Furthermore the applicants has not provided evidence in relation to need and alternative provision would could be in a more sustainable location.

Design/Landscape:

The site is located close to a Grade I listed building and a Grade II listed building, these are designated heritage assets. The application has been submitted with a Heritage Impact Assessment.

Historic England (HE) have identified a potential concern is the likely pressure for additional units to be added to this development, should it prove to be commercially successful and have advised of the following:

Whilst a development of two small timber-clad cabins, unobtrusively sited in a field, might have a minimal landscape and heritage impact, a more extensive development could intensify increase both its visibility and audibility as well as traffic generation etc. Those effects might then erode the tranquillity of Higher Hareston's setting. We would therefore ask your Authority to consider carefully the suitability and sustainability of the site for this type of development, and your ability to limit its future expansion beyond its current modest scale, should future applications be made.

The concerns of HE are acknowledge but further applications would be required for future development and this would allow consideration to be given to the impact of the development on the designated heritage asset.

The siting and scale of the development combined with the screening, results in this development not being considered to impact on the setting or the listed building itself. As a result the development is considered to comply with Policies DEV21.

The small scale nature of the development and the form and design is considered to be compatible with the character and appearance of the area and the landscape.

Although consideration will need to be given to hardstanding's and car parking as well as landscaping, through conditions if a scheme were to be approved. This is because the scale of the units are small and could be accommodated in the landscape without appearing as obtrusive features but careful consideration will need to be given to landscaping to ensure that the low impact rural character of the site is preserved.

Neighbour Amenity:

This development, at this scale, would not result in a significant loss of amenity to nearby residential properties, the closest of which is located within the historic buildings at Hareston House, located approximately 350m to the east.

Highways/Access:

Satisfactory highway access is provided, as the existing access is being used and the visibility of this access is sufficient for the nature of the use.

Other Matters:

The applicants have detailed that a package treatment plant will be used to deal with foul drainage. Details of drainage would be required through condition, should a scheme be approved.

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

The Council seeks, in agreement with Natural England, to mitigate the impact of the development on the Tamar European Marine Site through securing a financial contribution towards mitigation. This is secured through a legal agreement. However none has been submitted and as such this would be a reason for refusal with this application.

Planning balance

This development is located in an unsustainable location that would be reliant on the private car. The development is therefore clearly contrary to the Joint Local Plan, the NPPF and the Neighbourhood Plan.

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

Planning Policy

Section 70 of the 1990 Town and Country Planning Act requires that regard be had to the development plan, any local finance and any other material considerations. Section 38(6) of the 2004 Planning and Compensation Act requires that applications are to be determined in accordance with the development plan unless material considerations indicate otherwise. For the purposes of decision making, as of March 26th 2019, the development plan for Plymouth City Council, South Hams District Council and West Devon Borough Council (other than parts of 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
TTV2 Delivering sustainable development in the Thriving Towns and Villages Policy Area
TTV25 Development in the Sustainable Villages
TTV26 Development in the Countryside
TTV27 Meeting local housing needs in rural areas
TTV28 Horse related developments in the countryside
DEV1 Protecting health and amenity
DEV2 Air, water, soil, noise, land and light
DEV15 Supporting the rural economy
DEV20 Place shaping and the quality of the built environment
DEV21 Development affecting the historic environment
DEV23 Landscape character
DEV25 Nationally protected landscapes
DEV26 Protecting and enhancing biodiversity and geological conservation
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
DEV33 Renewable and low carbon energy (including heat)
DEV34 Community energy
DEV35 Managing flood risk and Water Quality Impacts
DEV36 Coastal Change Management Areas

DEL1 Approach to development delivery and viability, planning obligations and the Community Infrastructure Levy

Neighbourhood Plan

The Brixton Neighbourhood Plan has been adopted.

Policy EMP4 identifies that existing tourism facilities shall be retained. The site is located outside of the settlement boundary of Brixton. TPT1 seeks to ensure that development should enable sustainable modes of transport.

