

# South Hams Development Management Committee



<b>Title:</b>	<b>Agenda</b>										
<b>Date:</b>	<b>Wednesday, 15th December, 2021</b>										
<b>Time:</b>	<b>10.00 am</b>										
<b>Venue:</b>	<b>Repton Room - Follaton House</b>										
<b>Full Members:</b>	<p style="text-align: center;"><b>Chairman</b> Cllr Brazil</p> <p style="text-align: center;"><b>Vice Chairman</b> Cllr Foss</p> <p><i>Members:</i></p> <table style="margin-left: auto; margin-right: auto;"> <tr> <td>Cllr Abbott</td> <td>Cllr Pannell</td> </tr> <tr> <td>Cllr Brown</td> <td>Cllr Pringle</td> </tr> <tr> <td>Cllr Hodgson</td> <td>Cllr Reeve</td> </tr> <tr> <td>Cllr Kemp</td> <td>Cllr Rowe</td> </tr> <tr> <td>Cllr Long</td> <td>Cllr Taylor</td> </tr> </table>	Cllr Abbott	Cllr Pannell	Cllr Brown	Cllr Pringle	Cllr Hodgson	Cllr Reeve	Cllr Kemp	Cllr Rowe	Cllr Long	Cllr Taylor
Cllr Abbott	Cllr Pannell										
Cllr Brown	Cllr Pringle										
Cllr Hodgson	Cllr Reeve										
Cllr Kemp	Cllr Rowe										
Cllr Long	Cllr Taylor										
<b>Interests – Declaration and Restriction on Participation:</b>	Members are reminded of their responsibility to declare any disclosable pecuniary interest not entered in the Authority's register or local non pecuniary interest which they have in any item of business on the agenda (subject to the exception for sensitive information) and to leave the meeting prior to discussion and voting on an item in which they have a disclosable pecuniary interest.										
<b>Committee administrator:</b>	Janice Young Specialist- Democratic Services 01803 861105										

**1. Minutes**

**1 - 8**

To approve as a correct record the minutes of the meeting of the Committee held on 10 November 2021;

**2. Urgent Business**

Brought forward at the discretion of the Chairman;

**3. Division of Agenda**

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

**4. Declarations of Interest**

In accordance with the Code of Conduct, Members are invited to declare any Disclosable Pecuniary Interests, Other Registerable Interests and Non-Registerable Interests including the nature and extent of such interests they may have in any items to be considered at this meeting;

**5. Public Participation**

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

**6. Planning Applications**

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

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

**(a) 1218/21/HHO**

**9 - 16**

**18 Meadcombe Road, Thurlestone, TQ7 3TB  
Householder application for extension & alterations**

**(b) 1942/21/HHO**

**17 - 24**

**Genesis, Loring Road, Salcombe, TQ8 8AT  
(Revised plans) Householder application for alterations  
and extension to dwelling, including demolition of  
outbuilding (resubmission of application 0137/21/HHO).**

**(c) 0900/21/HHO** 25 - 32

**12 Linhey Close, Kingsbridge, TQ7 1LL  
READVERTISEMENT (Revised plans received) Householder  
application for proposed internal and external alterations**

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

**(d) 3221/21/FUL** 33 - 54

**Land on the South West side of Cliff Road, Cliff Road,  
Wembury  
New dwelling**

**(e) 4219/20/OPA** 55 - 64

**Land at Three Corners Workshop, Moreleigh, Devon  
Outline application with all matters reserved for a  
permanent occupational/ rural workers dwelling**

**7. Planning Appeals Update** 65 - 66

**8. Update on Undetermined Major Applications** 67 - 74

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**MINUTES of the MEETING OF THE DEVELOPMENT MANAGEMENT COMMITTEE held in THE REPTON ROOM, FOLLATON HOUSE, TOTNES, on WEDNESDAY, 10 NOVEMBER 2021**

<b>Members in attendance</b> * Denotes attendance ∅ Denotes apologies			
*	Cllr V Abbott	*	Cllr M Long
*	Cllr J Brazil (Chairman)	*	Cllr G Pannell
*	Cllr D Brown	∅	Cllr K Pringle
*	Cllr R J Foss (Deputy Chair)	*	Cllr H Reeve
*	Cllr J M Hodgson	*	Cllr R Rowe
*	Cllr K Kemp	*	Cllr P Smerdon (substituting for Cllr Pringle)
		*	Cllr B Taylor

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

Cllrs J McKay; D O'Callaghan

**Officers in attendance and participating:**

Item No:	Application No:	Officers:
All agenda items		Senior Specialists and Specialists – Development Management; Legal Officer; IT Specialists; and Democratic Services Officer;
Item 6a	3389/21/TPO	Tree officer;
Item 6c	3792/20/FUL	Flood Risk Engineer, Environment Agency; Schools Planning, Pupil Placement, and Commissioning Manager, Devon County Council

DM.32/21

**MINUTES**

The minutes of the meeting of the Committee held on 6<sup>th</sup> October 2021 were confirmed as a correct record by the Committee.

DM.33/21

**DECLARATIONS OF INTEREST**

Members and officers were invited to declare any interests in the items of business to be considered and the following were made:

Cllr B Taylor declared a personal interest in applications 3047/21/HHO (Minute DM.35/21(6e) below refers) as he was a Member of the South Devon AONB Partnership Committee. The Member also declared an interest in 3155/20/FUL (Minute DM.35/32(6b) below refers) as he knew the applicant. The Member remained in the meeting and took part in the debate and vote thereon;

Cllrs R Foss and P Smerdon also declared a personal interest in 3155/20/FUL

(Minute DM.35/32(6b) below refers) as they knew the applicant. The Members remained in the meeting and took part in the debate and vote thereon;

DM.34/21

**WITHDRAWN APPLICATION**

The Chairman advised the Committee that application number 0647/21/FUL (Construction of a stone finished car park – Asherne Lodge, Strete TQ6 0RW) had been withdrawn by the applicant prior to the start of the meeting.

DM.35/21

**PUBLIC PARTICIPATION**

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

DM.36/21

**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:

**6a) 3389/21/TPO                      Tree Preservation Order, 636 Endsleigh, Jubilee Road, Totnes, TQ9 5BP**

**Town: Totnes Town Council**

**Proposed Works: Undertake a lateral branch reduction to the limb overhanging and in contact with roof, by 3m.**

Case Officer Update:            Nothing to update

Speakers included:                No speakers

**Recommendation:**            The Council grants consent for the proposed lateral reduction to the limb overhanging and in contact with the roof of Golden Oktober by 3 metres

**Committee decision:**        The Council grants consent for the proposed lateral reduction to the limb overhanging and in contact with the roof of Golden Oktober by 3 metres

**6b) 3155/20/FUL                      Daynes Farm, Harberton, TQ9 7FB**

**Parish: Harberton Parish Council**

**Development: Erection of farm shop/butchery building and provision of associated infrastructure**

**Case Officer Update:** The Case Officer updated that recommendation refusal reason four was to be discarded as it was no longer relevant because changes to the material on the outside of the building had been made and accepted. The officer then updated on access issues and charging points on site.

Following questions to the Officer, it was confirmed that the ecological assessment was still to be received, and the hedge at the proposed entrance would be moved which could limit impact on the environment but there would still be disruption.

**Speakers included:** Supporter – Mr David Camp; Parish Council: statement read; Ward Member – Cllr J McKay.

Following questions to the applicant, it was confirmed that there would not be a fence along the approach track, which would be hard core stone. The field would be used for grazing with additional trees planted. The applicant confirmed that they currently had solar panels on the existing buildings which allowed for an amount to be returned to the grid. The intention was to recover the heat from the fridges and recycle this to heat water in the farm shop.

The Ward Member highlighted that the farm was already organic and selling local produce, thereby reducing food miles and packaging, and was a vital part of much needed enterprises across the District. It was his opinion that the increase in traffic would have little effect on local amenities as the route was not near residential buildings. The Member felt that the butchery unit was far enough away from live animals, and would keep the public away from the farm, but would give them views across the farm, helping to tell the farm story to visitors and local students. It was confirmed that butchery would be onsite and slaughtering would be locally carried out at Ashburton.

During the debate several Members felt that this application should be deemed sustainable due to being on the bus route, the proximity to Harberton, and the recovery and reuse of the heat from the farm machinery. It was noted that the officer had no option but to recommend refusal due to the policies in the Joint Local Plan (JLP). It was recommended that this should be looked at when the JLP was next reviewed.

It was suggested that, if Members were of a mind to approve the application, the decision delegation could be dependent upon receipt of the ecology report.

**Recommendation:** Refusal

**Committee decision:** Conditional Approval delegated to the Head of Development Management (DM), in consultation with the Chairman of the DM Committee, proposer, seconder, and the local Ward Member.

### **Conditions**

- 1) eco assessment looking at movement of hedge, also details of how hedge is being moved, and general area, plus mitigation, ecology report, and revised access plan
- 2) external lighting, plan, where, strength, times
- 3) Tree planting and landscaping – extensive, particularly around building and track
- 4) Larch timber cladding example
- 5) Conditioning what is sold

**6c) 3792/20/FUL                      River Dart Academy, Shinnars Bridge, Dartington, TQ9 5JD**

**Parish: Dartington Parish Council**

**Development:                      Planning application for erection of a new school building on the site of the current school, new reduced car park, associated hard and soft landscaped play areas, new boundary treatment to the site, and removal of 8no. C grade trees and 2no. U grade trees and demolition of two temporary classroom units**

Case Officer Update:                      The Case Officer emphasised the potential risk of life outlined in the consultation response from the Environment Agency. The ecology comments on this application were only recently received. The Ecologist at Devon County Council (DCC) had raised no objections but had stipulated that a Habitats Regulations Assessment from Natural England was required. This had been requested but not yet received. It was confirmed that the application had been called to Committee by the Head of Planning and not by the local Ward Member.

In response to questions from Members, the Environment Agency Engineer further explained the issues with flooding, including the propensity for the site to flood quickly, with the wire fence potentially causing blockages which could lead to flash flooding, and confirmed flood records went back to 1970s which showed that this school flooded on average every five years or so.

The Schools Planning and Commissioning Manager for Devon County Council (DCC) confirmed that many schools in Devon were located in flood zones and it was not practical to move them all. The existing site was no longer suitable for the vulnerable children using the Academy, hence the application. He



confirmed that the fence was a requirement of the Department of Education, not DCC.

Speakers included: Objector – Ms S Mara; Supporter – Ms B Mukherjee; Parish Council – Cllr T Turrell; Ward Member – Cllr J Hodgson;

When questioned the applicant confirmed that the Dartington Trust had not engaged when approached about possible alternative educational sites on the Estate, and that the Department of Education funding was for the current site.

The Ward Member outlined her support for the Parish Council's view that this application was inappropriate for the site particularly when considering that weather patterns were worsening, thereby increasing the potential for severe flooding.

The Planning Manager outlined that refusal notice would not be issued until the Habitats Regulations Assessment from Natural England had been received as this might give a third reason for refusal.

**Recommendation:** Refusal

**Committee decision:** Refusal

**6e) 3047/21/HHO 38 Linhey Close, Kingsbridge, TQ7 1LL**

**Town: Kingsbridge Town Council**

**Development: Householder application for detached garage including extension to existing first floor terrace and regularisation of replacement boundary wall (resubmission of 1229/21/HHO)**

Case Officer Update: Following questions raised at the site visit, the Officer confirmed that the boundary to the site included the strip of land in front of the fence. She also confirmed that the fence down the hill would need enforcement action taken.

Speakers included: Supporter – Mr P George; Ward Member – Cllr D O'Callaghan

The Ward Member in attendance confirmed that both Ward Members had visited the site and agreed that it was a subjective view. Although the site was within the AONB Devon (Area of Outstanding Beauty), the site was located in the middle of a housing estate.

During the debate, Members agreed that the site visit had been useful. Several Members felt that the wall was not in keeping with the original design of the estate and would fundamentally change the street scene, while other Members felt that the new fence was a considerable improvement over the previous hedge which had grown out and over the pavement. Members were of the opinion that the acceptance of the fence would be dependent upon the steps taken to minimize the starkness of the wall.

**Recommendation:** Refusal

**Committee decision:** Conditional approval on receipt of approved scheme to minimize starkness of wall. Head of Development Management (DM) in consultation with the Chairman of the DM Committee and the local Ward Members

**Conditions:**

- Standard time limit
- Accord with plans
- Details of landscaping
- Paint colour finish
- Surface water drainage

DM.37/21 **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. It was raised that when the Planning Inspector was reviewing Householder decision appeals, currently there was no option to make a statement but the evidence submitted was only the officer report and decision notice. Therefore, it was deemed necessary to look at ways to ensure that the Committee's reasons and decisions were also put before the Inspector. It was also acknowledged that Conservation Area Appraisals were being reviewed.

DM.38/21 **UPDATE ON UNDETERMINED MAJOR APPLICATIONS**

The list of undetermined major applications was noted. It was requested that the list be updated to remove obsolete applications.

(Meeting commenced at 10:00 am and concluded at 2:40pm, with lunch at 1:30pm to 2:00pm and a ten minute break at 11:20am.)

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Chairman

Voting Analysis for Planning Applications – DM Committee 10<sup>th</sup> November 2021

<i>Application No:</i>	<i>Site Address</i>	<i>Vote</i>	<i>Councillors who Voted Yes</i>	<i>Councillors who Voted No</i>	<i>Councillors who Voted Abstain</i>	<i>Absent</i>
3389/21/TPO	“Endsleigh”, Jubilee Road, Totnes	Conditional Approval	Cllrs Abbott, Brazil, Brown, Foss, Hodgson, Kemp, Long, Pannell, Reeve, Rowe, Smerdon, Taylor (12)			
3155/20/FUL	“Daynes Farm”, Harberton	Conditional Approval	Cllrs Abbott, Brazil, Brown, Foss, Hodgson, Kemp, Long, Pannell, Reeve, Rowe, Smerdon, Taylor (12)			
3792/20/FUL	“River Dart Academy”, Shinnars Bridge, Dartington	Refusal	Cllrs Abbott, Brazil, Brown, Foss, Hodgson, Kemp, Long, Pannell, Reeve, Rowe, Smerdon, Taylor (12)			
3047/21/HHO	38 Linhey Close, Kingsbridge	Conditional Approval	Cllrs Abbott, Brazil, Brown, Hodgson, Kemp, Reeve, Rowe (7)	Cllrs Foss, Long, Pannell, Smerdon, Taylor (5)		

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## PLANNING APPLICATION REPORT

**Case Officer:** Bryony Hanlon

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

**Application No:** 1218/21/HHO

**Agent:**

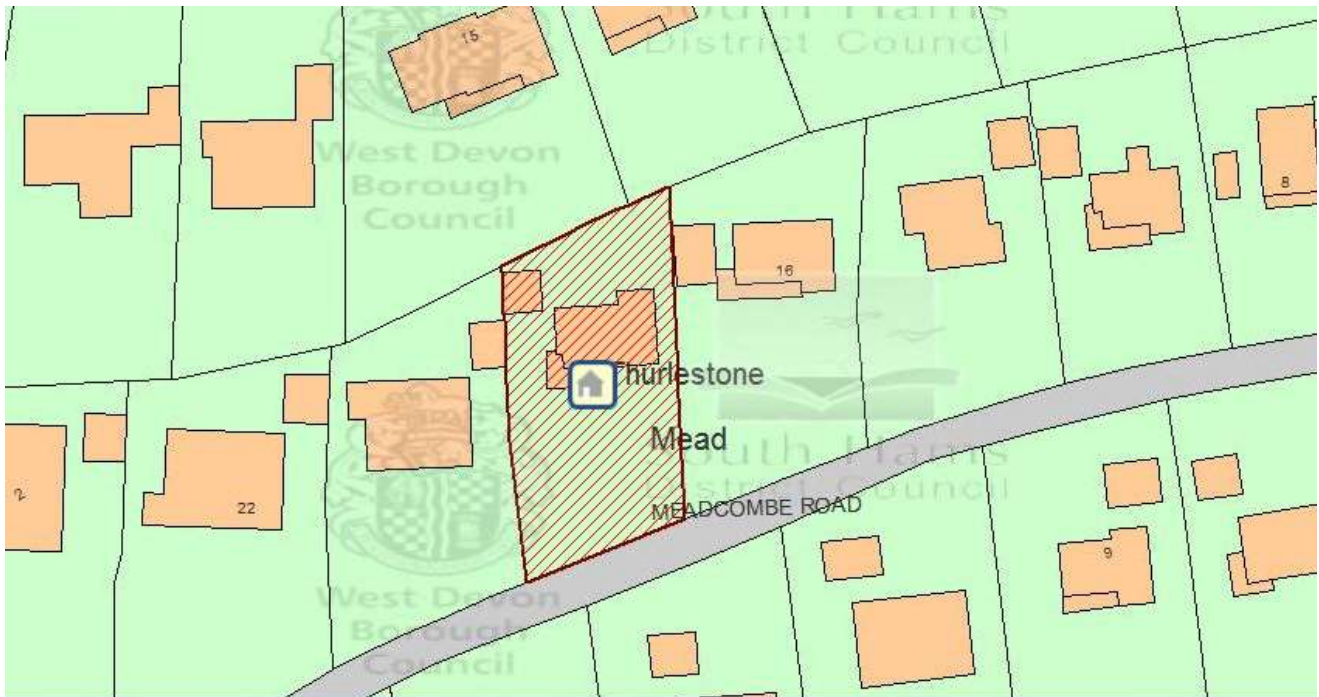
Andrew Lethbridge Associates  
102 Fore Street  
Kingsbridge  
TQ7 1AW

**Applicant:**

Mr & Mrs Kendrick  
18 Meadcombe Road  
Thurlestone  
TQ7 3TB

**Site Address:** 18 Meadcombe Road, Thurlestone, TQ7 3TB

**Development:** Householder application for extension & alterations



**Reason for taking it to Committee:** Cllr Pearce does not agree with the opinion that changing the shape of the balcony will intensify its use to an unacceptable level, when it would only open off one room, not two as now, and that room is a bedroom. This is not an upside-down house and there is nothing to indicate future intensified use to an unacceptable degree. Further, the overlooking from the side of the balcony over number 20 has existed since the house was built in c.1979.

**Recommendation: Refusal**

**Reasons for refusal:**

It is considered that the extension of the balcony, in combination with its new configuration and resiting to the western end of the south elevation, will result in an intensification of use with an increase in overlooking, noise and disturbance at height. In this context the proposal is likely to result in a harmful impact on neighbour amenity for the occupants of no 20 Meadcombe Road contrary to the provisions of DEV1(1) and TP1(1) and the guidance contained within paragraphs 13.22-13.24 of the Plymouth and South West Devon Joint Local Plan Supplementary Planning Document 2020.

**Key issues for consideration:**

Scale, massing and design, impact on neighbour amenity, impact on the South Devon Area of Outstanding Natural Beauty.

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**Site Description:**

The site is located within the village of Thurlestone, on the Mead Estate. The site hosts a detached, two-storey dwelling with parking and garaging to the side of the dwelling, a large garden at the front of the dwelling and a smaller area to the rear. There is an existing narrow balcony on the south elevation of the dwelling at first floor level.