Other material considerations include the policies of the National Planning Policy Framework (NPPF) including but not limited to paragraphs 79 and 83 and guidance in Planning Practice Guidance (PPG). Additionally, the following planning documents are also material considerations in the determination of the application: JLP SPD.

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.

South Hams District Council Agenda Item 8

DEVELOPMENT MANAGEMENT COMMITTEE 2-Dec-20

Appeals Update from 20-Oct-20 to 20-Nov-20

Ward Bickleigh and Shaugh

APPLICATION NUMBER : **2616/19/FUL** APP/K1128/W/20/3256040
APPELLANT NAME: Mr Richard Miles
PROPOSAL : Replacement dwelling
LOCATION : Land South of Woodlands House Station Road Tamerton Foliot Devon PL5 4LD
APPEAL STATUS : Appeal decided
APPEAL START DATE: 27-August-2020
APPEAL DECISION: Dismissed (Refusal)
APPEAL DECISION DATE: 05-November-2020

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 decided
APPEAL START DATE: 24-July-2020
APPEAL DECISION: Upheld
APPEAL DECISION DATE: 29-October-2020

APPLICATION NUMBER : **3761/19/FUL** APP/K1128/W/20/3249872
APPELLANT NAME: Mr and Mrs David Merrin
PROPOSAL : Retrospective application for provision of general purpose building (2of 2)
LOCATION : Land At Lowerdale Woodleigh Kingsbridge TQ7 4DS
APPEAL STATUS : Appeal decided
APPEAL START DATE: 24-July-2020
APPEAL DECISION: Upheld
APPEAL DECISION DATE: 29-October-2020

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Report to: **Development Management Committee**

Date: **24 November 2020**

Title: **Development Management Action Plan**

Portfolio Area: **Cllr Bastone**

Wards Affected: **All**

Urgent Decision: **N** Approval and clearance obtained: **Y**

Date next steps can be taken: Immediately following this meeting

Author: **Pat Whymer** Role: **Head of Development Management Practice**

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Recommendations:

That the Development Management Committee be RECOMMENDED to adopt the Action Plan (as attached at Appendix A) and note that the Overview and Scrutiny Panel will receive a progress update on the Plan within the next six months.

1. Executive summary

- 1.1 Following a decision made on a planning application relating to a development in Tavistock a number of concerns were raised regarding the determination process. Subsequently a review of the Development Management process has taken place. Whilst the application related to a site within West Devon the Development Management policies and procedures are almost identical to those adopted for South Hams Council and any recommendations for changes should also be considered by South Hams.
- 1.2 The review was undertaken by the Senior Legal Specialist and has recommended changes to be made regarding some elements of Development Management Processes and procedure. One of the recommendations of the review that the 'Head of Planning prepare an action plan to implement the recommendations of the review undertaken by the Senior Legal Specialist.

- 1.3 The draft Action Plan at Appendix A sets out the steps/actions that will be undertaken in respect of all of the recommendations contained within the review.

2. Background

- 2.1 Following a decision made on a planning application relating to a development in Tavistock a number of concerns were raised regarding the determination process. Subsequently a review of the Development Management process by the Senior Legal Specialist in connection with that application has taken place. Whilst the application related to a site within West Devon the Development Management policies and procedures are almost identical to those adopted for South Hams Council and any recommendations for change are equally relevant to the policies/procedures with South Hams and should be considered by South Hams members.
- 2.2 The purpose of the review was not to review the individual planning permission but to identify ways in which the Council might learn and improve from.
- 2.3 The review makes a series of recommendations which will help the Council to deliver a more efficient and effective service and improve how it works with its communities.
- 2.4 One of the recommendations of the review which has been approved by the West Devon Development Management and Licensing Committee was that the Head of Planning prepare an action plan to implement the other recommendations of the review.
- 2.5 An Action Plan has been produced following the consideration of the review by West Devon Council. South Hams and West Devon Councils are separate sovereign bodies. However given that the Development Management Procedures for both Councils are very similar it is appropriate for the Development Management Committee consider the proposed Action Plan as the proposals will improve the effectiveness and efficiency of the Service.
- 2.6 Appendix A sets out the steps/actions that are proposed to be undertaken in respect of all of the recommendations contained within the review together with a timescale for each action.

3. Outcomes/outputs

- 3.1 The proposed actions will ensure that the aims of the review to deliver a more effective and efficient Development Management Service are achieved.
- 3.2 Progress against the action plan will be monitored by the Overview and Scrutiny Panel.

4. Options available and consideration of risk

- 4.1 The review undertaken considered that there was a risk of similar issues arising in the future and that an Action Plan was required to set out the issues that will be addressed.

5. Proposed Way Forward

- 5.1 The Action Plan sets out a number of actions on how the approved recommendations from the review will be implemented.

6. Implications

Implications	Relevant to proposals Y/N	Details and proposed measures to address
Legal/Governance	Y	The Review explained that with regard to determining planning applications, the Town and Country Planning Act 1990 sets out the statutory framework within which decisions are to be made and while the Council's Scheme of Delegation under the Local Government Act 1972 sets out who is to make the decision and any internal procedures to be followed.
Financial implications to include reference to value for money	Y	There are no direct financial implications to the Action Plan. However the impact of some of the actions when implemented could have an impact on the level of staff resource required within the Development Management Service.
Risk	Y	The Actions will reduce the risks of reputational damage, poor performance and customer dissatisfaction.
Supporting Corporate Strategy	Y	The Actions will help to deliver an effective and efficient Development Management service while protecting the built and natural environment.
Climate Change - Carbon / Biodiversity Impact	N	There are no direct climate change, carbon or bio-diversity impacts arising from the actions in the plan.
Comprehensive Impact Assessment Implications		
Equality and Diversity	N	There are no direct equality and diversity implications arising from this report
Safeguarding	N	There are no direct safeguarding implications

		arising from this report.
Community Safety, Crime and Disorder	N	There are no direct community safety, crime and disorder implications arising from this report.
Health, Safety and Wellbeing	N	There are no health, safety and wellbeing implications arising from this noting report.
Other implications		

Supporting Information

Appendices:

Appendix A – Development Management Draft Action Plan

Background Papers:

Review of the process followed in connection with Planning Application 3614/18/OPA – Land at SX482725 Plymouth Road, Tavistock.

Approval and clearance of report

Process checklist	Completed
Portfolio Holder briefed/sign off	Yes
SLT Rep briefed/sign off	Yes
Relevant Heads of Practice sign off (draft)	Yes
Data protection issues considered	Yes
Accessibility checked	Yes

Review of the Development Management Process following Planning Application 3614/18/OPA - Action Plan

Recommendation	Details	Action	Timescale
<p>1. Planning Application process and decisions</p>	<p>Applications should be accompanied by plans that show the land that is the subject of the application clearly outlined in red</p> <p>Planning Officers need to be less accepting and more challenging of the information being provided by applicants and consultees.</p> <p>Revise the standard decision template for Outline Planning Permissions to clearly identify the matters that are reserved.</p> <p>Details of an application are usually incorporated into a planning permission as doing so helps in interpreting the planning permission. It is noted that the only reference to an application in the template decision notice is the application reference number. The template should therefore be amended to make incorporation of the application to which it relates clearer.</p>	<p>Ensure validation list is followed – The current validation checklist needs to be revised and adopted. This will need public consultation with Towns/Parishes and users of the service. Once new list adopted staff training to ensure consistent use and interpretation.</p> <p>Briefing of Development Management staff and internal consultees who interact with planning applications</p> <p>Update Outline Decision Notice templates in new Development Management IT software which is due to go live in December 2020.</p> <p>Update Decision Notice templates in new Development Management IT software which is due to go live in December 2020</p>	<p>Spring 2021</p> <p>December 2020.</p> <p>December 2020 or within 1 month of new software going live if later than December 2020</p>