The site is located within the South Devon Area of Outstanding Natural Beauty and the Heritage Coast.

**The Proposal:**

The applicant wishes to replace the existing conservatory on the south elevation of the dwelling with a single storey extension with monopitch roof. The applicant also wishes to reconfigure and extend the existing first floor balcony on the front elevation; the larger balcony is restricted to the western end of the south elevation. The proposal also includes minor alterations to the fenestration on the south elevation and to the driveway and turning area.

**Consultations:**

- County Highways Authority                      No highways implications

- Parish Council                                      Support

Thurlestone Parish Council SUPPORTS this application. Councillors considered that whilst the proposed extension and alterations to the front elevation of the building are substantial, the extension is subordinate in scale and form to the existing dwelling (NP Policy TP7 (2i)); that the proposed design and materials would improve the character and appearance of the building and would be in keeping with the street scene, being proportionate and appropriate in style, scale and character to the location (NP Policy TP1.2). They were, however, concerned about the impact of the proposed extension on neighbouring residential amenity and the potential loss of privacy (NP Policy TP1.1). On the East elevation, they requested that the two new windows on the ground floor were removed, as there was already a substantial amount of fenestration on the front elevation, to prevent overlooking the front garden and main bedroom of 16 Meadcombe Road (a reverse living dwelling). Similarly, on the West elevation, they requested obscure glass to be used on the section of the extended balcony closest to 20 Meadcombe Road to prevent overlooking the rear garden of 20 Meadcombe Road (consistent with that required under application 55/1836/13/F for 16 Meadcombe Road).

**PUBLIC CONSULTATIONS****Representations:****Representations from Residents**

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

- As a permanent resident of 16 Meadcombe Road here are my observations regarding the plans of no 18. On the East Elevation there are proposals for two living room windows. Whilst the hedge is already dying and compromised, these windows would look straight into the main bedroom window on the ground floor of 16 Meadcombe Road and across the private front area of the property.
- Under the Neighbourhood Plan TP1.1, it states;  
“Residential Amenity’ – Proposals should protect residential amenity and should not have an unacceptable impact on the living conditions of occupiers of neighbouring properties. This will be judged against the level of amenity generally accepted within the locality and could result from: loss of privacy or overlooking, overbearing and dominant impact, loss of daylight or sunlight, noise or disturbance, odours or fumes;”

- With this in mind, it appears that the plans do not fall in line with the Neighbourhood Plan TP1.1 and I am not entirely sure what purpose these windows will serve as all the light for the space will come from the front five leaves of bi-fold/sliding doors which themselves are south/south-east facing. At the very least the windows in the side elevation should contain obscured glass but ideally should be changed in design to hi level/highline windows with obscured glass.
- On the West Elevation they are proposing doubling the size of the balcony. Given that the balcony directly overlooks the private patios and rear garden of number 20 Meadcombe Road (taking into account TP1.1 of the plan) it could only be considered reasonable that the two glass panels that overlook this neighbouring property are designed to allow for the levels of privacy required. In 2013 I applied for a first floor terrace in 55/1836/13/F at No.16 and was required to provide 1.8m tall obscure glass panels to protect the amenity of this applicant (No.18). I think the same standard of screening must be required for these balcony proposals.
- The permanent residents of 20 Meadcombe Road, a relatively newly rebuilt two storey home on the Mead Estate, Thurlestone, directly to the west of No.18. An extension to the front of No.18 Meadcombe Road has been proposed with the most threatening element being an enlarged and improved first floor balcony at the front of the house. Due to the staggered building line of these detached houses No.18 is set behind No.20 and the proposed balcony directly overlooks the only private amenity areas of No.20, in particular its intimate rear garden which contains a hot tub and patio/sitting out area. It is acknowledged that there is already a modest and narrow balcony at No.18 overlooking No.20, but the increased forwards projection of the balcony entirely changes the type of balcony on offer to the residents of No.18. There would be new vantage points for overlooking the only remaining private garden spaces at No.20 and the current modest sitting out area at No.18 will be superseded by a substantial new terrace area capable of entertaining guests or eating al fresco due to its squarer space. This is an intensification of use of this area of the house. The result will be substantially more overlooking and disturbance at height to No.20 from 5 metres away. [Neighbouring residents] are not opposed to some form of balcony to the front of the houses on this side of Meadcombe Road, but not to the extent that it destroys the only remaining private garden space at their home. It is only a matter of equity and fairness that No.20 is afforded the same amount of protection from overlooking that No.18 was afforded in 2013 when No.16 were obliged to erect 1.8m privacy screens for exactly the same form of development that is being proposed in this application. It can be seen from the picture above taken from the back garden of No.20 that the new balcony will require 1.8m high privacy screens on the first two return panels of the balcony and obscured glazing to a standard 1.1m height on the diagonal return panels to prevent overlooking of sensitive parts of the neighbour at No.20. Council officers might also want to note that two applications in 2015 (55/2207/15/F) and 2016 (2498/16/HHO) were both refused and both dismissed at appeal at No.16 Meadcombe Road proposing very similar first floor development close to No.18's back garden, on the grounds of overbearing and enclosing neighbour impact. The objection is that the proposed balcony will clearly be more intensively used than the current narrow terrace and it will result in an unacceptable increase in overlooking and loss of privacy at No.20 Meadcombe Road, in particular the rear garden area which is the only private amenity space at the house. Obscure glass screens are required on the two lengths of balustrade directly facing No.20 and obscure glazing on the angled return balustrade. [Later corrected by the writer to request that all panels facing no. 20 should be obscure glazed].
- Further to our earlier objection to the larger balcony and its overlooking impact on No.20's rear garden, the agent has submitted further documents in late August that we were not informed about until a recent phonecall, which show that overlooking will increase into the back garden of No.20 in particular. The neighbours are particularly concerned that the increased angle of view, in addition to a larger more attractive balcony, will mean they will be subject to a considerable extra loss of privacy.
- We know that SHDC officers have been comfortable refusing larger balconies on the grounds that more intensive use at height can lead to greater overlooking and greater noise and disturbance. Indeed, we have reflected back on the current applicant's complaints about improving the balcony at No.16. That application may be several years ago, but planning

policy regarding overlooking was precisely the same as it is today. The applicant of this application objected to their loss of privacy, even though the changes to the balcony were little different to that being proposed in this latest application.

- The result of those objections can be seen in the photos attached which were insisted upon and conditioned by SHDC officers considering the application at No.16. It seems patently unfair and inconsistent to consider allowing unscreened balconies close to neighbouring gardens having insisted on screens in an almost identical situation on the opposite side of the house. You must be able to understand the concerns being raised that the objectors in this case are being unfairly treated if screens are not required by condition or by design.
- We consider that the side panels of the balcony being proposed should be 1.8m opaque material at the very least.
- Further to the objection of 28th Sept, Mr Robin Hart of No.20 Meadcombe Road has asked me to send you the attached photo from his rear garden which shows the overlooking problem.
- Furthermore, Mr Hart has highlighted to me that during the reconstruction of his dwelling under permission 55/2946/14/F (which went to committee on neighbour amenity grounds), the applicant in this latest case objected to secondary side facing bedroom windows potentially overlooking their front garden (which is not particularly private) and SHDC obliged by ensuring the first floor windows were obscure glazed as follows: 5. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Amendment) (No 2) Order 2008 (or any Order revoking and re-enacting this Order). The first floor windows in the east elevation of the dwelling hereby permitted shall be glazed in obscure glass, be fixed closed, and thereafter so maintained. Reason: To protect the amenity and privacy of residents of adjoining property.
- As has been previously expressed, the neighbours only seek consistency when they have been forced in no uncertain terms to obscure windows and erected 1.8m high balcony screens to protect No.18, yet the same rules of privacy do not appear to apply to this application as it is currently shown.

One letter of support have been received and includes the following points:

- I write in support of this application. The need for this extension was created as a result of the large dwelling erected recently on the plot of 20 Meadcombe Road which reduced the sea view aspect from No 18.
- The complaint from No 20 regarding reduced privacy resulting from the balcony change is spurious. Photographs supplied by South Hams Planning on behalf of Mr & Mrs Hart show that the existing balcony already allows views into their "back yard". The redesigned balcony with an increase in area of less than 10% is architecturally pleasing and not intended for viewing the back yard at No 20! The new house at No 20 was built by Mr & Mrs Hart knowing the balcony arrangement at No 18 and it was clearly acceptable to them then.
- The objection from the owner of No 16 needs to be corrected. Their redesign some years ago involved turning accommodation "up-side-down" and added a huge balcony on top of their previous garage. Planning constraints were placed to ensure the established privacy at No 18. They do not apply to this application at No 18. The rear of the planned extension looks in the direction of the driveway at No 16 but overlooking is academic as there is a full hedge along the common boundary. The bedroom referred to is not the main bedroom but a spare room created from the previous garage. There is incidentally full view into this bedroom from the highway of Meadcombe at present.

### Relevant Planning History

Planning Application Reference	Proposal	Site Address	Decision
55/1500/77/2: ARM	Construction of houses	Plots 16 18 & 20 Meadcombe Road Thurlestone	Conditional approval: 24 Jan 78



55/1165/78/2: ARM	To swop house types approved for plots 16 & 18	16 & 18 Meadcombe Road Thurlestone Mead Estate Thurlestone Kingsbridge	Withdrawn: 10 Nov 78
55/1409/85/3: FUL	Erection of porch	18 Meadcombe Road Thurlestone Kingsbridge	Conditional approval: 29 Oct 85
55/1926/12/F: FUL	Householder application for first floor extension to dwelling	18 Meadcombe Road Thurlestone Kingsbridge TQ7 3TB	Conditional approval: 10 Oct 12

## ANALYSIS

### Principle of Development/Sustainability

The site is located within the built form of Thurlestone and hosts a single residential dwelling; the principle of development is therefore established, subject to compliance with the other protective designations in this highly sensitive location.

The applicant was advised that as submitted, the application could not be supported by Officers. The applicant was offered the opportunity to revise the scheme but declined to do, therefore the application has been determined on the basis of the plans as submitted.

### South Devon AONB

Policy DEV25 requires that proposals “conserve and enhance the natural beauty of the protected landscape with particular reference to their special qualities and distinctive characteristics or valued attributes”. The proposal meets the first policy test, in that the design and palette of materials have a neutral impact on the AONB itself, as the proposal is located well within the built form of Thurlestone and changes to character and appearance of the residential area will be localised only, thereby conserving the natural beauty of the AONB. While it does not offer enhancement, given the small scale of the proposal and having regard to the current condition of the site, including the presence of an existing residential dwelling, the proposal is considered acceptable with regard to the provisions of DEV25 and TP-22 and this does not form a substantive reason for refusal.

### Neighbour Amenity

Policy DEV1 sets out the criteria in order to protect health and amenity. The policy states that; “unacceptable impacts will be judged against the level of amenity generally in the locality”. It is noted that the original design of the estate staggered the placement of the individual dwellings along the road and that dwellings on this side of the road tend to be sited to the north of the plot, leaving a much larger front garden than that at the rear. As such, the dwellings have more limited private amenity space than might be expected for dwellings of this size. It is acknowledged that many of the dwellings on the Estate have been extended and altered; some of these developments challenge the integral amenity safeguards that were part of the original design of the Estate and additional measures have been secured through condition, such as privacy screens. It is also noted that there are a number of balconies in the area, not all with privacy screens and as such, there is a degree of mutual overlooking between dwellings.

A number of letters of representation were received during the consultation period, including from the Parish Council. The letters included both supportive comments and objections; both sides made reference to other similar applications determined on the Estate in recent years and there have been calls for consistency from Officers, in addition to equitable treatment by various parties.

Officers note that both dwellings adjacent to the application site have been extended and altered during recent years and that this history generates strong feelings within the surrounding area. While each application is considered on its own merits, Officers acknowledge the common theme of neighbour amenity.

Officers consider that the changes to the driveway and to the fenestration on the south elevation of the dwelling are minimal and would not be widely perceptible beyond the site boundary and are acceptable. The principle of a ground floor extension on the south elevation, in terms of its siting, footprint, design and materials palette is also considered acceptable. However, objectors, including the Parish Council have raised concerns about the potential for overlooking of the reverse-level neighbouring property (no. 16) from two windows within the east elevation. The Parish Council have requested that these windows are removed on this basis. Officers discussed this element with the applicant and requested that the windows were obscure glazed and fixed shut; the applicant declined to make this change, stating that ventilation was required to meet Building Regulations and that the windows did not serve a bathroom, therefore obscure glazing could not be installed. Officers note the comments regarding ventilation, notwithstanding the roof light within the monopitch roof, in this context Officers consider were the development otherwise acceptable, it would have been appropriate to ensure that the two windows on the east elevation of the extension were obscure glazed and fixed shut up to a height of 1.7m above internal finished floor level, in order to safeguard the residential privacy and amenity of adjoining occupiers.

The occupants of no. 20 Meadombe Road have submitted a number of detailed objections regarding the proposed changes to the balcony and the impacts on privacy and amenity within their rear garden area to the west. All parties agree that the existing balcony overlooks the rear garden of no. 20 at present. Officers consider that the extension of the balcony, in combination with its new configuration and resiting to the western end of the south elevation, will result in an intensification of use with an increase in overlooking, noise and disturbance at height. In this context the proposal is likely to result in a harmful impact on neighbour amenity for the occupants of no 20 Meadcombe Road contrary to the provisions of DEV1(1) and TP1(1) and the guidance contained within paragraphs 13.22-13.24 of the Plymouth and South West Devon Joint Local Plan Supplementary Planning Document 2020. Officers note the requests for privacy screens and have considered this issue, unfortunately due to the shape of the proposed balcony, Officers consider that if privacy screens were required, they would appear unduly visually prominent within the street scene. On this basis, the applicant was asked if they would retract the balcony in order to secure Officer support for the rest of the scheme, however, they declined.

Officers do acknowledge that in light of the fact that there is an existing balcony that overlooks the rear garden of no. 20, the decision as to the acceptability of any changes to the balcony will be finely balanced. However, due to the impact that the new balcony would have on the limited private space available at the rear of no. 20, Officers consider that the harm is significant so as to warrant a refusal.

#### Biodiversity

The applicant has provided a Preliminary Ecological Appraisal to confirm that there are no ecological constraints to development on the site. The Appraisal contains a number of precautionary recommendations in order to safeguard the interests of protected species, which would be appropriate to secure through condition, were the development considered otherwise acceptable. On this basis, the proposal is considered to accord with the provisions of DEV26 and this does not form a substantive reason for refusal.

#### Surface Water Drainage

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

#### Conclusion

Officers acknowledge that the decision is finely balanced, however, in this instance Officers consider that the extension of the balcony, in combination with its new configuration and resiting to the western end of the south elevation, will result in an intensification of use with an increase in overlooking, noise and disturbance at height. In this context the proposal is likely to result in a harmful impact on

neighbour amenity for the occupants of no 20 Meadcombe Road contrary to the provisions of DEV1(1) and TP1(1) and the guidance contained within paragraphs 13.22-13.24 of the Plymouth and South West Devon Joint Local Plan Supplementary Planning Document 2020. On this basis, the application is recommended for refusal.

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

## **Planning Policy**

### 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 26 March 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).

The relevant development plan policies are set out below:

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

SPT1 Delivering sustainable development  
SPT2 Sustainable linked neighbourhoods and sustainable rural communities  
SPT9 Strategic principles for transport planning and strategy  
SPT10 Balanced transport strategy for growth and healthy and sustainable communities  
SPT11 Strategic approach to the Historic environment  
SPT12 Strategic approach to the natural environment  
TTV1 Prioritising growth through a hierarchy of sustainable settlements  
TTV2 Delivering sustainable development in the Thriving Towns and Villages Policy Area  
DEV1 Protecting health and amenity  
DEV2 Air, water, soil, noise, land and light  
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 Thurlestone Neighbourhood Plan was made at Executive Committee on 19 July 2018 and was modified on 07 October 2018. It now forms part of the Development Plan for South Hams District and is used when determining planning applications within the Thurlestone Neighbourhood Area.

The relevant policies are noted below:

Policy TP-1 General development principles

Policy TP-2: Settlement boundaries

Policy TP-7: Replacement dwellings and extensions

## Policy TP-22: The natural environment

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), 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.



**Key issues for consideration:**

Scale, massing and design, highways safety, neighbour amenity, impact on the South Devon Area of Outstanding Natural Beauty.

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**Site Description:**

The site is located within the built form of Salcombe, within a well-established residential area. The site hosts a detached, two-storey dwelling, with a garage and garden to the rear. The dwelling has been extended and altered during its lifetime. The site slopes downward from west to east and the rear of the dwelling overlooks the rear gardens of the dwellings in Grenville Road to the east.

The site is located within South Devon Area of Outstanding Natural Beauty.

**The Proposal:**

The original proposal comprised a two storey rear extension, with a ground floor extension projecting from the rear wall as extended. At first floor level, the fenestration was extended to comprise a fully glazed wall opening out to a first floor balcony, enclosed in solid flank walls. Two sets of fully glazed doors provided access from the new ground floor bedrooms out to the rear garden. The proposal also included the demolition of the single storey garage at the rear of the dwelling, along with the existing single storey extension at the front of the dwelling, to make way for a single parking space.

As revised, the demolition of the rear garage and front extension, together with the re-siting of the parking space has been retained; an electric vehicle charging point has been added to the parking space. The two storey rear extension, balcony and flank walls has been omitted; the extension is now confined to ground floor level only with a stepped roofline. The full height glazing at first floor level has been retained.

**Consultations:**

- County Highways Authority (original plans)      No highways implications

- Town Council (original plans)      Objection  
Objection as the first-floor balcony accessed off the living area would cause overlooking of the neighbouring gardens and the properties set below in Grenville Road. This could also increase noise pollution for these adjacent properties. The design of the large window on the east elevation would cause significant light pollution to these same properties. The size of the proposed extension would significantly reduce the light to the garden of Loring Cottage thereby reducing their light amenity. Due to the sloping topography of the site, the proposed extension would be over dominant and unneighbourly. The additional bathrooms proposed would place further strain on the already overloaded sewerage system. Although one parking space would be created at the front of the property there was currently parking in the garage and to the front of it so no additional parking had in fact been created. Add to this the addition of two further bedrooms would lead to more vehicles using the property placing increased strain on the on-street parking, contrary to Salcombe NDP policies B1 (para 4) and T1 (b).

- Town Council (revised plans)      No comment  
No comment but there should be a condition that flat sedum roofs remain in perpetuity and are not used as balconies.