Recommendation	Details	Action	Timescale
	<p>Case officer reports should avoid or minimise the use of Acronyms.</p> <p>Establish a process to ensure that reports for significant or complex applications are reviewed and signed-off either by the Head of Planning or by a Senior Planning Specialist, who is not the report author, before such applications are determined.</p>	<p>Briefing of Development Management staff and internal consultees who interact with planning applications</p> <p>Set up interim process - discussion with Development Management staff to ensure that significant applications are discussed with Head of DM</p> <p>* See Note 1 below</p>	<p>December 2020</p> <p>December 2020</p>
2. Planning Officer Reports	<p>Revise the Officer report template for committee and non-householder delegated reports to incorporate the following:</p> <ul style="list-style-type: none"> • A clearer framework to ensure that reports provide a crisp technically accurate legally compliant analysis of an application. It should be clear from the report what has been taken into account and what has not. • The report should ensure that it has a focus on analysis and questioning and less on the reproduction of representations into the report body. A summary of such representations will suffice in most cases. If the full 	<p>Update Report Templates in new Development Management IT software. Benchmark with other Devon Councils to ensure new template is best practice.</p> <p>Training/Brief DM staff and members on how the new report should be completed and the changes from the current template particularly with respect of not including full details of letters of rep and consultation responses.</p> <p>*See Note 1 below</p>	<p>February 2021 or within 2 months of new system going live if later than December 2020. This will allow sufficient time to Benchmark with other Councils</p> <p>February 2021</p>

Recommendation	Details	Action	Timescale
	<p>consultation response is required, links to the website can be incorporated into the report. Identify the relevant Development Plan Policy at the beginning of the Report and provide analysis on how the proposal fits with the relevant policy</p> <ul style="list-style-type: none"> • show version/date of clearance by officer and in the case of significant or complex applications, clearance by the Head of Planning or another Senior Planning Specialist. This will aid understanding by members of the public when more than one version of the officer report is published on the Council's planning application pages. 	<p>Update Officer Report templates in new Development Management IT software to ensure this is clear within reports</p>	<p>December 2020 or within 1 month of new system going live if later than December 2020</p>
<p>3. Section 106 Agreements</p>	<p>Consider what process should be followed if a Section 106 agreement is not completed and signed within a reasonable period of time.</p>	<p>Ensure that officer recommendations and committee resolutions clearly set out the steps to be taken if a S106 Agreement is not completed in a timely manner with a briefing note to be provided to Development Management Committee. * See Note 1 below</p>	<p>January 2021</p>

Recommendation	Details	Action	Timescale
	<p>The importance of getting the heads of terms right has been highlighted and more formal drafting of heads of terms in reports in respect of applications referred to Development Management Committee is recommended to aid member understanding of what is proposed.</p> <p>On completion of all section 106 agreements, Legal Services e-mail a copy of the completed agreement together with a summary of what the agreement provides for to various sections of the Council. This will be copied to Ward members. Members will then be aware of the details of planning obligations to be delivered by development in their Wards.</p>	<p>Training/Brief DM staff on the level of detail required in reports with respect of Heads of Terms for S106 Agreements. *See Note 1 below</p> <p>Brief legal services officers to ensure that Ward Members are included in the internal email advising that a Section 106 has been completed. The email will include a copy of the S106</p>	<p>January 2021</p> <p>December 2020</p>
4. Information to Members	Members of the Development Management Committee will be provided with an informal update on current applications by the Head of DM at the conclusion of each Development Management Committee. The update will be limited to those applications that are “significant” and include progress on S106 agreements.	<p>Create a new report in the new Development Management IT software, once live to provide the DM Committee with an update at each meeting of the undetermined Major Applications within the Borough.</p> <p>When the above new report is first presented to the DM Committee. Members will be briefed on the use of the circulated weekly list of applications to identify any non-major proposals that are likely to have significant impact on the borough</p>	<p>First report to the DM Committee at the meeting in February 2021</p> <p>First report to the DM Committee at the meeting in February 2021</p>