## **PUBLIC CONSULTATIONS**

### **Representations:**

#### **Representations from Residents**

Twenty five letters of objection were received in response to the original plans and include the following points:

- Will set a precedent
- Loss of light, sunshine and shadowing due to the mass and height of the proposed rear extension close to the neighbours boundary, this extension extends well beyond the original rear building line at a new higher level from the existing modest flat roof single story rear extension. This is exacerbated by the slopping site and will increase the overall impact and dominance of the proposal to both side of the property and to several properties in Grenville Road.
- There will be overlooking directly into neighbour's gardens from the proposed balcony, this impacts on several neighbours, particularly the shared drive entrance neighbour causing a significant loss of privacy from overlooking. This causes harm to their right to enjoy their garden space with a degree of privacy.
- The design is over-bearing and over dominant with a significantly increased footprint to the original house.
- The reduction in bedrooms from 4 to 3 with the addition of a room now called a 'study' is not acceptable as it could be easily used as a 4<sup>th</sup> bedroom. This will create greater vehicle traffic generated, only one parking space is provided to the front of the property with the removal of an existing garage removing existing parking. Therefore on-street parking will need to be utilised where there is already significant pressure to this in the most full-time populated area of Salcombe, especially during summer months. This is contrary to Salcombe NDP policies B1 (para 4) and T1 (b).
- Some have expressed concern about access to the proposed new parking space and its proximity to a substantial BT pole.
- The noise levels from a greater occupancy using the proposed balcony will result in noise and disturbance to the immediate residential area. Holiday letting use often disrespects time of day and noise can extend late into the night. This will have a negative impact on the well-being of a number of neighbours in the immediate vicinity.

Four letters of objection were received in response to the revised plans and include the following points:

- Loss of Light/Overshadowing – the proposed application, whilst reconsidering the scale of the overdevelopment of previous plans, will regardless significantly reduce hours of winter sunshine with overshadowing significant due to length of the proposed rear extension which goes well beyond the 'urban line' of all adjacent buildings on the street. The length of the proposed extension will significantly reduce light to the rear driveway with the steep gradient (not truly reflected in plans) becoming hazardous.
- Loss of Privacy – the proposed extension has always been to modernise and extend for holiday letting purposes. The owners have made no secret of this. This raises serious safeguarding concerns as we have two small children living directly next door who use the garden regularly. Our right to enjoy our garden space with a degree of privacy will be lost with no way of knowing who the property is being let to week on week.
- Loss of Amenity due to only a single car parking space being provided to the front of the property. Access to this would be across the shared driveway. This raises safety concerns. Driveway access from our lower garage is required at all times.
- Overdevelopment of Site – Although the footprint at the back of our property is shown on the plans, we have a lower than ground level garage and a single storey ground floor extension to the rear, not the two-storey height as implied in the plans.
- The land, yet again in these revised plans, drops off steeper than shown, increasing the height of the single storey extension than that shown on the plans which is overbearing on our property and others around us by the distance the development extends into the garden.
- Inadequacy of Parking/Loading/Turning – There will be loss of parking due to removal of garage. On street parking cannot currently sustain the proposed increase in property's capacity. The



position of the proposed parking to the front of the property will be potentially hazardous, as proposed parking is parallel to the house, causing lack of visibility of oncoming pedestrians and traffic. Furthermore, no consideration is given to the utility pole on the corner of the proposed parking space nor having to cross a shared driveway.

- Highway Safety – As above. The proposed parking to the front of the property cannot be accessed safely due to the utility pole and lack of visibility to pavement pedestrians and traffic on Loring Road
- Noise/Disturbance/Light Pollution – This is of huge concern. The noise levels from significantly increased occupancy and the use of the proposed elevated balcony will result in noise, disturbance and light pollution to us and the immediate residential area. Holiday letting often disrespects time limits with noise regularly extends late into night, especially during peak season. This is a real worry with bedrooms adjacent to the boundary, the closet only a few metres away. Holiday lets on Loring Road already contribute to drunken rowdiness well into the early hours with no consideration given to children that attend school the next day. The increased occupancy will have a negative impact on the overall well-being of those of us in the immediate vicinity and on children.
- Traffic Generation - Contrary to Salcombe NDP policies B1 (para 4) and T1 (b) the increase in bedrooms (the plans suggest a study when this will no doubt be a further bedroom – holiday lets don't tend to have 'studies') will cause greater traffic generation. Only a single parking space is proposed to the front of the property (with the removal of the existing garage). Therefore on-street parking will need to be utilised. Pressure on space is already at crisis point, especially during summer months.
- Smells/Drainage – The sewage and drainage on Loring Road is already at capacity in summer months. In heavy rain it can become hazardous as drains overflow. The proposed expansion and extra bathrooms will put significant, additional strain on this.

### Relevant Planning History

Planning Application Reference	Proposal	Site Address	Decision	Appeal
41/1516/77/3: FUL	New bay window and new garage	Genesis Loring Road Salcombe	Conditional approval: 12 Jan 78	
41/0851/79/4: COU	Change of use of one room of house to fruit and vegetable shop	21 Loring Road Salcombe	Refusal: 25 Sep 79	
41/1277/80/3: FUL	Change of use from private dwelling with shop	'Genesis' Loring Road Salcombe	Refusal: 09 Sep 80	Unknown: 29 Jun 81
0137/21/HHO	Householder application for alterations and extension to dwelling, including demolition of outbuilding	'Genesis' Loring Road Salcombe	Withdrawn	
1345/21/PR1	Scoping Only - Pre application Enquiry for - Two storey rear extension to property, including demolition of outbuilding and front porch	'Genesis' Loring Road Salcombe	Pre-app not concluded	

### ANALYSIS

#### Principle of Development/Sustainability

The site is located within the built form of Salcombe and hosts a single residential dwelling; the principle of extending dwellings within this context is therefore established.



### Design, Scale and Massing

A number of objections were received in response to the original plans; these cited a range of concerns regarding the overall increase in height and bulk associated with the two storey rear extension and large flank walls with integrated privacy screening. Officers agreed that the scheme represented a significant quantum of development that was beyond the capacity of the site. The overbearing impact of the scheme, in combination with the overshadowing effects was exacerbated by the level changes between the application site and the houses to the east, which are set below the application site. As such, Officers advised that applicant that the proposal could not be supported. The applicant was requested to omit the first floor extension and full height glazing and to set the rear extension further down into the garden, with a reduced length, in order to minimise impacts on neighbours associated with the increase in bulk. The applicant was also asked to omit the first floor balcony and to add a green roof to the extension. The proposal was revised and reduced; the rear external balcony was omitted and the extension confined to the ground floor only, with a stepped green roof. Officers note that not all of the changes that were requested have been incorporated into the revised scheme and in this context, the final design is somewhat compromised and does not represent the least impactful form of the development. However despite repeated objections during the second consultation period, Officers do not consider that the revised scheme would result in such significant harm in terms of its design, scale, massing and visual impact within the public realm so as to warrant a refusal. In this context, the proposal is considered to accord with the provisions of DEV20, DEV23 and SALC B1.

### South Devon AONB

Policy DEV25 requires that proposals “conserve and enhance the natural beauty of the protected landscape with particular reference to their special qualities and distinctive characteristics or valued attributes”. The proposal meets the first policy test, in that the design and palette of materials have a neutral impact on the AONB itself, as the proposal is located well within the built form of Salcombe and changes to character and appearance of the residential area will be localised only, thereby conserving the natural beauty of the AONB. While it does not offer enhancement, given the small scale of the proposal and having regard to the current condition of the site, including the presence of an existing residential dwelling, the proposal is considered acceptable with regard to the provisions of DEV25 and SALC ENV1.

### Neighbour Amenity

A number of objections to the original scheme raised concerns with regards to overlooking from the new rear balcony and glazing, along with the overbearing impact that the increased bulk would be likely to have on surrounding neighbours. After discussions with the applicant, the proposal was revised and reduced; the rear external balcony was omitted and the extension confined to the ground floor only. The applicant was asked to remove the large expanse of first floor glazing and revert to standard height windows. Unfortunately, the applicant declined to make this change and Officers are mindful that it is possible to create Juliette balconies under the provisions of permitted development. Officers consider that in this context, it would not be possible to substantiate a refusal solely on this basis.

However, Officers do consider that the use of the roof of the extension as an outdoor amenity area would result in an unacceptable impact on neighbour amenity through increased overlooking, noise and disturbance at height, contrary to the provisions of DEV1 and DEV2, as noted by the Town Council. As such, it is considered appropriate to impose a condition preventing the use of the flat roof as an outdoor amenity in order to safeguard the residential privacy and amenity of adjoining occupiers. On this basis, the proposal is considered to accord with the provisions of DEV1 and DEV2.

Officers note that safeguarding concerns have been raised during the course of the consultation, with specific reference to the potential occupancy of the dwelling by holidaymakers; these matters are not within the scope of planning, which is concerned with residential amenity as a whole. As such, this matter is not considered further within this report. Similarly, issues of anti-social behaviour associated with holidaymakers is considered beyond the scope of planning control as separate legislative controls exist to deal with these issues.

### Surface Water Drainage

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

### Foul Drainage

It is noted that the proposal will create one additional bedroom and one additional bathroom. While Officers do acknowledge the concerns of local residents regarding impact on the foul drainage system in the vicinity, particularly in the context of seasonal variations in occupancy, Officers do not consider that the impact from the proposed development alone would result in such significant harm so as to warrant a refusal solely on this basis. Furthermore, South West Water have not raised any concerns with regards to the proposal. As such, the proposal is considered to accord with the provisions of DEV35.

### Highways Safety

The application comprises the removal of the existing garage and extension at the front of the dwelling to create a replacement parking space; the existing vehicular access remains unchanged. The applicant has also included an electric vehicle charging point. Officers note a number of objections have cited concerns regarding parking both within the site boundary and the pressures on on-street parking within the local streets. However, it is noted that Devon County Council Highways Team have not raised any concerns with regards to the scheme in respect of highways safety. It is noted that the additional bedroom is likely to increase occupancy of the dwelling, however, the increase in occupancy associated with the additional bedroom is unlikely to result in such a significant increase in demand for parking so as to warrant a refusal solely on this basis.

It is also noted that there is a telegraph pole at the front of the dwelling, while concerns have been raised regarding this element and the potential impacts on vehicular access, the proposal does not include any changes to the pole itself. On balance, it is considered to accord with the provisions of DEV29 and DEV32.

### Conclusion

Whilst the revised proposal has not completely eliminated public objection to the scheme, on balance, the proposal is considered acceptable and it is therefore recommended that the application be granted conditional approval.

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

### **Planning Policy**

#### 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 26 March 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).

The relevant development plan policies are set out below:

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

SPT1 Delivering sustainable development  
SPT2 Sustainable linked neighbourhoods and sustainable rural communities  
SPT9 Strategic principles for transport planning and strategy  
SPT10 Balanced transport strategy for growth and healthy and sustainable communities  
SPT11 Strategic approach to the Historic environment  
SPT12 Strategic approach to the natural environment  
TTV1 Prioritising growth through a hierarchy of sustainable settlements  
TTV2 Delivering sustainable development in the Thriving Towns and Villages Policy Area  
DEV1 Protecting health and amenity  
DEV2 Air, water, soil, noise, land and light  
DEV20 Place shaping and the quality of the built environment  
DEV21 Development affecting the historic environment  
DEV22 Cornwall and West Devon Mining Landscape World Heritage Site  
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 Salcombe Neighbourhood Plan was made at Executive Committee on 19 September 2019. It now forms part of the Development Plan for South Hams District and is used when determining planning applications within the Salcombe Neighbourhood Area. It is not considered that the proposal conflicts with the policies below;

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

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), 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 4048.01*

*Block Plan 4048.02 Rev A*

*Received by the Local Planning Authority on 16 June 2021*

*Proposed Site Plan 4048.23 Rev E*

*Proposed Plans and Elevations 4048.20 Rev D*

*Received by the Local Planning Authority on 15 September 2021*

*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 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, unless otherwise agreed in writing by the LPA.*

*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 recommendations, mitigation and enhancement measures of the Ecological Report, by Colin N. Wills on 23 September 2020, shall be fully implemented prior to the commencement of the use hereby approved and adhered to at all times. In the event that it is not possible to do so all work shall immediately cease and not recommence until such time as an alternative strategy has been agreed in writing with the local planning authority.*

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

*5. The flat roofed area on the east elevation of the dwelling above the ground floor accommodation shall not be used as a balcony or outdoor amenity area at any time.*

*Reason: In in order to safeguard the residential privacy and amenity of adjoining occupiers.*

## PLANNING APPLICATION REPORT – Householder Developments

**Case Officer:** Bryony Hanlon

**Parish:** Kingsbridge

**Application No:** 0900/21/HHO

**Agent:**

Mr Nigel Dalton  
Nigel Dalton Architectural Design  
Unit 4h  
South Hams Business Park  
Churchstow, Kingsbridge  
TQ7 1NY

**Applicant:**

Mr & Mrs White  
12 Linhey Close  
Kingsbridge  
Devon  
TQ7 1LL

**Site Address:** 12 Linhey Close, Kingsbridge, TQ7 1LL



**Development:** READVERTISEMENT (Revised plans received) Householder application for proposed internal and external alterations

**Reason item is being put before Committee:** The applicant is an employee of South Hams District Council.

**Recommendation:** Conditional approval

**Conditions:**

1. Standard time limit
2. Adherence to plans

**Key issues for consideration:**

Scale, massing and design, impact on neighbour amenity, drainage, impact on South Devon Area of Outstanding Natural Beauty.

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**Site Description:**

The site is located within the built form of Kingsbridge on a well-established residential estate, c. 0.7km south east of the town centre. The property comprises a detached dwelling with rendered walls, UPVC

windows and concrete roof tiles. The dwelling is a split level property with living areas at first floor and garage and bedrooms below.

The site is located within South Devon Area of Outstanding Natural Beauty.

### **The Proposal:**

The proposal originally comprised the construction of sunken garden store with extended terrace area above; external steps provided access from the terrace down into the garden. The terrace would be built with composite decking, paved steps, the garden room would be faced with composite cladding and a frameless glass balustrade above. The proposal also included the repurposing of the garage to create a store area at the front of the dwelling, accessed by the existing garage door and the construction of a new bathroom behind. A number of changes to fenestration were also included within the scheme.

The original proposal was recommended for approval by Officers and was prepared for the Development Management Committee meeting on 23 June 2021. However, the proposal was withdrawn from the agenda and deferred, in order that the applicant could review concerns raised by one set of neighbours following the site visit. The plans were subsequently revised and readvertised. The main revisions comprise; a reduction in the terrace area and a retraction of the south west corner of the terrace by c. 1.2m, minor alterations to fenestration (including the loss of the garage door and its replacement with a window/blockwork), the loss of the chimney, the continued use of render, rather than the introduction of timber cladding to the rear extension element and changes to the internal layout.

### **Consultations:**

- County Highways Authority (original plans) No highways implications
- Town Council (original plans) Objection  
Recommend Refusal on the following grounds: overlooking and loss of privacy for neighbouring residential properties to the detriment of their amenity and over development of the site
- Town Council (revised plans) Objection  
Recommend Refusal on the following grounds: overlooking and loss of privacy for neighbouring residential properties to the detriment of their amenity and over development of the site

## **PUBLIC CONSULTATIONS**

### **Representations:**

#### **Representations from Residents**

Four letters of objection have been received in response to the revised plans and include the following points:

- Objection – Direct Contravention of planning policy DEV1, over dominance and overlooking, loss of privacy and amenity, noise disturbance. We strongly object to the elevated height, scale and position of the proposed extension of the terraced area.
- The proposed height of the terrace, at a substantial increased elevation of 2m, with full glazing towards our garden, means we will no longer have a private area in our garden as we currently do and will have full loss of amenity. In addition, the revised proposal will still enable direct visual line of sight into the rear windows, including children's bedrooms all of which are currently private. Approving the terrace would mean we would need to close our rear curtains when the terrace was in use, meaning loss of light and further loss of amenity in our house!
- There are some relevant existing restrictive covenants on the property. One states the maximum boundary wall height is 6ft (1.8m). This means the glazed area is higher than our boundary wall and we have no way to create a barrier in between our garden and the proposed overbearing terrace. As previously stated, this will have a considerable adverse impact to our privacy and rightful amenity of our garden.

- The applicants have informed us they would like a large expansive space for family dinners – imagine how it would feel for us to attempt to peacefully enjoy our garden and have full and overbearing dominance at a considerable height with no visual or noise barrier, even from a seated level on their terrace. The proposed terrace will also create significant noise disturbance and offers no satisfactory protection from noise. The current patio level is unobtrusive and it's not noticeable if both us and the applicants are utilising our respective current areas, as it is fully screened by a wall and planting, whereas the proposed terrace would dramatically alter this and anyone on the terrace would effectively have full presence in our garden, and all conversation would be clearly legible.
- A further restrictive covenant on the property stipulates that no alterations can be made to the property elevations and no other building may be erected apart from a temporary shed. These covenants were applied because the estate of Waterside Park, where the property is located, was designed with a specific homogeneous character. Houses are nestled low in to the hill side, balancing both access to views and privacy for all residents, and balconies are kept narrow and along side the house. The structure of the balconies allows quiet enjoyment of views, without excessive overlooking, and the narrow design limit their use for entertainment purposes, thus limiting noise disturbance. The proposed terrace is firstly, incompatible with the restrictive covenant, secondly out of character with the design of the Waterside Park area. Approving this terrace would set a precedent for considerable loss of privacy and amenity across Waterside Park as higher and higher elevations to capture estuary views are sought after. There is no planning policy which gives weight to views, but ample which are designed to protect privacy, amenity and noise impacts.
- A further consideration should be made to the impact on the flats at Crabshell Heights. Having tested the plan proposal with the applicants present, the proposed terrace would have new full and direct sight into all the windows in the flat behind the existing boundary wall. I am not sure if the residents are aware of the application or just how obtrusive this would be to these flats and the impact it would have on their day to day life.
- In addition, the wording in the officers report 'document-8413117' relating to the application regarding the scale of the proposal is incorrect: Under the section 'Neighbour Amenity' it states "The proposed extension to the existing terraced area would result in the existing patio area within the garden being increasing in height of 1m and reduced in its projection into the garden by some 2m." this is not true when you view the datum points and scale on the site plan, it increases the height by 2m and the projection of the terrace by 4m. This fundamental error in the Officer's report underestimates the huge scale of impact on privacy and the proposed terrace is in direct conflict with DEV1 "ensuring the development provides satisfactory privacy and protection from noise disturbance." For these reasons, and those above, the application for the terrace extension as it stands should be rejected.

### Relevant Planning History

Planning Application Reference	Proposal	Site Address	Decision
28/0715/74/2: ARM	Erection of dwellinghouse with garage under	Plot 13 Linhey Close Waterside Park Estate Embankment Road Kingsbridge	Conditional approval: 01 Oct 74

### ANALYSIS

#### Principle of Development/Sustainability

The proposed alterations and extensions to this dwelling house are acceptable in principle as the property is located within the town of Kingsbridge.

#### Scale, Design and Massing

The proposed garden store with extended terrace above are considered modest interventions in the context of the host dwelling. The majority of the development is located at the rear of the dwelling and

will not be widely visible within the public realm. In this context, the proposal is considered to accord with the provisions of DEV20 and DEV23.

#### South Devon AONB

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

#### Neighbour Amenity:

The revised plans have generated a number of letters of objection from neighbouring residents, in addition to the Town Council’s renewed objection to the scheme citing concerns regarding neighbour privacy and amenity, noise disturbance and over dominance.



Policy DEV1 sets out the criteria in order to protect health and amenity. The policy states that; “unacceptable impacts will be judged against the level of amenity generally in the locality”. A number of neighbouring occupants, as well as the Town Council have objected on the basis that the proposed terrace extension would overlook the neighbouring properties and gardens. The existing terrace and patio already overlooks the neighbouring properties and gardens; many of the neighbouring properties have their own rear balconies and terraces and when combined with the local topography, there is a degree of mutual overlooking between many of the dwellings and gardens surrounding the application site. In this context, Officers do not consider that the proposed terrace area would result in such a significant increase in overlooking to warrant refusing the application.

In a similar context, Officers note the objections regarding the potential for the scheme to appear over dominant when viewed from within neighbouring gardens and properties. The main bulk of the development is confined to the rear elevation at ground floor only and on the northern boundary, the furthest side from the adjacent neighbour (no. 14) set at a lower level to the south. Views to neighbouring properties are likely to be limited, with oblique views available. To the north, the neighbouring dwelling also benefits from an elevated external deck; a boundary hedge offers some screening but some mutual overlooking exists between no. 10 and the application site. In this context, it is not considered that the increased overlooking from the proposal would result in such a significant harmful impact on neighbour amenity so as to warrant a refusal solely on this basis.

Objectors have also noted that the area will be more intensively used and by larger groups of people than at present and that this will result in an increase in noise and disturbance. Officers do acknowledge that there is likely to be an increased use of this part of the garden, however, this is associated with the continued residential occupancy of the site, rather than as a result of any material change in circumstances. Furthermore, the grant of planning permission does not exempt the occupants from complying with other legislative obligations; separate statutory controls exist to control anti-social behaviour, including noise.

The Town Council have also objected that the proposal would represent overdevelopment of the site but Officers do not agree that this is the case, as there is sufficient amenity space available within the site to accommodate the additional built form. Furthermore, the use of the extension roof as a new terrace will ensure that there is no meaningful loss of external amenity space for the occupants.

Officers acknowledge that the decision is finely balanced, however, in this instance Officers consider that while there would be some increase in overlooking and noise associated with the intensified use of the terrace, in the context of existing levels of amenity, that this increase would not result in such a significant detrimental impact on neighbour amenity so as to warrant a refusal solely on this basis. In this context, the proposal is considered to accord with the provisions of DEV1 and DEV2.

#### Highways/Access

The proposal would result in the loss of garage to the property however, there is sufficient room on the driveway for the parking of two vehicles. The Devon County Council Highways Engineer has not raised any objection to the scheme on the ground of highways safety. On this basis, it is unlikely that the proposal will result in a significant increased risk to highways safety and accords with the provisions of DEV29.

#### Surface Water Drainage

It is noted that the proposal will replace an area of existing patio within the rear garden; surface water from the new terrace will drain into existing drains on the site and within the garden. On this basis the proposal is considered to accord with the provisions of DEV35. Any consultee comment?

#### Other Matters

Objectors have noted that there are restrictive covenants in place on the application site which would prevent the development from taking place; such covenants are considered a civil matter and are not considered within the scope of this report.

Objectors have also cited concerns that there were errors in the original Planning Officer report but does not clarify what the errors were. Officers have subsequently revised the report based on an assessment of the revised plans, in combination with the letters of representation received during the public consultation period.

Further concern has been raised in light of the fact that the applicant works for South Hams District Council and a request has been received to ensure that due process is followed. Officers can confirm that this has taken place, with the revised plans made available for public consultation. The final decision will ultimately be made by the Council's Development Management Committee to ensure that staff applications are debated in public and that the process is transparent.

Officers also note that some objectors are concerned that this application could create a precedent for further similar schemes; this is not the case, as each application must be considered on its own merits.

### Conclusion

Officers acknowledge that the decision is finely balanced, however, in this instance Officers consider that while there would be some increase in overlooking and noise associated with the intensified use of the terrace, in the context of existing levels of amenity, that this increase would not result in such a significant detrimental impact on neighbour amenity so as to warrant a refusal solely on this basis. In this context, the proposal is considered to accord with the provisions of DEV1 and DEV2. As such, it is recommended that the application be granted conditional approval.

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

### **Planning Policy**

#### 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 26 March 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).

The relevant development plan policies are set out below:

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

SPT1 Delivering sustainable development  
SPT2 Sustainable linked neighbourhoods and sustainable rural communities  
SPT9 Strategic principles for transport planning and strategy  
SPT10 Balanced transport strategy for growth and healthy and sustainable communities  
SPT12 Strategic approach to the natural environment  
TTV1 Prioritising growth through a hierarchy of sustainable settlements  
TTV2 Delivering sustainable development in the Thriving Towns and Villages Policy Area  
DEV1 Protecting health and amenity  
DEV2 Air, water, soil, noise, land and light  
DEV20 Place shaping and the quality of the built environment  
DEV23 Landscape character  
DEV25 Nationally protected landscapes  
DEV26 Protecting and enhancing biodiversity and geological conservation  
DEV28 Trees, woodlands and hedgerows  
DEV29 Specific provisions relating to transport

DEV31 Waste management  
DEV32 Delivering low carbon development  
DEV35 Managing flood risk and Water Quality Impacts

### **Neighbourhood Plan**

A Neighbourhood Plan is currently under preparation for the Parishes of Kingsbridge, Churchstow and West Alvington. The emerging draft is at Stage 14 under The Neighbourhood Planning (General) Regulations 2012 (as amended). Very little weight can be attributed to the draft policies at this stage but it is not considered that the proposal conflicts with the policies below;

Policy KWAC Env1 Settlement Boundaries and the avoidance of coalescence  
Policy KWAC Env3 Impact on the South Devon Area of Outstanding Natural Beauty (AONB), green corridors and green infrastructure.  
Policy KWAC Env 5 Prevention of light pollution  
Policy KWAC Env 6 Prevention of Flooding  
Policy KWAC Env 7 Carbon Reduction  
Policy KWAC BE3 Design Quality  
Policy KWAC T3 Car Parking

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), 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 1082.20.02 Rev A*

*Proposed Block Plan 1082.20.08 Rev A*

*Proposed Site Plan 1082.20.04 Rev A*

*Proposed Ground Floor Plan 1082.20.06 Rev B*

*Proposed Lower Ground Floor Plan 1082.20.05 Rev B*

*Proposed Elevations 1082.21.07 Rev B*

*Received by the Local Planning Authority on 15 October 2021*

*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.*

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## PLANNING APPLICATION REPORT

**Case Officer:** Verity Clark

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

**Application No:** 3221/21/FUL

**Agent/Applicant:**

Mr Dan Stewart  
27 Limetree Road  
Plymouth  
PL3 5UB

**Applicant:**

Mr Dan Stewart  
27 Limetree Road  
Plymouth  
PL3 5UB

**Site Address:** Land on the South West side of Cliff Road, Cliff Road, Wembury



**Development:** New dwelling

**Reason item is being put before Committee:** The applicant is related to a member of staff.

**Recommendation:** Delegate to Head of Development Management Practice to approve conditionally subject to the completion of an acceptable S106 legal agreement to secure Tamar Valley European Marine Site monetary contribution.

**Conditions:**

1. Time limit (3 years)
2. Approved plans
3. Construction management plan (prior to commencement)
4. Arboricultural information (prior to commencement)
5. Materials details

6. Landscaping
7. External lighting details
8. Ecological recommendations and enhancement measures
9. Provision of access and parking spaces prior to occupation and retained thereafter
10. Drainage – compliance condition
11. Two first floor windows on north west elevation obscure glazed
12. Adherence to DEV32 measures
13. Unexpected contamination
14. Removal of PD

Pre-commencement conditions 3 and 4 agreed by applicant via email on 29/11/21 and 02/12/21.

**Key issues for consideration:**

Principle of Development/Sustainability  
Design, Visual Impacts and the South Devon AONB  
Space Standards and Amenity Space  
Neighbour Amenity  
Highways, Access and Parking  
Flood Risk and Drainage  
Ecology/Biodiversity  
Trees  
Low Carbon Development

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**Site Description:**

The application site is an overgrown field located on the southern extent of the village of Wembury adjacent to Hawthorne Park Road and Cliff Road. The site currently features a vehicular access onto Cliff Road with vegetated boundaries on the north west and south west.

The site is within the South Devon Area of Outstanding Natural Beauty (AONB). Directly along the south west boundary the landscape is designated as Undeveloped Coast and Heritage Coast however the application site itself falls outside of these designations. Similarly, land to the south west is a designated county wildlife site.

Public Right of Way Wembury Footpath 36 starts at the junction of Cliff Road and runs parallel to the eastern boundary of the site.

The site is not located within a Conservation Area and there are no listed buildings within the vicinity of the site.

The site is located in Flood Zone 1 and is not located within a Critical Drainage Area.

The site is located within the 12.3km buffer for Plymouth SAC.

**The Proposal:**

Planning consent is sought for the construction of a 3 bedroom detached dwelling with detached shed and bin store, new access with parking area and associated landscaping. The

existing access onto Cliff Road will be blocked up. The new access will be formed further northwards onto Cliff Road, close to Clover Cottage's vehicular access.

The dwelling will be sited fairly centrally within the plot and will be set over three levels (including a 'part-basement' room at the lowest level), with a traditional main pitched roof form with a lower gable feature facing the north east boundary and a single storey element with flat sedum roof at the rear. Materials will include a natural slate roof, painted render, timber cladding, aluminium frame windows, timber clad doors and solar PV on the south west elevation.

Parking for two vehicles would be provided to the north west of the dwelling, with private garden space to the south west and south east. At the end of the parking area is a green-roofed shed for storage of bicycles, garden equipment and bins.

### **Consultations (full responses can be viewed online):**

- **Landscape Specialist:**

The overall scale and mass of the scheme appears to be appropriate and there is good separation between the proposed new dwelling and the neighbouring property's outbuildings. All existing tree cover and hedgerows are to be retained.

Pre-application advice was that the use of natural materials, with muted colours, might help to assimilate the building with its surrounding, sensitive location. Officers are of the opinion that this advice has been adhered to.

The DAS acknowledges that careful regard needs to be afforded to the policies set out within the South Devon AONB Management Plan, with the key test for any development proposal being the need to 'conserve and enhance' natural beauty. The proposals are found to respond positively to this and overall the landscape proposals will help to assimilate the development into its setting and reduce and mitigate adverse visual effects.

The design seeks to prevent light pollution by avoiding excessive glazing, minimal exterior lighting and by keeping roof heights low. There is potential for some limited impacts arising from light spill. However, the reduced floor levels, inward-looking design layout, screening, and canopies to recess large glazing elements are noted.

Officers are of the view that developing of this site as described would not conflict with the published Landscape Guidelines for this Landscape Character Type (LCT).

Overall, Officers are satisfied that the proposed development would be consistent with the edge of village setting and therefore accords with landscape policy, where the landscape character is conserved, as are the special qualities of the South Devon AONB. On this basis the proposal is supported.

If Officers are minded to approve the application, the landscape scheme should be secured and detailed by condition.

- **Drainage Specialist:**

Response dated 21/10/21:

Based on the information provided we would object to the current proposal on the grounds of insufficient information. As such we would recommend that the application is not decided until these issues have been overcome.

Response dated 23/11/21 following submission of additional information:

Based on the information provided we would support the current proposal. Sufficient information has been provided to demonstrate a workable scheme.

The surface water is now discharging to a dedicated surface water sewer which is the best solution for this site. If permission is granted then please include a compliance condition.

- JLP Officer:  
A local connection restriction is not justified for this proposal.
- DCC Highways:  
Standing advice.
- Tree Specialist:  
No objection on arboricultural merit subject to submission of the noted information prior to any commencement on site including any demolition or earthworks.
- Environmental Health Officer:  
We have no environmental health concerns regarding the proposal once constructed. The applicant should ensure that they follow the Considerate Contractor's scheme, including adhering to standard working and delivery hours, to ensure that close by residents are not adversely affected during construction if the application is approved.
- DCC Public Right of Way:  
No response received.
- Wembury Parish Council:  
No comments to make.

**Representations:**

34 letters of objection and 15 letters of support received at the time of writing. Full versions of the responses can be read online. Summary of issues raised:

Support:

- Sympathetic proposal
- Landscape design
- Does not take away from AONB
- Modest design
- Sustainability
- Design
- Parcel of land untidy and would be enhanced
- Encourage lane to be kept clean
- Cannot flood due to level
- No obstruction to water run off
- Wildlife



- Traffic no heavier than anywhere else
- Provides modest size family home
- No landscape impact
- Materials sympathetic to AONB
- Siting is close to existing houses
- Materials are subdued
- Landscaping will ensure plot remains green and attractive
- Appropriate for infilling
- Self build
- Respects privacy of neighbours
- No impacts on current landscape
- Appropriate size and scale
- Biodiversity encouraged/ enhancements
- Access improved
- Comparable size to other plots
- Site will be largely screened and works with the levels of the site
- Scale and massing
- Appropriate vacant infill plot in the sustainable bounds of this established village
- Conserves and enhances the AONB

#### Objection:

- Impact on AONB
- Impact on heritage coast
- Extension of urbanised part of village
- Will be used to justify future proposals/ sets precedent
- Traffic impacts
- Highway safety
- Plot is very small
- Visual impact
- Flood risk
- Drainage
- Loss of privacy
- Proximity to coastal footpaths
- Should guard against piecemeal development
- Undeveloped coast
- Impact on coast line
- Views from coast path and sea
- Rights of way over lane
- If site is developed may rip out curb race/road to make plot bigger
- Loss of green space
- Too big for site
- Height
- Impact on views
- Impact on trees/ treeline/ hedge bank
- Impact on wildlife
- Impact on character and appearance of Cliff Road
- Negative impact on right to enjoy quiet enjoyment of area and own property
- Scale of building
- Not justified by local need
- Visual amenity
- Mitigation does not reflect special characteristics of natural coastal and rural landscape
- Land ownership

- If approved, pressure to trim or remove hedges/bank
- County wildlife site
- Does not accord with Policy DEV26 of the JLP
- Overdevelopment of site
- Out of context with neighbouring properties and land
- Future development
- Increase in density will negatively impact AONB
- Loss of light and overshadowing
- Noise
- Neighbourhood Plan and residents survey results
- Wembury not identified as sustainable settlement
- Greenfield site
- Fails to enhance designated landscape
- Comparison to other approved applications
- Does not address imbalance in existing housing stock
- Independent review by design review panel should be facilitated
- Contrary to national and local policy
- Insufficient parking
- Impact on private right of way
- Not in keeping
- Access

[Officer note – the applicant has confirmed that the on the basis of land registry documentation and title deeds, the red line boundary as depicted is accurate and correct. Issues relating to land ownership are a civil matter and cannot be considered further.]

A representation has noted that an access gate is shown on the south west boundary accessing a private field. The applicant has confirmed there is already a gap in the bank (see the existing site survey) which accesses a strip of land that forms a historic right of way linking the track part of Cliff Road (next to the South East corner of the application site) to adjacent private properties including Clover Cottage and 145 Church Road. Part of this strip of land runs parallel to the south west boundary of the application site and physically separates the application site from the field noted by the representation. The 'strip' is shown on both the submitted Site Location and Site Block Plans, lying to the South West boundary of the application site (as a slightly tapering rectangle shape), and then South of Clover Cottage (a more triangular shape), ending at the western end with the boundary to 145 Church Road. The owners of Clover Cottage, and the owners of 145 Church Road have a legal right of way over this strip of land (as determined by restricted covenants). The gate is shown so that the land can be accessed in the future for maintenance and improvement of the hedgerow along the South West boundary of the application site. The applicant has noted the application site doesn't currently have a right of way or access, but they would seek to secure this for the reasons noted (ie maintenance) in the event consent is granted as a civil matter.]

### **Relevant Planning History**

**58/1982/80/1** Outline Planning Application. Refused 07/04/81

**58/1743/00/O** Outline application for erection of bungalow. Refused 12/06/01 Appeal dismissed

The appeal was dismissed for reasons including the presence of tree and hedgerow cover along the southern and western boundary of the site and the assumption that any dwelling

would be overshadowed, resulting in the subsequent occupants' desire to remove the trees and vegetation, and which in turn would negatively impact the AONB. The larger trees and shrubs that were present on site at that time have since been lost, due to storm damage.

The Inspector acknowledged that the site had the potential to accommodate residential development, as the Appeal Decision stated that the ..'site is quite small and is physically capable of accommodating a modest dwelling close to the western boundary, given careful design, siting and layout...'

**1920/17/PRE** Pre-application enquiry for provision of single dwelling. No officer support (limited information provided) 05/10/17

**1766/20/PR4** Pre Application for proposed dwelling on vacant plot. Officer support 14/10/20

## **ANALYSIS**

### Principle of Development/Sustainability:

Policy TTV1 of the JLP sets out the Council's development strategy across the Thriving Towns and Villages Policy Area. The policy describes how the settlement hierarchy of (1) Main Towns, (2) Smaller Towns and Key Villages, (3) Sustainable Villages and (4) Smaller Villages, Hamlets and the Countryside will be used to inform whether a development proposal can be considered sustainable or not.

Paragraphs 5.8-5.10 of the supporting text to Policy TTV1 of the JLP identify the 'Main Towns', 'Smaller Towns and Key Villages' and 'Sustainable Villages' within the Thriving Towns and Villages Policy Area. Wembury is not expressly identified within the Council's Thriving Towns and Villages Policy Area because of its location within the South Devon Area of Outstanding Natural Beauty and it is therefore classified as countryside within the fourth tier of the Council's settlement hierarchy for the purposes of Policy TTV1 of the JLP.

Policy SPT1 identifies a range of principles of sustainable development and SPT2 details a number of principles of sustainable linked neighbourhoods and sustainable rural communities. Having a reasonable level access to a mixed use centre which meet the daily needs for services, having a good balance of housing types to meet identified housing needs, and the promotion of resilience and well balanced demographic profile with access to housing and services are key components of SPT2. There are considered to be sufficient services and facilities as well as public transport facilities to describe Wembury as a sustainable location.

The application site is well integrated within the discernible built up area of Wembury and is adjacent to existing built form. The site is considered to be within appropriate distance to local facilities which would not result in an over reliance on private motor vehicles. The proposal is therefore considered to accord with Policies SPT1 and SPT2 of the JLP.

Policy TTV1 explains that in Smaller Villages, development will be permitted only if it can be demonstrated to support the principles of sustainable development and sustainable communities (Policies SPT1 and SPT2) including as provided for in Policies TTV26 and TTV27. In this case policies TTV26 and TTV27 are not directly engaged because the site is located within a settlement, within its built up area, and is well-connected to local services.

In light of the above, officers are satisfied that the application site is located within a sustainable location and would accord with the objectives outlines in JLP Policies SPT1, SPT2, TTV1 and TTV2.