Recommendation	Details	Action	Timescale
	<p>All members to be notified of amendments to planning applications in their ward.</p> <p>Officers to be given political awareness training</p>	<p>(positive or negative). When such individual cases are raised the views of the committee will be sought on whether they wish the case reported to the committee each month as part of the new report</p> <p>Training/Brief DM staff to ensure that Ward Members are notified when revised plans for planning applications are advertised. *See Note 1 below</p> <p>Training to be arranged</p>	<p>December 2020</p> <p>February/March 2021</p>
5. Member Induction and training	<p>Newly elected members to be provided with information on all current applications within their Wards and the identity of the planning officer dealing with the application as part of the “welcome pack”.</p> <p>The induction will also draw new members’ attention to their responsibilities in connection with the determination of planning applications, including monitoring the weekly list of planning applications for applications in their Ward.</p>	Preparation of Welcome pack	Before next election

Recommendation	Details	Action	Timescale
	Training will continue to be provided to members of the Development Management Committee.	Continuation of member training in DM	On-going
6. Scheme of Delegation	<p>The current Scheme of Delegation for planning matters to be reviewed including the following elements:</p> <ul style="list-style-type: none"> • To provide clarity in the circumstances that the Head of DM can/should refer an application to committee. • Provide for a further exemption to the delegated powers to ensure that all applications where it is proposed that the Council may acquire an interest in the site are determined by the DM Committee. • Ensure consistency in terminology • Consider an extension to the time that Ward Members are given to respond to delegated requests. • Require members to be re-consulted if the terms of a Section 106 have altered after a delegated decision is agreed. 	Report to be taken to Full Council seeking approval of changes to the Scheme of Delegation.	Report to Full Council on 17 December 2020.

Recommendation	Details	Action	Timescale
	<ul style="list-style-type: none"> Clarification of the roles of the DM Committee and the Strategic Director of Place with respect of S106 Agreements. 	This will be included into a wider review of the Constitution to be undertaken by the new Head of Legal Services.	To be considered by the Council at the Annual Council Meeting in 2021.
7. IT and Website	<p>As part of the acceptance testing of the new process management software the Council should ensure that it is sophisticated enough to recognise when an application crosses ward boundaries and is able to populate templates with the identities of all the wards that are concerned</p> <p>Steps should be taken to ensure the timely uploading of documents, plans and representations to the Council's planning applications pages to ensure that the public have up-to-date information on which to base any representations on a planning application</p>	<p>The new IT software for Development Management is expected to be introduced in December. Work is on-going to ensure that this element is covered by the new software.</p> <p>The majority of representations are uploaded onto the website within three working days. The Case management process for indexing documents will be re-visited once the new DM software has been introduced to ensure that all documents are uploaded with three working days where possible.</p>	December 2020 or within 1 month of new system going live if later than December 2020
8. Interaction with the County Council	Arrangements to be put in place so that planning officers determining planning applications are made aware either through regular briefings with County Council officers or other regular communication about changes made by the County Council	Arrange meeting with relevant County Council Officers to agree arrangements to ensure that the Borough Council is kept up to date with changes in DCC policy relevant to planning applications	January/February 2021

Recommendation	Details	Action	Timescale
	in any of its policy affecting planning applications.		
9. Relationship with Town and Parish Councils	A memorandum of understanding to be developed and agreed between the Council and town/parish councils. The purpose of the memorandum would be to provide a framework for the process of consulting town and parish councils on planning applications. In doing so it will set out the responsibilities and reasonable expectations of the signatories so that each works proactively and engages constructively with the other	Draft a memorandum of understanding for consultation with Town and Parish Councils. Following consultation period seek approval of the memorandum by members. *See Note 1 below	Consultation in February 2021 adoption in May/June 2021
Note 1	There are a number of the actions detailed above that require consideration of and alterations/additions to elements of the processes currently in place in how the council determines planning applications.	The action points above will be completed as a priority as stand-alone action points. Once completed there will be a review of the main processes within DM regarding the determination of applications and the engagement with third parties. The review will inform the drafting of a planning charter setting out how we will process and determine planning applications.	Draft for consultation summer 2021 Adoption by end of 2021