Policy DEV8 relates to the Thriving Towns and Villages policy area. The policy seeks to ensure that homes are provided which meets the community's needs. The type, tenure and size of properties is a key consideration. In reviewing the ONS data, which has been used to indicate housing need by Parish, Wembury has a comparable number of 3 bed houses as the South Hams average and an undersupply of 2 bedroom dwellings. There is an oversupply of detached properties in Wembury compared with the South Hams as a whole.

The proposal is for a 3 bedroom detached dwelling. As there is no strong over or undersupply of 3 bedroom properties, the proposed 3-bedroom property would not exacerbate an existing imbalance in the parish. The proposal would however add to the predominance of detached houses in Wembury. However, given the site circumstances, a detached dwelling is considered to be appropriate for this location as the site is somewhat constrained and it would not be possible to provide two policy compliant semi-detached properties. The proposal seeks to provide a dwelling suited to a working family, with in built study and has provision to enable future accessibility if required at a later date. It is therefore considered that the objectives of Policy DEV8 of the JLP have been met.

Paragraph 11.15 onwards of the adopted SPD notes that in rural settlements outside the top three levels of the settlement hierarchy, or in the countryside, as in this case, it is considered necessary to restrict the ownership and occupation of new dwellings (other than replacement dwellings or those considered as 'isolated' in planning terms) to people who can demonstrate a local connection in order to make the proposal acceptable in planning terms. Following a recent appeal of refused application 3538/19/FUL it has been accepted by the Local Planning Authority that where there is only a conflict with the broad spatial strategy, and no specific policy conflict, that a local connection restriction should not be sought. The JLP Officer has considered the proposal, noting that there is an existing oversupply of detached properties in Wembury, however in this instance it would not be considered reasonable to require a local connection legal agreement given the constraints of the site would not allow for semi-detached properties and there is no other conflict with the wider spatial strategy. As such a local connection s106 has not been requested as it is not considered necessary.

#### Design, Visual Impacts and the South Devon AONB:

The site is located within the South Devon AONB on the edge of Wembury village, and is on land located between existing dwellings, within the built up area of the village (as indicated by the site's exclusion from the Undeveloped Coast and Heritage Coast designated areas). The site's boundaries are post and wire fencing with a gated vehicle access point from Cliff Road.

Policy DEV20 states that development proposals will be required to meet good standards of design, contributing positively to both townscape and landscape, and protect and improve the quality of the built environment, whilst Policy DEV23 requires that development will conserve and enhance landscape, townscape and seascape character and scenic and visual quality, avoiding significant and adverse landscape or visual impacts. Policy DEV25 states that the highest degree of protection will be given to the protected landscapes of the South Devon AONB. The LPA will protect the AONB from potentially damaging or inappropriate development located either within the protected landscape or its settings. This policy requires all development proposals to conserve and enhance the natural beauty of the protected

landscape with particular reference to its special qualities and distinctive characteristics or valued attributes.

Careful regard needs to be afforded to the policies set out within the South Devon AONB Management Plan, which the design, access and planning statement acknowledges. It is not to say that no further development will be permitted within these locations but careful consideration needs to be afforded to the landscape impact.

This site does not have extensive views of the sea, partly due to the surrounding vegetation but also because the site topography slopes down to the north, effectively containing the site, and directing its focus to the residential development nearby. There are, however, some high-level views out to the south-west, towards elevated land beyond Wembury village. The application has been supported by a landscape and visual impact assessment (LVIA) which has considered the landscape sensitivity, the proposal and its effects and includes an assessment on the visibility of the site and the visual implications from the proposal.

The site falls within landscape character type area (LCT) 1B: Open Coastal Plateaux, and a key characteristic of LCT 1B is *'Pockets of remnant semi-natural grassland and scrub are valued habitats for birds and invertebrates with some areas locally designated as County Wildlife Sites.'* This site is immediately adjacent to Smallacombe County Wildlife Site – Priority BAP Habitat - Lowland meadow. The trees, shrubs and scrub to the south and south-west of the site, and beyond, typify this characteristic. The proposed landscaping scheme and ecology report demonstrates that this will be protected from the effects of any development. The site itself is characterised by overgrown grassland reverting to scrub with some invasive ornamental plants present.

The footprint of dwelling is set away from the boundary with Clover Cottage with a separation distance of approximately 9.2m between the proposed dwelling and Clover Cottage's outbuilding/garage. The proposed single storey outbuilding for bin and storage is set 1.2m from the shared boundary. Due to the sloping topography of the land Clover Cottage sits significantly lower than the application site with the ridge of Clover Cottage approximately 5.6m lower than the ridge height of the proposed dwelling. Similarly, 6 Hawthorne Park Road sits higher topographically than the application site with a ridge height approximately 4.224m higher than the ridge of the proposed dwelling. The character and scale of other nearby residential properties is varied and includes single, 1.5, 2 and 2.5 storey dwellings along Hawthorne Park Road and the east of Cliff Road. Clover Cottage to the north west of the application site is a detached dwelling within a larger plot and is more characteristic of the dwellings within Church Road.

The Landscape Specialist has considered the proposal and noted the proposals are found to respond positively to the AONB Management Plan through:

- the retention of existing boundary trees and vegetation;
- the use of a Devon hedge with trees along the north and eastern boundaries;
- a building form that is a contemporary reflection of traditional building design;
- the use of local vernacular materials;
- the use of dark colours to the exterior elevations to help the built form recede into the landscape, and
- external landscaping and planting proposals that enhance biodiversity and reinforce local distinctiveness through the use of vernacular hard landscape materials, native plants and locally appropriate orchard trees.

Overall the Landscape Specialist considers that the landscape proposals will help to assimilate the development into its setting and reduce and mitigate adverse visual effects. No disagreement is found with the findings of the LVIA report and it is considered that the development of this site as described would not conflict with the published Landscape Guidelines for this Landscape Character Type. Overall, the proposed development is considered to be consistent with the edge of village setting and therefore accords with landscape policy, where the landscape character is conserved, as are the special qualities of the South Devon AONB.

Following consideration of the detailed design submission, LVIA and landscaping details and the Landscape Specialist's comments, it is considered that the size, scale and visual appearance of the proposed dwelling takes suitable reference from the surrounding area and streetscene and although appearing contemporary in nature is considered to assimilate well into the mix of housing types and designs within the locality. The overall scale and mass of the scheme appears to be appropriate, taking reference to the local typography, and there is good separation between the proposed new dwelling and the neighbouring property; Clover Cottage's outbuilding and dwelling. Whilst concern has been raised within letters of representation about the size and scale and considered overdevelopment of the plot, the proposed landscaping and space around the dwelling is not considered to result in an overdeveloped or cramped visual appearance when considering the context of the plot. It is acknowledged that the proposal will develop an existing undeveloped overgrown area of land, however the site is outside of the undeveloped coast and heritage coast landscape designations which strictly control development and is present immediately adjacent to the site and take in the remainder of Cliff Road, and it is considered that the site is closely related to and viewed in association with existing built form. The proposal is as a whole considered to respond positively to the application site and wider area and as such, is considered to conserve and enhance the special qualities of the South Devon AONB.

Given the constrained nature of the site it is recommended that permitted development rights be removed for further alterations/enlargements to the dwelling to retain control over any future enlargement of the property to avoid overdevelopment, unacceptable impact on landscape character and to ensure the amenity of neighbours is protected.

Conditions are also recommended to secure material details to ensure the detailing used, particularly for the roofing material and facing are appropriate, and for details of hard and soft landscaping works, and details of external lighting which is recommended by the Landscape Specialist.

With the addition of the recommended conditions the proposal is considered to accord with JLP Policies DEV20, DEV23 and DEV25 and the AONB Management Plan.

#### Space Standards and Amenity Space:

JLP Policy DEV10 requires, amongst other things, both new and converted dwellings to have an acceptable amount of internal space that meets national space standards. In addition, a sufficient amount of external amenity space is also required with the SPD indicating that a detached dwelling should be served by 100m<sup>2</sup> of usable outside space.

The application proposes the erection of a 3 bedroom dwelling set over three floors. The nationally described space standards specify that a 3 bedroom 5 person dwelling should be a minimum of 99m<sup>2</sup>. The proposed dwelling meets this required space standard with an approximate floor area of 132m<sup>2</sup> and has adequate light serving the habitable rooms. The

proposal is also considered to provide an acceptable amount of outside amenity space to serve the proposed dwelling in excess of the 100m<sup>2</sup> requirement.

The proposal is therefore considered to constitute a good quality living environment for the future occupiers and accords with Policy DEV10 of the JLP.

#### Neighbour Amenity:

It is always necessary for developments to take into account the residential amenity of neighbours and impact on the environment. In this case, the proposal complies with the principles of good neighbourliness and the protection of existing residential amenities.

The proposed dwelling would be sited approximately 9.2m from the adjacent property; Clover Cottage's outbuilding/garage whilst the proposed single storey flat sedum roof outbuilding for bin and storage would be sited 1.2m from the shared boundary. The boundary to this dwelling is currently highly vegetated due to the site's overgrown nature and views into this property currently cannot be achieved. The proposed landscaping scheme proposes to re-inforce this boundary, maintaining existing native trees and hedgerows and supplementing it with additional mini orchard planting. There is a significant level difference between the application site and Clover Cottage resulting in the ridge of the proposed dwelling being approximately 5.6m higher than the ridge of Clover Cottage.

The potential impact of the proposed development on Clover Cottage is reduced due to the existing presence of Clover Cottage's single storey pitched roof outbuilding/garage which sits along their south east boundary with the application site and sits almost in line with their dwelling. Due to level differences within their site, the ridge of Clover Cottage's garage is comparable to the ridge of their dwelling thereby significantly limiting any potential outlook or views of the application site from within their dwelling. In addition, the proposed dwelling is sited to sit further forward in the plot than Clover Cottage thereby meaning that built form from the proposed development will not extend beyond the rear elevation/ built form of Clover Cottage.

Due to the siting and separation distances, the proposed dwelling is not considered to result in an overbearing impact upon Clover Cottage and although significantly higher, is not considered to impact on the light levels within the dwelling or to their outside amenity space. Within representations the occupiers of Clover Cottage have noted that the proposal would result in overlooking to their land to south west boundary of the site. This land is not domestic garden area and it is noted in their representation that it is used to house their poultry and beyond that is an area of woodland and county wildlife site. It is considered that any views achieved from the proposed dwelling into this field and beyond are acceptable given the land use.

A condition is recommended to ensure that the two first floor north west elevation side windows serving an en-suite and bedroom 1 facing Clover Cottage are obscure glazed and of a restricted opening, due to a small potential for oblique angle views towards their rear garden and as vegetated boundaries cannot be permanently guaranteed this will ensure that privacy is retained.

Paragraph 13.19 of the adopted SPD recommends that there should be a minimum separation distance of 21m between habitable room windows facing directly opposite each other to ensure adequate privacy is retained. The separation distance from the front of the proposed dwelling to the property across the street; number 5 Hawthorne Park Road is

approximately 22m at their closest points. The front of number 5 is already clearly visible when standing in the streetscene and that coupled with the separation distance is considered to result in an acceptable relationship in respect of privacy and dominance. Similarly, given the separation distance from the proposed dwelling to number 6 Hawthorne Park Road is approximately 23.1m at their closest points, and given the orientation of this existing and the proposed dwelling, the relationship is considered to be acceptable and without loss of privacy or resulting in an overly dominant impact.

It is also considered reasonable to add a pre-commencement construction management plan condition to safeguard the amenities of the adjoining residential properties given the restricted nature of the site and proximity to neighbouring properties.

As such, with the addition of an obscure glazing/restricted opening condition, restriction of permitted development rights and a pre-commencement construction management plan condition, the proposal would not lead to any materially harmful impact on residential amenity by way of loss of light, loss of outlook, loss of privacy or overbearing impact. It would therefore accord with JLP Policies DEV1 and DEV2.

#### Highways, Access and Parking:

The DCC Highway Officer has not raised an objection to the proposal, instead requiring Officers to consider the standing DCC Highways advice issued to the Council.

The proposal seeks to block up the existing access onto Cliff Road and form a new access further northwards onto Cliff Road, close to Clover Cottage's vehicular access. A proposed site plan with visibility splays has been provided in support of the application. This demonstrates that there is adequate 2.4m x 40m visibility in both directions from the new access. Whilst the access is in relatively close proximity to the junction of Cliff Road, the visibility splays allows views of users of the junction and it is considered that users of the junction would likely be travelling at low speeds due to the width of the lane and the presence of the upcoming junction. It is also considered that the new access is an improvement on the existing access given the increased distance from the junction. The existing access also links to the public right of way (PRoW) and the blocking up of this access and relocation will remove the access from joining the PRoW, thereby reducing traffic along this route. The proposal will include the re-location of the public right of way signage. Consent from Devon County Council is likely required for this change and this will be advised to the applicant via an informative. As such the proposed access is considered to be acceptable and will provide a safe and satisfactory vehicular access to and from the site.

The proposal makes provision for 2 car parking spaces within the site which accords with the recommended number of spaces needed for a three bedroom dwelling within paragraph 8.7 of the adopted SPD and the size requirements for these spaces.

The parking spaces and access will be secured by condition to be provided prior to first occupation of the dwelling and retained thereafter to ensure adequate on-site parking is available to serve the development.

It is therefore considered that the access and parking arrangements are acceptable and comply with DEV29 of the JLP, the adopted SPD and the DCC Highways Standing Advice guidance document.



The proposal includes a shed/bin storage building to the rear of the parking area and there is considered to be sufficient space within the site for storage of waste and recycling in accordance with Policy DEV31 of the JLP.

#### Flood Risk and Drainage:

The site is located in Flood Zone 1 and is not located within a critical drainage area and therefore in flood control terms is an appropriate site for residential development being a site which according to the Environment Agency maps is least vulnerable to flooding.

The Council's Drainage Specialist has considered the proposal and originally raised an objection to the scheme noting that the proposed surface water drainage scheme was for an attenuated offsite discharge. Having reviewed the plans it would appear that the proposed discharge is to the highways drains but the report indicated that DCC Highways are unlikely to permit discharge to their system. Therefore this cannot be supported and the applicant needed to consider discharge to watercourse in first place and if that is genuinely not possible then a connection to South West Water (SWW) sewer can be considered, subject to SWW permission.

Following receipt of this comment the applicant has provided additional/revised drainage information and clarified information that had already been submitted also noting that confirmation and permission from SWW to discharge surface and foul drainage to the SWW sewer has been accepted and confirmation of this is included within appendix B of the Design, Access & Planning Statement. The following revised and updated drainage details were submitted for consideration:

- Revised Drainage Calculations – responding to the Drainage Specialist's queries and allowing for the increased discharge rate suggested
- Revised attenuation tank design to allow for inclusion of a 'hydro-brake' flow control device as detailed in calculations
- Revised plans showing the drainage scheme with dimensions and levels of attenuation features within the private ownership

The Council's Drainage Specialist considered this information and confirmed that based on the information provided they would support the current proposal. Sufficient information has been provided to demonstrate a workable scheme and the surface water is now discharging to a dedicated surface water sewer which is the best solution for this site. It was recommended that if permission is granted a compliance condition should be added.

With the addition of this condition the proposal is considered to accord with Policy DEV35 of the JLP.

#### Ecology/Biodiversity:

The application has been supported by an ecological impact assessment. The report confirms that the proposed development will result in the loss of the majority of habitats on site, with the exception of boundary hedgerows. This loss (less than 0.04ha) is not considered significant in terms of nature conservation, with no rare or important habitats or plants to be lost. Site clearance will include the removal of non-native and invasive plants including buddleia and variegated yellow archangel, which in the long-term will be beneficial to native flora both within and outside the site boundary.

To compensate for habitat losses, the below measures will be undertaken via the landscaping scheme which will be required by condition:

- New planting to include native and pollinator friendly shrubs and herbaceous species. As per the Landscape Design (Rathbone Partnership, dwg: CRW/01).
- 134 m<sup>2</sup> of flowering lawn.
- 22.5m<sup>2</sup> sedum roof, sown with a mixture that includes British species.
- Meadow grass (approx. 23m<sup>2</sup>) which is to be kept long at hedgerow bases below a proposed orchard area.
- 16m new native hedgerow either side of site entrance. To comprise at least 5 native woody species.

The assessment goes on to confirm that no further surveys are required and that the proposal will have an acceptable impact on protected species. A number of recommendations are made within the report to prevent harm to protected species during development and the installation of 5 inbuilt bat boxes, 3 inbuilt bird boxes, 4 inbuilt bee bricks and 1 log/brush pile for invertebrates are recommended to ensure biodiversity net gain is achieved. A condition requiring adherence to the report and the installation and retention of the enhancement measures will be added.

The site falls within the 12.3km Zone of Influence for 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. The HRA in full of the JLP concluded that the recreational impacts on designated sites arising from planned residential development, either alone or in combination with other plans or projects needs to be addressed. To enable the planned development to proceed, the Conservation of Habitats and Species Regulations 2017 requires that appropriate mitigation measures are in place to ensure that the proposed development will not result in an adverse impact on the integrity of the designated European sites. Recreational mitigation will be delivered through the Recreation Mitigation and Management Scheme for the Plymouth Sound and Estuaries Marine Site which requires all residential development within a 12.3km zone of influence to contribute towards the costs of the plan. Without mitigation new residential and tourist development, in combination with other development, could have a significant effect. The rate for a 3 bedroom house is £467.91 which can be agreed via unilateral undertaking.

With the addition of a condition requiring adherence to the ecology report and providing a unilateral undertaking has been secured for the required amount prior to the determination of the application, the proposal will have an acceptable impact on the SAC, SPA, County Wildlife Site and will result in biodiversity net gain in accordance with Policy SPT14 and DEV26 of the JLP and the adopted SPD.

#### Trees:

The Council's Tree Specialist has considered the arboricultural impact assessment submitted in support of the application and has undertaken a site visit. Having reviewed the submitted information the Officer considered that the submitted tree report accurately identifies species, locations (where accessible) and tree condition. However, the full radial root protection areas (RPA) are incorrectly ascribed to all trees; actual site constraints of adjacent structures and the highway would prevent this and offset RPAs would be expected. This will have impact on the construction of the driveway and location of tree protection fences and thus a revised Tree Constraints Plan, Tree Protection Plan and Method Statement for the driveway are

required. The Officer also notes that given the technical nature of the no dig solution, a number of supervisory visits by a suitably qualified arborist are required at key junctures to ensure correct placement of fencing, accuracy of vegetation to be removed, management prescriptions for the hedge are clearly passed on and a supervision/ tool box talk are undertaken and this should be required within an updated Arboricultural Method Statement.

This information will be required via a pre-commencement condition as suggested by the Officer. With the addition of the suggested condition the proposal is considered to have an acceptable impact on trees in accordance with Policy DEV28 of the JLP.

#### Low Carbon Development:

The proposal comprises a number of measures to meet passivhaus principles which will ensure that it reduces its carbon footprint and these are detailed within the DEV32 statement contained within the design, access and planning statement. This notes that the intention will be to incorporate very high levels of insulation to reduce heat loss to an absolute minimum, and then manage the small amount of remaining energy input required with renewable energy generation. The proposals are also orientated to maximise the use of solar gain principals, and as such encourage less reliance on artificial heating methods. The dwelling will utilise an air source heat pump, mechanical ventilation heat recovery system, integrated solar PV and will include an electric vehicle charging point.

The measures detailed within this DEV32 statement are considered acceptable and in accordance with Policy DEV32 of the JLP and a condition requiring that the development proceeds in accordance with these details is recommended to ensure compliance with this policy.

#### Conclusion:

To conclude, the principle of a dwelling in this location is considered to be acceptable and in accordance with Policies STP1, SPT2, TTV1 and TTV2 of the JLP. Whilst concerns relating to the impact of the proposal from a landscape perspective and the impact it will have on the AONB have been raised, the Landscape Specialist considers the proposal to be acceptable, and upon detailed consideration the size, scale, visual appearance and impact on the landscape, including the AONB are considered to be acceptable and in accordance with Policies DEV20, DEV23 and DEV25 of the JLP. The proposal is considered to have an acceptable impact on the amenity of surrounding occupiers and users in accordance with DEV1 and DEV2 of the JLP. Similarly the proposal is considered to be acceptable from an ecology, flood risk/ drainage, trees, highways/access and low carbon development perspective and is in accordance with Policies DEV26, DEV28, DEV29, DEV31, DEV32 and DEV35 of the JLP.

***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 the Housing Requirement 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 confirming the change. On 13<sup>th</sup> January 2021 MHCLG published the HDT 2020 measurement. This confirmed the Plymouth, South Hams and West Devon's joint HDT measurement as 144% 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 5.8 years at end March 2021 (the 2021 Monitoring Point). This is set out in the Plymouth, South Hams & West Devon Local Planning Authorities' Housing Position Statement 2021 (published 12th November 2021).

[\*now known as Department for Levelling Up, Housing and Communities]

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  
SPT14 European Protected Sites – mitigation of recreational impacts from development  
TTV1 Prioritising growth through a hierarchy of sustainable settlements  
TTV2 Delivering sustainable development in the Thriving Towns and Villages Policy Area  
DEV1 Protecting health and amenity  
DEV2 Air, water, soil, noise, land and light  
DEV8 Meeting local housing need in the Thriving Towns and Villages Policy Area  
DEV10 Delivering high quality housing  
DEV20 Place shaping and the quality of the built environment  
DEV23 Landscape character  
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  
DEL1 Approach to development delivery and viability, planning obligations and the Community Infrastructure Levy

The Wembury Neighbourhood Plan is at the area designation stage which carries no weight.

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:

### **The Plymouth & South West Devon Joint Local Plan SPD**

### **DCC Highways Standing Advice**

### **South Devon AONB Management Plan 2019 to 2024**

### **Landscape Character Assessment**

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

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

### **Conditions:**

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

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

2. The development hereby approved shall in all respects accord strictly with drawing number(s):

Received by the Local Planning Authority on the 23<sup>rd</sup> August 2021:

EX (90) 001 Site Location Plan

GA (90) 002 Proposed Site Block Plan

GA (90) 003 Proposed Site Layout & Roof Plan

GA (0) 102 Proposed First Floor Plan

GA (0) 103 Proposed Roof Plan

GA (0) 120 Proposed House Elevations – North East & South East

GA (0) 121 Proposed House Elevations – South West & North West

GA (0) 125 Proposed Site Elevation – North East (Cliff Road) & Site Section

CRW/01 Landscape Design

300 P1 Proposed Site Plan Showing Visibility Splays

GA (0) 101 Proposed Upper Ground Floor Plan

GA (0) 100 Proposed Lower Ground Floor Plan

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

**3.** No development shall be carried out (including all preparatory work and groundworks), unless a Construction Management Plan has been first submitted to and approved in writing by the Local Planning Authority. The Construction Management Plan shall specify details of:

- The hours of demolition/construction works (including hours of site deliveries, parking of vehicles of site operatives and visitors);
- Loading and unloading of plant and machinery;
- Facilities for the storage of plant, machinery and materials used in the construction of the development;
- Wheel washing facilities;
- Measures to control the emission of noise, dust and dirt during construction;
- A scheme for the recycling/disposal of waste resulting from the site clearance/construction works.

The development shall not be carried out unless in strict accordance with the approved details.

Reason: In the interests of local amenity. Construction management details need to be agreed prior to works commencing as matters require oversight from that time.

**4.** Prior to the commencement of the development hereby approved (including all preparatory work and groundworks), a scheme for the protection of all trees to be retained, including offsite trees, in accordance with BS 5837:2012, including an updated tree constraints plan, tree protection plan, method statement for driveway and an arboricultural method statement within their periods of indemnity and updated as necessary shall be submitted to and approved in writing by the Local Planning Authority.

The development shall then proceed in accordance with the approved details.

Reason: Required prior to commencement of development to satisfy the Local Planning Authority that the trees to be retained will not be damaged during construction and to protect and enhance the appearance and character of the site and locality.

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

Reason: In the interests of visual amenity.

6. Prior to the first occupation of the dwelling hereby approved, full details of the hard and soft landscape works, including an implementation and management plan, shall be submitted to and approved in writing by the Local Planning Authority. The landscaping scheme shall be prepared by an appropriately qualified professional and shall include:
- Materials, heights and details of hedgebanks, fencing and other boundary treatments;
  - The location, number, species, density, form and size of proposed tree, hedge and shrub planting;
  - The method of planting, establishment and protection of tree, hedge and shrub planting;
  - A timetable for the implementation of all hard and soft landscape treatment

All planting, seeding, turfing or hard surfacing comprised in the approved landscaping scheme shall be carried out by the end of the first planting and seeding seasons following the first occupation of the dwelling hereby approved or completion of the development, whichever is the sooner. 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 approved landscaping scheme shall be carried out in its entirety and shall accord with the approved details and timetable. Any boundary treatments or means of enclosure shall be carried out and installed prior to the first occupation of the dwelling.

Reason: In the interest of public amenity and the conservation and enhancement of the local landscape character and protected landscape, taking account of the particular landscape characteristics of the site and its setting.

7. There shall be no external lighting unless details have first been submitted to and approved in writing by the Local Planning Authority. Details shall include function, location, design and intensity.

Any lighting agreed shall be installed in accordance with the approved details and maintained as such thereafter.

Reason: For the protection of protected species and in the interest of visual amenity.

8. The recommendations given in the 'Ecological Impact Assessment' by ge consulting dated July 2021, shall be followed, including precautions to prevent threat of harm during construction works, timings of work to avoid bird nesting season and the installation of 5 inbuilt bat boxes, 3 inbuilt bird boxes, 4 inbuilt bee bricks and 1 log/brush pile for invertebrates. The boxes, bricks and log/brush pile shall be installed prior to first occupation of the dwelling hereby approved and shall be retained thereafter.

Reason: To safeguard protected and/or priority species, and to ensure biodiversity net gain.

9. Prior to the first occupation of the dwelling hereby approved, the access and parking area shall be laid out in accordance with approved plans '300 P1 Proposed Site Plan Showing Visibility Splays' and 'GA (0) 100 Proposed Lower Ground Floor Plan' and made available for use by occupants of the dwelling and retained as such in perpetuity.

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

10. The drainage scheme shall be provided in accordance with approved plans '206 P2 Proposed Site Plan Showing Exceedance Flowpaths'; '205 P2 Proposed Site Plan Showing Indicative SW Drainage Layout'; '204 P2 Proposed Site Plan Showing Potential SW Connection Points' and 'Calculation Sheet. REV3' prior to first occupation of the hereby approved dwelling, and shall be maintained and retained in accordance with the agreed details for the life of the development.

Reason: To ensure a satisfactory drainage system is provided to serve the development.

11. Prior to first occupation of the dwelling hereby approved, the two windows at first floor level on the north west elevation facing Clover Cottage shall be fitted with a minimum of level 3 obscured glazing over the entirety of the windows with no clear areas and shall also be fitted with a 100mm restrictor. The windows shall thereafter be permanently retained in that condition.

Reason: To protect the amenity and privacy of residents of the adjacent property; Clover Cottage.

12. The construction of the dwelling hereby approved shall be carried out in accordance with the details contained in the 'Dev32 carbon reduction checklist for minor applications' contained within the Design, Access & Planning Statement within section 6.0. All measures contained within the checklist to limit carbon emissions and improve water efficiency/recycling including the installation of solar PV, MVHR system, air source heat pump and EV charging point shall be implemented prior to first occupation of the dwelling hereby approved.

Reason: To ensure that the development contributes towards delivering a low carbon future and supports the Plan Area target to halve 2005 levels of carbon emissions by 2034 and to contribute towards the use and production of decentralised energy.

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

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



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

**14.** Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (As amended) (and any Order revoking and re enacting this Order), no development of the types described in the following Classes of Schedule 2 shall be undertaken without the express consent in writing of the Local Planning Authority other than those expressly authorised by this permission:

- (a) Part 1, Class A (extensions and alterations)
- (b) Part 1, Class AA (enlargement of a dwellinghouse by construction of additional storeys)
- (c) Part 1, Class B (Additions to the roof)
- (d) Part 1, Class C (Other alterations to the roof)
- (e) Part 1, Class D (Porches)
- (f) Part 1, Class E (a) swimming pools and buildings incidental to the enjoyment of the dwellinghouse and; (b) container used for domestic heating purposes/oil or liquid petroleum gas)
- (g) Part 1, Class F (Hard Surfaces)
- (h) Part 2, Class A (Gates, fences, walls etc)

Reason: To protect the appearance of the site within the landscape context of the AONB and to ensure adequate space is retained about the dwelling hereby approved and in the amenity.

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## PLANNING APPLICATION REPORT

**Case Officer:** Jacqueline Houslander

**Parish:** Halwell & Moreleigh

**Ward:** Blackawton and Stoke Fleming

**Application No:** 4219/20/OPA

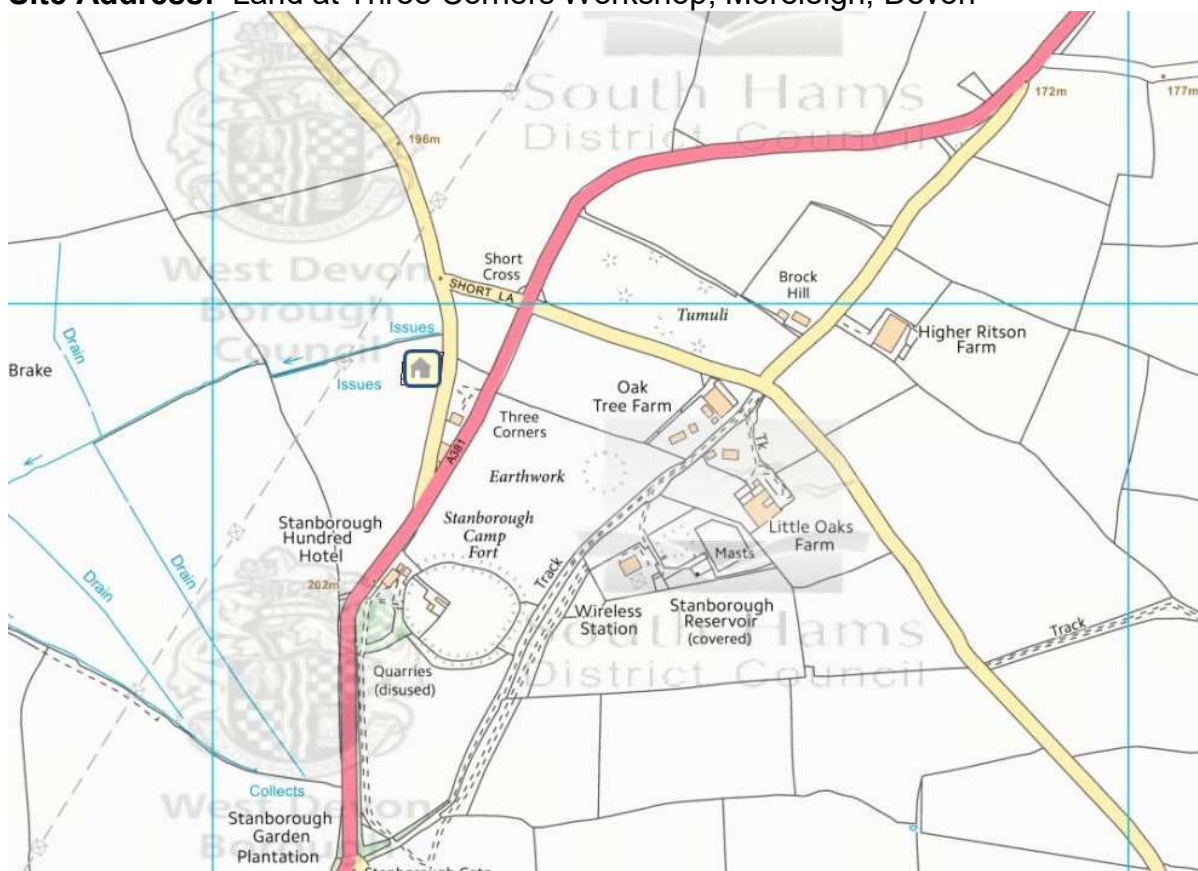
**Agent/Applicant:**

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

**Applicant:**

Mr And Mrs Martin Pear  
Martin Pears Engineering Ltd  
C/O Agent - Luscombe Maye

**Site Address:** Land at Three Corners Workshop, Moreleigh, Devon



**Development:** Outline application with all matters reserved for a permanent occupational/rural workers dwelling

Reason it is going to Committee:

Councillor Reeve asked for the application to be determined by Committee because: The amount of support it has and the business provides a breakdown and repair service for the agricultural sector, which is often needed outside of business hours. By living on site, it will make running that side of the business more available to the farming community which is needed especially at busy harvest times where farmers

have to work with the weather so very often work into the night if not during the night too.

## **Recommendation: Refusal**

### **Reasons for refusal**

1. The proposed dwelling lies in the open countryside, with no appropriate or acceptable justification and therefore fails to meet policy TTV26 in the Plymouth and South West Devon Joint Local Plan. In addition the location is unsustainable when assessed against policies SPT1, SPT2 and TTV1 of the Development Plan and para.'s 11 and 79 and 80 of the NPPF 2021.
2. The proposed dwelling which would be detached would fail to meet a local housing need as identified in the local data for this parish and as required by policy DEV8 of the Plymouth and South West Devon Joint Local Plan and para. 78 in the NPPF 2021, as such it would promote even further the housing imbalance in the parish to the detriment of those requiring smaller more affordable housing.
3. Insufficient information has been submitted in relation to drainage, ecology, biodiversity or potential for climate change measures to be assessed. As such the proposal fails to meet policies DEV35, DEV26, DEV32 in the Plymouth and South Awest Devon Joint Local Plan, and para's

**Key issues for consideration:** Location of the development; impact on the landscape; local housing need; drainage; access; biodiversity; low carbon development

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### **Site Description:**

The site comprises an agricultural field located to the immediate west of the 'Three Corners' and is an approximate 0.1 hectare site located off the Moreleigh Cross to Stanborough C-class road which leads to the main A381 Totnes Cross to Stanborough Gate cross road.

The application site lies within the countryside and to the east, and on the other side of the A38 are three Scheduled Monuments forming part of the Stanborough Camp Iron Age hill fort, all approximately 180m away.

Natural England has designated the land as Grade 3 which is good to moderate quality agricultural land while the South Hams Landscape Character Type is 5A: Inland elevated undulating land.

There are there three Sites of Ancient Monuments within the vicinity of the site:

- Stanborough Camp Iron Age hillfort and bowl barrow approx. 200m away
- Ringwork and motte, 230m north east of Stanborough Camp approx. 185m away

- Round barrow cemetery known as Ritson Barrows, 420m north east of Stanborough Camp approx. 185m away

Within 4km buffer zone of South Hams SAC - Greater Horseshoe Bat – Sustenance Zone

The site lies within an SSSI risk Zone.

**The Proposal:**

This is an outline application with all matters reserved for a permanent occupational rural workers dwelling.

No information has been submitted regarding the type, mass and scale of dwelling proposed however it is stated that any surface water will be disposed of via a soakaway.

No pre-app advice was sought before submission.

It is stated in the application form that there are existing employees already on the site. It is stated that there are 11 full time employees with 4 part time employees giving a total full time equivalent of 13 employees. The hours of opening are given as 08:00-20:00 Monday to Friday and 08:00-17:00 Saturday. No hours on Sunday nor Bank Holiday.

This information, however, relates to the engineering business which is located on the other side of the road (albeit some machinery is currently being stored on the site) but which does not have any planning approval.

There is an engineering works business, on the other side of the road to the application site run by the applicant. It which appears to be a retail outlet/repair and servicing of agricultural equipment. The application site itself currently has no development on it, and is described in the sensitive development questionnaire as being agricultural. It does however appear to be being used unlawfully for parking of vehicles and agricultural equipment.

There is a building, an agricultural shed, on the opposite side of the road to the main set of buildings and yard, next to which is the proposed site for the dwelling. This shed was approved in May 2019 under reference 1875/18/FUL and it was stated to be used for the storage of livestock feed, hay, bedding and farm machinery in conjunction with the land farmed by the applicant. On the officer's site visit there were no cattle present, but there did appear to be stables in the bottom end of the field.

**Consultations:**

- County Highways Authority - Standing Advice.
- Halwell and Moreleigh Parish Council – No response received.

- Natural England - no comments to make on this application.
- Historic Environment – Request for Written Scheme of Investigation.
- Agricultural Consultant: No response to date. In a phone call with the Agricultural Consultant, it was indicated that the proposed dwelling was not being proposed on the basis of agricultural need, but rather on the needs of the business on the opposite side of the road. The Consultant did not feel it to be appropriate to comment in this instance, because it was not related to agricultural development.

**Representations:**

**Third Party Representations from Residents:**

Comments in support have been received and cover the following points:

- Business is much needed and well used in the local community.
- Nature of business is 24/7
- Business provides local employment.
- Would provide security for business.
- Dwelling near business would allow owners a better work/life balance.

**Relevant Planning History**

<b>Application Ref</b>	<b>Address</b>	<b>Proposal</b>	<b>Decision</b>	<b>Decision Date</b>
1875/18/FUL	"Land at Moreleigh", SX772519, Totnes, Devon	Provision of a general purpose agricultural building with associated drainage pond.	Conditional Approval	31/05/2019

**ANALYSIS**

**Principle of Development/Sustainability:**

The principle of this development must be assessed against the Plymouth and South West Devon Joint Local Plan, as well as the National Planning Policy Framework.

The NPPF promotes sustainable development as do the JLP’s strategic policies SPT1 and SPT2. Policy TTV1 provides a hierarchy for growth in the Thriving Towns and Villages Policy Area. The hierarchy has 4 tiers, the highest being the main towns and the 4<sup>th</sup> tier being the countryside and hamlets; the application site is in the 4<sup>th</sup> tier.

The text for the 4<sup>th</sup> tier states:

*“...development will be permitted only if it can be demonstrated to support the principles of sustainable development and sustainable communities (Policies SPT1 and 2) including as provided for in Policies TTV26 and TTV27.”*

In reviewing the site against the strategic policies, SPT1 and SPT2, the development is not in a settlement of any type; the nearest settlements with any facilities and services of any merit are Totnes, or Kingsbridge which are 10.7km and 10.6km respectively. Harbertonford does have a petrol filling station and local shop and is 5.6km away. There is a local shop at the petrol filling station at Totnes Cross, which is just over a kilometre away, but it is along a main road, with no pavements or street lighting. As with all of the settlements, access to facilities is reliant on use of the private motor car. As such, the site is not located in a sustainable location with ready access to even the basic goods and services.

Whilst the construction phase of any dwelling may add to the local economy, this would be limited and for a short timescale. The site and engineering works are not adjacent to any other development to provide a social benefit from the proposal and environmentally the site is located in a relatively open landscape, and the dwelling would be seen from public roads within the locality.

In addition the location does not provide for the facilities and services identified in policy SPT2.

Policy TTV26 relates to development in the countryside and is in two parts. The first part deals with isolated development in the countryside and the second part to all sites in the countryside. The application site is very much in the countryside. As to whether it is isolated or not reference needs to be made to recent case law in the form of the Braintree ruling and the Bramshill ruling (more recent). Braintree provides the definition of isolated as being far away from people and places, whereas the Bramshill ruling describes isolation as..... *"...the word "isolated" in the phrase "isolated homes in the countryside" simply connotes a dwelling that is physically separate or remote from a settlement. Whether a proposed new dwelling is or is not "isolated" in this sense is a matter of fact and planning judgment for the decision-maker in the particular circumstances of the case in hand."*

In this case there is the engineering business close by, but no other residential neighbours in the immediate vicinity. It could therefore be argued that under Braintree the site is isolated. This is further promoted through consideration of the Bramshill ruling, in that the site is not near to a settlement and in fact is remote from the nearest settlement. In which case the site could be considered to be in an isolated location. Part 1 of TTV26 this applies.

There are a set number of criteria that need to be met and the site and proposal do not meet those criteria. It is not a dwelling which is essential for a rural worker to live near their work; it would not secure the long term future of a significant heritage asset; it is not re-using a redundant disused building or brownfield site and it is not providing a development of truly outstanding or innovative sustainability or design.

Neither would the proposal meet the criteria in part 2 of the policy. It is therefore considered that the proposal would not meet the criteria in either part 1 or part 2 of policy TTV26 as it is not essential for agriculture or forestry, neither is it the conversion of an historic asset or redundant building. It is also not essential for a dwelling to be on the site for an occupational purposes. It may be argued that there is a need for security of the site, firstly security is not an essential reason for a

dwelling as there are other means by which security can be provided and secondly the dwelling in the location proposed would not in fact provide that security because it is too far away from the yard area where the security would be needed. With regard to being available later into the evening, this is also not an essential; reason for a dwelling in this location. There are many services such as vehicle breakdown or ambulance services which do not require a dwelling at their place of work.

The application site land is identified by Natural England as Grade 3 land which is good and therefore should be retained for such use rather than lose it to a development which could be located elsewhere in towns or villages or on land with a lower agricultural classification.

The proposal fails to meet policies SPT1, SPT2 TTV1 and TTV26.

The proposal is not for an affordable dwelling and so as such it does not fall to be considered against policy TTV27. In which case the proposal fails to meet the fundamental ethos behind the Plan for sustainable development.

#### Housing needs

Policy DEV8 in the JLP indicates that developments should provide for local housing needs. The ONS data for the Halwell and Moreleigh Parish indicates that there is an oversupply of 4 bedroom housing in the Parish and the need in the Parish is for 1 and 2 bedroom properties and flats, semidetached and terraced housing is the type of housing which is needed.

Whilst the proposal is in outline at the moment, there are no details to consider, as scale, design, layout, landscaping and access are still to be determined. However if the dwelling were to accord with the local needs in the Parish, a smaller 2 bed dwelling or a couple of dwellings smaller in nature would meet the local need.

In addition the detached properties within the Parish are at 61%, with the South Hams Average being at 38%. Detached properties are therefore almost double what is needed in the Parish or District. The site layout plan indicates a large detached property and would therefore not meet the local need in this area.

The proposal would be contrary to Policy DEV8 in the JLP.

The NPPF, indicates that Local Authorities should provide in their Plans “*a clear understanding of the land available in their area through the preparation of a strategic housing land availability assessment. From this, planning policies should identify a sufficient supply and mix of sites, taking into account their availability, suitability and likely economic viability.*”

The JLP does this and has therefore allocated sufficient land within the Plan and for the Plan period to provide a 5 year housing land supply (currently 5.8 years). Any housing outside of those allocations must be fully policy compliant to be found acceptable.

It has already been demonstrated that the proposal is in an unsustainable location, contrary to policies SPT1, SPT2, TTV1 and TTV26 and further is not providing the



type and size of house that is needed in the Parish, contrary to Policy DEV8 of the JLP. There is therefore not currently a need for this type of house in this location when the district has more than enough housing sites allocated in the JLP.

### **Design:**

No design details have been submitted as the application is for outline permission. It should however be noted that if the proposal were to be approved the local housing need would be requiring development to be 1 or 2 bedrooms in size.

### **Landscape:**

Policy DEV23 seeks to ensure that the landscape of the South Hams is conserved and enhanced by any development within it. The countryside here is identified in the South Hams Landscape Character Assessment as 5A which is characterised by inland elevated undulating land, which is generally open and treeless (other than those sparsely located within the Devon hedges which act as field and road boundaries), with little built development. It comprises mainly agricultural land with grazing on steeper slopes and arable land in the flatter upland areas. The landscape within the vicinity and indeed the field within which the development is proposed is very much of that character. The fields are bounded by low but mature wide hedgerows or Devon hedges, and these low hedges on elevated ground, results in open skylines with far-reaching views over the countryside including to Dartmoor National Park in the north.

The following are the valued attributes of this landscape:

- Remote and 'empty' character
- Sparsely settled with high levels of tranquillity
- Experience of dark skies.
- Open, windswept, largely unwooded, landscape
- Mosaic of arable and pasture fields with pastures grazed by distinctive Devon Red and South Devon cattle.
- Many visitors experience the district from the ridge top roads.
- Extensive rights of way valued for recreation, and quiet enjoyment and access to nature.
- Open skylines and long rural, estuarine or seascape views.

The Landscape Character Assessment, states for this landscape, the overall landscape strategy is ...

*"To protect and enhance the remote character of the elevated uplands, with its intricate pattern of fields enclosed by an intact network of species-rich Devon hedges and distinctive tree clumps. Manage and enhance the farmed landscape by ensuring that pastoral land is conserved and field boundaries maintained, wildlife interest and local diversity is enhanced, soil erosion and agricultural run-off reduced. Maintain the sparse settlement pattern, open views to Dartmoor and panoramic views from the edge of the plateau over the estuaries along the south coast."*

The imposition of a dwelling into this landscape with no policy compliant justification for it would have an extremely detrimental impact on the landscape character and could not be seen to either conserve or enhance the landscape quality, contrary to Policy DEV23 of the Plymouth and South West Devon Local Plan and the NPPF,

para 174, which seeks to protect and enhance valued landscapes, and for the decision makers to recognise the intrinsic character and beauty of the landscape.

A Bridleway is present to the west of the site which would provide views across the open landscape and low hedgerows to the site.

**Neighbour Amenity:**

There are no immediate neighbours who would be impacted by the development.

**Highways/Access:** Access to the site is a reserved matter, although the layout plan does indicate a position for an access, this is the existing field gate access which has as a result of the number of farm equipment and vehicles using the site to park become rather more open than it once would have been.

**Other Matters:** No information about drainage; ecology, biodiversity or climate change have been submitted with this application and so it is not possible to assess the acceptability of this site in relation to these issues. In terms of ecology and drainage, it is normal to receive such information at the outline stage so that it can be confirmed that an in principle drainage scheme can be achieved on the site and that there are not specific wildlife present on the site which would require a licence from Natural England.

This will need to therefore be subject to a reason for refusal.

**Planning balance:**

The proposal is for an open market dwelling in the open countryside contrary to the fundamental philosophy of the provision of sustainable development, contrary to both national and local policy. The dwelling would not meet a locally identified housing need and would impact negatively on the current landscape. No additional details have been provided in regard to drainage and as such the proposal fails on many counts and should therefore be refused.

***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 the Housing Requirement 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 confirming the change.

On 13th January 2021 MHCLG published the HDT 2020 measurement. This confirmed the Plymouth, South Hams and West Devon's joint HDT measurement as 144% 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 5.8 years at end March 2021 (the 2021 Monitoring Point). This is set out in the Plymouth, South Hams & West Devon Local Planning Authorities' Housing Position Statement 2021 (published 12th November 2021).

[\*now known as Department for Levelling Up, Housing and Communities]

The relevant development plan policies are set out below:

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

SPT1 Delivering sustainable development  
SPT2 Sustainable linked neighbourhoods and sustainable rural communities  
TTV1 Prioritising growth through a hierarchy of sustainable settlements  
TTV2 Delivering sustainable development in the Thriving Towns and Villages Policy Area  
TTV26 Development in the Countryside  
TTV27 Meeting local housing needs in rural areas  
DEV1 Protecting health and amenity  
DEV2 Air, water, soil, noise, land and light  
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  
DEV23 Landscape character  
DEV26 Protecting and enhancing biodiversity and geological conservation  
DEV28 Trees, woodlands and hedgerows  
DEV29 Specific provisions relating to transport  
DEV32 Delivering low carbon development  
DEV35 Managing flood risk and Water Quality Impacts

Neighbourhood Plan:

There is currently no Neighbourhood Plan for this area.

Other material considerations include the policies of the National Planning Policy Framework (NPPF) including but not limited to paragraphs 2, 7, 11, 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.

**The above report has been checked and the plan numbers are correct in APP and the officer's report. As Determining Officer I hereby clear this report and the decision can now be issued.**

**Name and signature:**

**Date:**

<b>Ward Member - Cllr Helen Reeve</b>	
Date cleared -	
Comments made -	

# South Hams District Council Agenda Item 7

## DEVELOPMENT MANAGEMENT COMMITTEE 15-Dec-21

Appeals Update from 30-Oct-21 to 7-Dec-21

### Ward Charterlands

APPLICATION NUMBER: **2828/20/FUL** APP/K1128/W/21/3279730  
APPELLANT NAME: Mr Jonathan & Mrs Jen Marshall  
PROPOSAL: READVERTISEMENT (Revised plans received) Application for replacement dwelling  
LOCATION: Barby Lodge Cleveland Drive Bigbury On Sea TQ7 4AY **Committee**  
APPEAL STATUS: Appeal decided  
APPEAL START DATE: 07-September-2021  
APPEAL DECISION: Upheld  
APPEAL DECISION DATE: 29-November-2021

### Ward Dartmouth and East Dart

APPLICATION NUMBER: **0319/20/CLE** APP/K1128/X/20/3252613  
APPELLANT NAME: Mr David Holloway  
PROPOSAL: Lawful development certificate for use of land in breach of condition 7 and the non-application of conditions 6 and 8 of 15/1790/98/F which required the laying out, landscaping and use as an area of open grassland accessible to the public  
LOCATION: Land at SX 861 514 North of Seymour Drive Dartmouth  
APPEAL STATUS: Appeal decided  
APPEAL START DATE: 30-June-2020  
APPEAL DECISION: Dismissed (Refusal)  
APPEAL DECISION DATE: 15-November-2021

### APPLICATION NUMBER: **3204/20/TPO**

APP/TPO/K1128/8372

APPELLANT NAME: Tim Southwick  
PROPOSAL: T1: Sycamore (multi-stemmed) - Removal of 3 stems to ground level on West side. T2: Sycamore (multi-stemmed) - Removal of 3 stems to ground level on West side. Trees are overhanging swimming pool, blocking drains and are close to public footpath.  
LOCATION: White House Castle Road Kingswear TQ6 0DX **Officer delegated**  
APPEAL STATUS: Appeal Lodged  
APPEAL START DATE: 12-November-2021  
APPEAL DECISION:  
APPEAL DECISION DATE:

### Ward Ivybridge West

APPLICATION NUMBER: **1972/20/HHO** APP/K1128/D/21/3277334  
APPELLANT NAME: Mr Michael Grieveson  
PROPOSAL: Householder application for erection of wood framed bespoke shed (part retrospective)  
LOCATION: Panorama Crescent Road Ivybridge PL21 0BP **Officer member delegated**  
APPEAL STATUS: Appeal decided  
APPEAL START DATE: 22-September-2021  
APPEAL DECISION: Dismissed (Refusal)  
APPEAL DECISION DATE: 04-November-2021

### Ward Kingsbridge

APPLICATION NUMBER: **3830/20/FUL** APP/K1128/W/21/3282469  
APPELLANT NAME: Dick Whittington Developments Ltd  
PROPOSAL: Erection of six new dwellings  
LOCATION: Dennings Wallingford Road Kingsbridge Devon TQ7 1NF  
APPEAL STATUS: Appeal Lodged  
APPEAL START DATE: 29-November-2021  
APPEAL DECISION:  
APPEAL DECISION DATE:

### Ward Loddiswell and Aveton Gifford

APPLICATION NUMBER: **3629/20/FUL** APP/K1128/W/21/3279039  
APPELLANT NAME: Mr Nick Grodhunce and Dave Pollard  
PROPOSAL: Application for demolition of outbuildings, reconfiguration of Post Office and construction of 2 no. new dwellings with associated parking

LOCATION: 5A Butt Park Terrace Churchstow TQ7 3QN **Officer member delegated**  
APPEAL STATUS: Appeal decided  
APPEAL START DATE: 26-August-2021  
APPEAL DECISION: Dismissed (Refusal)  
APPEAL DECISION DATE: 26-November-2021

**Ward Newton and Yealmpton**

APPLICATION NUMBER: **0347/21/HHO** APP/K1128/D/21/3280414  
APPELLANT NAME: Mr Herbert  
PROPOSAL: Householder application for rear covered pergola and boundary fencing  
(retrospective)  
LOCATION: 25 Stray Park Yealmpton PL8 2HF **Officer member delegated**  
APPEAL STATUS: Appeal decided  
APPEAL START DATE: 28-September-2021  
APPEAL DECISION: Dismissed (Refusal)  
APPEAL DECISION DATE: 22-November-2021

# Agenda Item 8

## Development Management Committee 15th December 2021

### Undetermined Major applications as at 25th November 2021

	Valid Date	Target Date	EoT Date
<b>0612/16/OPA</b> Patrick Whymer	8-Aug-16	7-Nov-16	
Brimhay Bungalows Road Past Forder Lane House Dartington Devon TQ9 6HQ		Outline planning application with all matters reserved for redevelopment of Brimhay Bungalows. Demolition of 18 Bungalows to construct 12 Apartments, 8 units of specialist Housing for Robert Owens Community Clients and up to 10 open Market homes.	

Comment: This Application was approved by Committee subject to a Section 106 Agreement. The Section 106 Agreement has not progressed.

	Valid Date	Target Date	EoT Date
<b>3704/16/FUL</b> Charlotte Howrihane	22-Nov-16	21-Feb-17	<b>4-Jan 2022</b>
Creek Close Frogmore Kingsbridge TQ7 2FG		Retrospective application to alter boundary and new site layout (Following planning approval 43/2855/14/F)	

Comment: Section 106 is with applicant to sign. They are waiting for the S38 agreement to be completed with Highways before signing the S106.

	Valid Date	Target Date	EoT Date
<b>3749/16/VAR</b> Charlotte Howrihane	23-Nov-16	22-Feb-17	<b>4-Jan 2022</b>
Development Site Of Sx 7752 4240 Creek Close Frogmore Kingsbridge TQ7 2FG		Variation of condition 2 (revised site layout plan) following grant of planning permission 43/2855/14/F	

Comment: see above for 3704/16/FUL. Agent has confirmed that this application will be withdrawn once the full application has been determined,

	Valid Date	Target Date	EoT Date
<b>3628/17/FUL</b> Patrick Whymer	20-Nov-17	19-Feb-18	<b>28-Feb-21</b>
Oak Tree Field at SX 778 588 Tristford Road Harberton Devon		Erection of 12 dwellings, workshop/office, associated landscaping and site development works	

Comment: Application approved by committee subject to conditions and S106. The S106 has been agreed by the applicant but are awaiting the land purchase to complete before completing the S106.

	Valid Date	Target Date	EoT Date
<b>0936/19/ARM</b> Bryn Kitching	15-Mar-19	14-Jun-19	<b>31-Dec-21</b>
Land at SX 857 508 adjacent to Townstal Road West of Dartmouth		Application for approval of reserved matter following outline approval 15_51/1710/14/O (Appeal APP/K1128/W/15/3039104) for layout, scale, appearance and landscaping for 240 dwellings, public open space, highways, landscaping and associated works and approval of details reserved by conditions 6, 7, 8, 9 & 12 of planning consent 15_51/1710/14/O (Appeal APP/K1128/W/15/3039104)	

Comment: Application has been on hold while layout designs are finalised and submitted for adjoining site and remainder of the allocation to allow for comprehensive consideration of reserved matters for the whole of the local plan allocation. Those application have now been submitted (see 3078/21/VAR, 3118/21/ARM, 3119/21/FUL and 3120/21/FUL) and this application will be considered alongside those proposals.

	Valid Date	Target Date	EoT Date
<b>2133/19/VAR</b> Cheryl Stansbury	12-Jul-19	11-Oct-19	<b>30-Apr-21</b>
Cottage Hotel Hope Cove TQ7 3HJ		READVERTISEMENT (Revised Plans Received) Application for variation of condition 2 of planning consent 46/2401/14/F	

Comment: Application deferred from Oct meeting to allow applicant to provide mitigation. Will be taken back to a future meeting

	Valid Date	Target Date	EoT Date
<b>4181/19/OPA</b> Ian Lloyd	9-Jan-20	9-Apr-20	<b>18-Dec-20</b>
Land off Towerfield Drive Woolwell Part of the Land at Woolwell JLP Allocation (Policy PLY44)		Outline application for up to 360 dwellings and associated landscaping, new access points from Towerfield Drive and Pick Pie Drive and site infrastructure. All matters reserved except for access.	

Comment: Along with 4185/19/OPA a year-long PPA initially agreed until end of December 2020 was extended to September 2021. Both parties agree more time is still required to resolve transport/delivery/other matters and for a period of re-consultation and a revised programme has been agreed until the end of September 2022.

	Valid Date	Target Date	EoT Date
<b>4185/19/OPA</b> Ian Lloyd	9-Jan-20	9-Apr-20	<b>18-Dec-20</b>
Land at Woolwell Part of the Land at Woolwell JLP Allocation (Policy PLY44)		Outline application for provision of up to 1,640 new dwellings; up to 1,200 sqm of commercial, retail and community floorspace (A1-A5, D1 and D2 uses); a new primary school; areas of public open space including a community park; new sport and playing facilities; new access points and vehicular, cycle and pedestrian links; strategic landscaping and attenuation basins; a primary substation and other associated site infrastructure. All matters reserved except for access.	

Comment: Along with 4181/19/OPA a year-long PPA initially agreed until end of December 2020 was extended to September 2021. Both parties agree more time is still required to resolve transport/delivery/other matters and for a period of re-consultation and a revised programme has been agreed until the end of September 2022.

	Valid Date	Target Date	EoT Date
<b>4158/19/FUL</b> Cheryl Stansbury	17-Jan-20	17-Apr-20	<b>6-Feb-21</b>
Development Site At Sx 734 439, Land to Northwest of Junction between Ropewalk and Kingsway Park Ropewalk Kingsbridge Devon		READVERTISEMENT (Revised Plans Received) Residential development comprising of 15 modular built dwellings with associated access, car parking and landscaping	

Comment: Applicant is reviewing the proposal.

	Valid Date	Target Date	EoT Date
<b>3752/19/OPA</b> Jacqueline Houslander	11-Feb-20	12-May-20	<b>6-Apr-21</b>
Former School Playing Ground Elmwood Park Loddiswell TQ7 SA		Outline application with some matters reserved for residential development of 20-25 dwellings	

Comment – Site meeting held with Cllr Kemp and Cllr Gilbert (County Councillor) to find a way forward. Positive meeting.

	Valid Date	Target Date	EoT Date
<b>0761/20/OPA</b> Jacqueline Houslander	5-Mar-20	4-Jun-20	<b>20-Aug-21</b>
Vicarage Park Land North of Westentown Kingston TQ7 4LU		Outline application with some matters reserved for 12 new houses. Alterations to existing access and construction of access road. Realignment and creation of new public rights of way, provision of public open space and strategic landscaping (Resubmission of 4068/17/OPA)	

Comment – Awaiting assessment of viability from PCC. Ongoing discussions with applicant.

	Valid Date	Target Date	EoT Date
<b>0995/20/VAR</b> Anna Henderson-Smith	1-Apr-20	1-Jul-20	<b>19-Feb-21</b>
Hartford Mews Phase 2 Cornwood Road Ivybridge		Variation of conditions 4 (LEMP) and 13 (Tree Protective Fencing) of planning consent 3954/17/FUL	

Comment: Officer has now visited the site, awaiting information from agent

	Valid Date	Target Date	EoT Date
<b>3623/19/FUL</b> Cheryl Stansbury	14-Apr-20	14-Jul-20	<b>5-Oct-21</b>
Land off Godwell Lane Ivybridge		Full planning application for the development of 111 residential	



dwelling with associated access, parking, landscaping, locally equipped play area and infrastructure

Comment: On-going discussions with applicant. Amended plans expected imminently. A further significant extension of time will be agreed

	Valid Date	Target Date	EoT Date
<b>0868/20/ARM</b> Jacqueline Houslander	29-Apr-20	29-Jul-20	<b>28-May-21</b>
Development Site at SX 612 502 North Of Church Hill Holbeton			
Application for approval of reserved matters following outline approval 25/1720/15/O for the construction of 14no.dwellings, provision of community car park, allotment gardens, access and associated works including access, layout, scale appearance and landscaping (Resubmission of 0127/19/ARM)			

Comment: On-going discussions with applicant. Drainage outstanding issue.

	Valid Date	Target Date	EoT Date
<b>1419/20/FUL</b> Jacqueline Houslander	2-Jun-20	1-Sep-20	<b>15-Jan-21</b>
Land West of Beara Farm Woolston Green Landscope			
READVERTISEMENT (revised plans received) Demolition of Existing concrete barn and construction of fourteen dwellings Including five for shared ownership/affordable rent (Resubmission of 2176/18/FUL)			

Comment: Awaiting conclusion of Section 106 agreement

	Valid Date	Target Date	EoT Date
<b>2508/20/OPA</b> Anna Henderson-Smith	12-Aug-20	11-Nov-20	<b>6-Jan-21</b>
Moor View Touring Park Modbury PL21 0SG			
Outline application with some matters reserved for proposed Development of holiday lodges, leisure facilities and Associated works(resubmission of 0482/17/FUL)			

Comment: An Extension of time has been sought to allow applicant to alter the application to the correct form which is a Full application, not an outline, and to remove the new leisure complex from the proposed scheme. As such the scheme is being re-advertised as a full application for the change of use of land for the siting of lodges only. The previous application has had the appeal dismissed – with agent to reply to landscape officer objection

	Valid Date	Target Date	EoT Date
<b>4254/20/FUL</b> Anna Henderson-Smith	23-Dec-20	24-Mar-21	
Springfield Filham PL21 0DN			
Proposed development of redundant nursery to provide 30 new dwellings for affordable and social rent, a new community hub building, conversion of existing barns to provide ancillary spaces and landscaping works providing communal areas and playgrounds			

Comment – On-going discussions with Agent – expected to be paused whilst a revised scheme is worked up by agent and then submitted.

	Valid Date	Target Date	EoT Date
<b>1118/21/ARM</b> Ian Sosnowski	23-Mar-21	22-Jun-21	<b>26<sup>th</sup> November 2021</b>
Sherford Housing Development Site East Sherford Cross To Wollaton Cross Zc4 Brixton			
Application for approval of Reserved Matters for strategic infrastructure including strategic drainage, highways, landscaping, Phase 2 of the Community Park and open space/play as part of Phase 2D of the Sherford New Community pursuant to approval 0825/18/VAR (which was an EIA development and an Environmental Statement was submitted)			

Comment – Revised drawings submitted and now under consideration by Officer. Extension of time to be agreed to enable these to be considered by officers

	Valid Date	Target Date	EoT Date
<b>0544/21/FUL</b> Jacqueline Houslander	29-Mar-21	28-Jun-21	<b>17 June 2021</b>
Land at Stowford Mills Station Road Ivybridge PL21 0AW			
Construction of 16 dwellings with associated access and landscaping			

Comment – Reviewing amended plans

	Valid Date	Target Date	EoT Date
<b>1431/21/ARM</b> Ian Sosnowski	15-Apr-21	15-Jul-21	<b>24<sup>th</sup> September 2021</b>
Sherford New Community Land South of Main Street Elburton Plymouth PL8 2DP		Application for approval of Reserved Matters for 259no. dwellings on parcels 12, 13, 14, 15, 16, 17, 18, 19, 20, 23, 24, including affordable housing and associated parking along with all necessary parcel infrastructure including drainage and landscaping as part of Phase 2D of the Sherford New Community, pursuant to approval 0825/18/VAR (which was EIA development and an Environmental Statement was submitted)	

Comment – Applicants are currently revising proposals to address comments made by officers and consultees. Revised target date is being discussed to enable amendments to be made.

	Valid Date	Target Date	EoT Date
<b>1490/21/ARM</b> Tom French	20-Apr-21	20-Jul-21	<b>13 Aug 2021</b>
Sherford New Community Commercial Area North of Main Street Elburton Plymouth		Application for approval of reserved matters for commercial area containing B1, B2, B8, D2 leisure, Sui generis uses as well as 2 drivethrough restaurants and a hotel, including strategic drainage, highways and landscaping as part of the Sherford New Community pursuant to Outline approval 0825/18/VAR (which was an EIA development and an Environmental Statement was submitted)	

Comment – Under consideration by Officer, ext of time agreed

	Valid Date	Target Date	EoT Date
<b>1491/21/ARM</b> Tom French	20-Apr-21	20-Jul-21	<b>13 Aug 2021</b>
Sherford New Community Green Infrastructure Areas 6 and 18 North of Main Street Elburton Plymouth PL8 2DP		Application for approval of reserved matters for Green Infrastructure areas 6 and 18 including details of surface water drainage infrastructure, all planting and landscaping as part of the Sherford New Community pursuant to Outline approval 0825/18/VAR (which was EIA development and an Environmental Statement was submitted)	

Comment - Under consideration by Officer, ext of time agreed

	Valid Date	Target Date	EoT Date
<b>1159/21/FUL</b> Cheryl Stansbury	23-Apr-21	23-Jul-21	<b>20-Dec-2021</b>
Land at West End Garage Main Road Salcombe TQ8 8NA		Erection of 22 residential dwellings (including 30% affordable homes) with associated amenities and infrastructure (Resubmission Of 3320/20/FUL)	

Comment – In discussions with agent to secure revised plans. Expected in next few weeks. Re-advertising is likely needed

	Valid Date	Target Date	EoT Date
<b>1826/21/ARM</b> Ian Sosnowski	14-May-21	13-Aug-21	<b>19<sup>th</sup> November 2021</b>
Sherford New Community Plymouth		Application for approval of reserved matters for 207 no. dwellings On parcels 1, 2, 4, 5, 6, 7, 8, 9 and 11, including affordable housing and associated parking along with all necessary parcel infrastructure including drainage and landscaping, as part of Phase 2D of the Sherford New Community, pursuant to approval 0825/18/VAR (which was EIA development and an Environmental Statement was submitted)	

Comment – Under consideration by Officer. Extension of time to be agreed

	Valid Date	Target Date	EoT Date
<b>1827/21/ARM</b> Ian Sosnowski	14-May-21	13-Aug-21	<b>19th November 2021</b>
Sherford New Community Plymouth		Application for approval of reserved matters for 163 no. dwellings	

on parcels 21, 22, 25, 29, 30, 31 and 32, including affordable housing and associated parking along with all necessary parcel infrastructure including drainage and landscaping, as part of Phase 2D of the Sherford new Community, pursuant to approval 0825/18/VAR (which was an EIA development and an Environmental Statement was submitted)

Comment – Under consideration by Officer. Extension of time to be agreed

	Valid Date	Target Date	EoT Date
<b>1503/21/FUL</b> Cheryl Stansbury	19-May-21	18-Aug-21	
Development Site At Sx859483 School Road Stoke Fleming		Erection of 20 dwellings (incorporating 6 affordable homes) with access, landscaping, parking, public open space and associated works	

Comment – change in officer. Revised plans anticipated in next few weeks and will need advertising

	Valid Date	Target Date	EoT Date
<b>1557/21/VAR</b> Jacqueline Houslander	10-Jun-21	9-Sep-21	
Alston Gate Malborough TQ7 3BT		Application for removal of condition 1 (development start date) and variation of conditions 2 (approved drawings), 5 (boundary treatments) and 6 (landscaping scheme) of planning permission 0106/20/VAR	

Comment – Reviewing issues with applicant

	Valid Date	Target Date	EoT Date
<b>1558/21/VAR</b> Jacqueline Houslander	10-Jun-21	9-Sep-21	
Alston Gate Malborough TQ7 3BT		Application for removal of condition 2 (development start date) and variation of conditions 3 (approved drawings), 9 (energy supply) 10 (Occupation), 11 (landscape & ecology management plan and 16 (Surface water) of planning permission 10105/20/VAR	

Comment –reviewing issues with applicant

	Valid Date	Target Date	EoT Date
<b>2510/21/ARM</b> Ian Sosnowski	22-Jun-21	21-Sep-21	<b>29<sup>th</sup> October 2021</b>
Sherford New Community Land South of Main Street Elburton Plymouth PL8 2DP		Application for approval of Reserved Matters for 140no. dwellings on parcels 26, 27, 28 and 33, including affordable housing and associated parking along with all necessary parcel infrastructure including drainage and landscaping, as part of Phase 2D of the Sherford New Community, pursuant to approval 0825/18/VAR (which was an EIA development and an Environmental Statement was as submitted)	

Comment – revisions to the application being discussed with the developer. Officers currently in discussion about revised determination date

	Valid Date	Target Date	EoT Date
<b>2560/21/FUL</b> Jacqueline Houslander	9-Jul-21	8-Oct-21	
Former Brutus Centre Fore Street Totnes TQ9 5RW		Demolition of existing building and redevelopment of the site to Form 2 no retail units, public car park and 42 Retirement Living Apartments including communal facilities, access, car parking and landscaping (resubmission of 4198/19/FUL)	

Comment – Awaiting completion of Sec 106

	Valid Date	Target Date	EoT Date
<b>2400/21/OPA</b> Jacqueline Houslander	15-Jul-21	14-Oct-21	
Avon Centre Wallingford Road Kingsbridge			
Outline application with some matters reserved to demolish existing buildings and provide 11 No. 3 bedroom dwelling houses and 4 No 1 bedroom flats			

Comment – Still under consideration.

	Valid Date	Target Date	EoT Date
<b>2842/21/FUL</b> Jacqueline Houslander	20-Jul-21	19-Oct-21	
Briar Hill Farm Court Road Newton Ferrers PL8 1AR			
Full Planning Application for extension to holiday park comprising construction of 14 holiday lodges and associated drive access, parking and landscaping			

Comment –Awaiting further landscape comment. EOT requested

	Valid Date	Target Date	EoT Date
<b>2817/21/ARM</b> Anna Henderson-Smith	29-Jul-21	28-Oct-21	
Noss Marina Bridge Road Kingswear TQ6 0EA			
Details of Reserved Matters and discharge of conditions, relating to layout, appearance, landscaping and scale, in respect to South Bay Phase (Residential Southern) comprising the erection of 27 new residential units (Use Class C3). Also provision of 58 car parking spaces, cycle parking, creation of private and communal amenity areas and associated public realm and landscaping works pursuant to conditions 51, 52, 54 and 63 attached to planning permission 0504/20/VAR			

Comment – EoT granted until Jan 2022, revisions to scheme. Additional information received 23/11/21 and currently being reconsulted

	Valid Date	Target Date	EoT Date
<b>3053/21/ARM</b> Anna Henderson-Smith	5-Aug-21	4-Nov-21	
Noss Marina Bridge Road Kingswear TQ6 0EA			
Application for approval of reserved matters relating to layout, appearance, landscaping and scale, in respect to Phase 16 – Dart View (Residential Northern) of the redevelopment of Noss Marina comprising the erection of 40 new homes (Use Class C3), provision of 60 car parking spaces, cycle parking, creation of private and communal amenity areas and associated public realm and landscaping works pursuant to conditions 51, 52, 54 and 63 attached to S.73 planning permission ref: 0504/20/VAR dated 10/02/2021 (Outline Planning Permission ref. 2161/17/OPA, dated 10/08/2018) (Access matters approved and layout, scale appearance and landscaping matters			

Comment - EoT granted until Jan 2022, revisions to scheme. Additional information received 23/11/21 and currently being reconsulted

	Valid Date	Target Date	EoT Date
<b>3054/21/ARM</b> Anna Henderson-Smith	5-Aug-21	4-Nov-21	
Noss Marina Bridge Road Kingswear TQ6 0EA			
Application for approval of reserved matters relating to layout, appearance, landscaping and scale, in respect to Phase 17 - Hillside (Residential Hillside) of the redevelopment of Noss Marina comprising the erection of 8 new homes (Use Class C3), provision of 21 car parking spaces, cycle parking, creation of private and communal amenity areas and associated public realm and landscaping works pursuant to conditions 51, 52, 54 and 63 attached to S.73 planning permission ref 0504/20/VAR			

Comment - EoT granted until Jan 2022, revisions to scheme and additional information received 23/11/21. Currently being reconsulted upon

	Valid Date	Target Date	EoT Date
<b>1393/21/VAR</b> Cheryl Stansbury	9-Aug-21	8-Nov-21	
Development Site At Sx 794 614 Ashburton Road To Clay Lane Dartington.			
Application for variation of condition 5 (approved plans) of planning consent 3945/18/VAR to include design and layout Changes			

Comment – Feedback given to applicant. Consultee concerns being addressed. Ext of time will be granted.

	Valid Date	Target Date	EoT Date
<b>3118/21/ARM</b> Bryn Kitching	9-Aug-21	8-Nov-21	<b>31-Dec-21</b>
Proposed Development Site Sx856508 A3122 Norton Cross To Townstal Road Dartmouth			
Application for approval of reserved matters seeking approval for layout, scale, appearance and landscaping for 143 residential dwellings and associated open space and infrastructure following outline approval 3475/17/OPA and approval of details reserved by conditions 5, 6, 7, 8, 9, 10, 11, 12, 13, 17 and 21 of that consent.			

Comment - Consultation period complete and additional information and amendments beings sought to address responses from statutory consultees. Extension of time will be sought where necessary.

	Valid Date	Target Date	EoT Date
<b>3078/21/VAR</b> Bryn Kitching	9-Aug-21	8-Nov-21	<b>31-Dec-21</b>
Proposed Development Site Sx856508 A3122 Norton Cross To Townstal Road Dartmouth			
Variation of condition 4 of outline planning permission 3475/17/OPA (for 210 dwellings, public open space, green Infrastructure, strategic landscaping and associated infrastructure) to revise approved parameter plan A097890drf01v4 to 180304 P 01 02 Rev C.			

Comment - Consultation period complete and additional information and amendments beings sought to address responses from statutory consultees. Extension of time will be sought where necessary.

	Valid Date	Target Date	EoT Date
<b>3119/21/FUL</b> Bryn Kitching	10-Aug-21	9-Nov-21	<b>31-Dec-21</b>
Proposed Development Site Sx856508 A3122 Norton Cross To Townstal Road Dartmouth			
Full planning application for the erection of 32 residential units (situated within both phases 1 and 2) and associated works			

Comment - Consultation period complete and additional information and amendments beings sought to address responses from statutory consultees. Extension of time will be sought where necessary.

	Valid Date	Target Date	EoT Date
<b>3120/21/FUL</b> Bryn Kitching	10-Aug-21	9-Nov-21	<b>31-Dec-21</b>
Proposed Development Site Sx856508 A3122 Norton Cross To Townstal Road Dartmouth			
Planning application for attenuation basins, pumping stations, public open space, landscaping and associated works in connection with the residential and employment development of land to the north east			

Comment - Consultation period complete and additional information and amendments beings sought to address responses from statutory consultees. Extension of time will be sought where necessary.

	Valid Date	Target Date	EoT Date
<b>3316/21/VAR</b> Jacqueline Houslander	21-Sep-21	21-Dec-21	
Plots 12, 13 and 14 Orchard Road Brixton PL8 2FE			
Application for removal of condition 7 (details of levels) and variation of condition 2 (approved drawings) of planning consent 3480/18/ARM			

Comment – Recently submitted application within time

	<b>Valid Date</b>	<b>Target Date</b>	<b>EoT Date</b>
<b>2982/21/FUL</b> Cheryl Stansbury	13-Oct-21	12-Jan-22	<b>03-Mar-22</b>
Land Opposite Butts Park Parsonage Road Newton Ferrers PL8 1HY			The erection of 20 residential units (17 social rent and 3 open market) with associated car parking and landscaping

Comment – Within consultation period. Applicant aware of consultee comments and will address. Extension of time will most likely be needed

	<b>Valid Date</b>	<b>Target Date</b>	<b>EoT Date</b>
<b>3335/21/FUL</b> Cheryl Stansbury	14-Oct-21	13-Jan-22	<b>16-Feb-22</b>
Proposed Development Site At Sx 566 494 Land West of Collaton Park Newton Ferrers			Construction of 125 homes, commercial business units, landscaped parkland, community boat storage/parking, allotments, Improvements to existing permissive pathway and public footway, enhancement of vehicular access and associated infrastructure and Landscaping.

Comment – Within consultation period. PPA agreed and anticipate Feb 2022 committee meeting